

WESTERN LANDS (AMENDMENT) ACT.

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 6, 1967.

An Act to make further provision as to the constitution of local land boards within the Western Division of New South Wales; for this purpose to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 14th March, 1967.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Western Lands (Amendment) Act, 1967".

(2)

Short title
and com-
mencement.

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 6, 1967

2. (1) The Western Lands Act of 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 70, 1901.

(a) by omitting subsections three and four of section nine and by inserting in lieu thereof the following subsections:— Sec. 9. (Power to establish administrative districts.)

(3) (a) The members of a local land board shall be three in number and shall comprise— cf. Act No. 7, 1913, ss. 11, 12.

(i) an Assistant Commissioner, and

(ii) two other persons appointed by the Governor (hereinafter referred to as the "appointed members").

(b) The Assistant Commissioner shall be the chairman and shall preside at all meetings of the local land board.

(c) The chairman and one appointed member shall constitute a quorum, and shall be competent to transact any business of the local land board, and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

(d) The chairman shall have an original vote on any question before the local land board, and shall have a casting vote on any question on which the votes are equal.

(e) The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an appeal

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appeal to the Land and Valuation Court as hereinafter provided any member of the local land board may assign in writing such reasons for his opinion as he may deem necessary, which shall be transmitted through the chairman to the Land and Valuation Court :

Provided, however, that the local land board instead of giving any decision or adjudication in any case within its jurisdiction may after taking evidence refer such case with the evidence for decision by the Land and Valuation Court, which shall have power to deal with the case so referred in all respects as if it had been brought before it in the first instance.

cf. Act No.
7, 1913,
ss. 11, 12.

(4) A person of or above the age of seventy years shall not be appointed a member of a local land board.

An appointed member shall, unless he ceases to hold office before he attains the age of seventy years, retire on the day on which he attains that age.

An appointed member shall be paid such fee for each sitting as may be prescribed.

An appointed member who sits or acts in any way as a member of a local land board in any case in which he is or has been directly or indirectly interested shall be liable to a penalty not exceeding one thousand dollars.

In case of the illness or absence of an appointed member the Minister may appoint a person to be the deputy of such appointed member. Such deputy while so acting, shall exercise and perform all the powers, authorities, duties and functions of the appointed member whose deputy he is.

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The resignation or bankruptcy of an appointed member, or his absence from three consecutive meetings of the local land board without leave of the Minister, shall cause a vacancy in his office. The Governor may appoint a person to supply such vacancy or any vacancy caused by the removal of an appointed member from his office. No. 6, 1967

- (b) by omitting from paragraph (b) of subsection five of the same section the words "The Commissioner or an" wherever occurring and by inserting in lieu thereof the word "An";
- (c) by omitting from subsection six of the same section the words "or the Commissioner" wherever occurring.

(2) (a) The persons who were appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts, and held office immediately before the commencement of this Act shall continue to hold office and shall be deemed to have been appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts and by this Act.

(b) All matters and proceedings initiated, pending or part heard before or by local land boards as constituted before the commencement of this Act may be taken, continued, heard and determined by local land boards as constituted pursuant to the amendments made by subsection one of this section.