

Act No. 11, 1905.

An Act to further extend the powers of the Commissioner under the Lands Commission Act, 1905; to amend and extend the said Act; to provide that the Commissioner shall be a Court of Record, that proceedings therein shall be legal proceedings, and that the Crown shall be a party to such proceedings; and for purposes consequent thereon or incidental thereto. [25th August, 1905.]

LANDS COMMISSION  
(AMENDMENT).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Lands Commission (Amendment) Act, 1905.” Short title.

It shall be construed with the Lands Commission Act, 1905.

2. In this Act, unless the context requires another meaning,— Definitions.  
“Commissioner” means Commissioner mentioned in the Principal Act.

“Place” includes any place in or out of any enclosed building or premises, whether upon land or water.

“Principal Act” means Lands Commission Act, 1905.

“Property” includes every description of personal property, keys, boxes, safes, books, documents, money, bank notes, debentures, bonds, deeds, bills, notes, cheques, warrants, and any order or security for money or for the payment of money or any instrument of title to land.

3. The Commissioner shall be a court of record, and proceedings in any inquiry before the Commissioner shall for all purposes be deemed to be legal proceedings. Commissioner to be court of record.

The Crown shall for all purposes be deemed to be a party to the proceedings aforesaid. Crown a party.

4. (1) The Commissioner may—

- (a) summon any person to attend and produce any property which, in the opinion of the Commissioner, may be of assistance to him in conducting the inquiry; Summons for production of property.
- (b) punish for contempt any person disobeying any summons or order for the production of any property.

*Lands Commission (Amendment).*

## Proviso.

(2) Provided that—

- (a) any person required to produce any property shall be entitled to be heard in opposition to such production ;
- (b) the Commissioner shall, if requested, privately examine such property in order to determine whether it is relevant to the inquiry ;
- (c) no person shall be punished under this section for contempt without being afforded an opportunity to be heard in his defence.

## Warrant for production of property.

5. If the Commissioner considers that the production of any property is a matter of urgency, or if after summons issued as aforesaid the property is not produced in pursuance thereof, he may grant a warrant to any person authorising him to search for and produce such property.

## Enforcement of warrant.

6. Any person to whom such warrant is granted, if so directed by such warrant, and with the assistance of such other persons as he may deem necessary, may—

- (a) enter any place either by day or night and search the same ;
- (b) use force for the purpose of effecting such entry and for making such search ;
- (c) convey any property found in or upon such place before the Commissioner, or guard the same upon the spot, or otherwise dispose of the same in some place of safety.

## Commissioner may deal with property produced.

7. The Commissioner may deal with any property produced in pursuance of a summons or order to produce, or in pursuance of a search warrant, in such way as he may deem advisable for the purposes of the inquiry.

## Opening of receptacle of property.

8. The Commissioner may order force to be used to open any receptacle of property which is now or may hereafter be in his possession, custody, or control: Provided that, on the request of the owner or his attorney, such owner or attorney, or such other person as the Commissioner may approve, shall be afforded a reasonable opportunity of being present when such receptacle is opened.

## Summons to be valid.

9. Any summons purporting to have been issued under the hand of the Commissioner shall be deemed to be a good summons and to have been duly issued.

## Savings.

10. Nothing in this Act shall limit the powers of taking evidence under the Royal Commissioners Evidence Act, 1901.