

23 GEO. V. NO. 6, 1932. *Prickly-pear Land and Forestry, Etc., Act.*

amendment made pursuant to this Act, may collectively be cited as "*The Tully Sugar Works Area Land Regulations Acts, 1924 to 1932,*" that is to say:—

"Provided that from and after the first day of December, one thousand nine hundred and thirty-two, land opened for Group Selection shall only be opened for Perpetual Lease Selections or for selection as Sugar Workers' Perpetual Lease Selections, and land offered for sale at auction shall only be so offered as Perpetual Town, Suburban, or Country Leases,"

*Amendment of **"The Land Acts Amendment Act of 1931."**

20. In section four of **"The Land Acts Amendment Act of 1931"* the words "or within such further time as the Minister may in his discretion allow" are repealed.

Amendment of s. 4 of "*The Land Acts Amendment Act of 1931.*"

Collective Title.

21. "*The Prickly-pear Land Acts, 1923 to 1932,*" together with the amendments made by this Act, may collectively be cited as "*The Prickly-pear Land Acts, 1923 to 1932.*"

Collective title of Prickly-pear Land Acts.

An Act to Constitute the Land Administration Board to be the Prickly-pear Land Commission for the purposes of the Prickly-pear Land Acts, and to be the Forestry Board for the purposes of the State Forests and National Parks Acts; to Amend such Acts and "*The Land Acts Amendment Act of 1931*" in certain particulars; and for other purposes.

23 Geo. V. No. 6.
THE PRICKLY-PEAR LAND AND FORESTRY ADMINISTRATION ACT OF 1932.

[ASSENTED TO 22ND SEPTEMBER, 1932.]

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

PART I.—PRELIMINARY.

PART I.—PRELIMINARY.

1. (1.) This Act may be cited as "*The Prickly-pear Land and Forestry Administration Act of 1932.*"

Short title and construction.

(2.) This Act shall be read and construed as one with the Prickly-pear Land Acts, the State Forests and

* 22 Geo. V. No. 39, *supra*, page 13797.

PART I.—
PRELIMINARY.*Prickly-pear Land and Forestry, Etc., Act.* 23 GEO. V. No. 6.

National Parks Acts, **"The Land Acts Amendment Act of 1931,"* and where necessary with †*"The Land Acts, 1910 to 1931,"* respectively.

Commence-
ment of Act.

2. †This Act shall come into force on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette* :

Provided that it shall not be necessary to proclaim that the whole Act shall commence on one date, but that so much of the Act as refers to Prickly-pear Land may come into force on such date as may be proclaimed, and that so much of the Act as relates to State Forests and National Parks may come into force on such date as may be proclaimed.

Any date so fixed by Proclamation, whether in respect of the whole Act or in respect of so much of the Act to which such Proclamation relates, shall, so far as such date relates to the whole Act or to the part concerned, be referred to in this Act as the commencement of this Act.

Interpreta-
tion.

3. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively assigned to them, that is to say :—

Land
Administra-
tion Board.

"Land Administration Board"—The Land Administration Board constituted for the time being pursuant to Part III. of **"The Land Acts Amendment Act of 1931"* or any Act amending or in substitution of the same ;

Prickly-pear
Land Acts.

"Prickly-pear Land Acts"—§*"The Prickly-pear Land Act of 1923"* as amended by ¶*"The Prickly-pear Land Act Amendment Act of 1926,"* by ¶¶*"The Land Acts Amendment Act of 1929,"* and by ***"The Prickly-pear Land Acts Amendment Act of 1930"* ; also ****"The Prickly-pear Land Acts Amendment Act of 1930"* as amended by **"The Land Acts Amendment Act of 1931"* (and any Act

* 22 Geo. V. No. 39, *supra*, page 13797.

† 1 Geo. V. No. 15 and amending Acts, *supra*, pages 8775 *et seq.* (See Alphabetical Table).

‡ Act proclaimed in force as from 1st October, 1932. (Proclamation dated 29th September, 1932 ; *Gazette*, 1st October, 1932, page 1102.)

§ 14 Geo. V. No. 34, *supra*, page 10605.

¶ 17 Geo. V. No. 6, *supra*, page 11599.

¶¶ 20 Geo. V. No. 15, *supra*, page 12642.

** 21 Geo. V. No. 28, *supra*, page 13032.

1932. *Prickly-pear Land and Forestry, Etc., Act.*

PART I.—
PRELIMINARY.

amending or in substitution of such Acts), and all regulations and Rules of Court under such Acts;

“State Forests and National Parks Acts”—*“*The State Forests and National Parks Act of 1906*” and all regulations thereunder.

State Forests and National Parks Acts.

4. This Act is divided into Parts, as follows:— Parts of Act.

PART I.—PRELIMINARY;

PART II.—PRICKLY-PEAR LAND COMMISSION;

PART III.—FORESTRY BOARD;

PART IV.—AMENDMENTS OF “THE LAND ACTS AMENDMENT ACT OF 1931”;

PART II.—PRICKLY-PEAR LAND COMMISSION.

PART II.—
PRICKLY-PEAR
LAND
COMMISSION.

5. (1.) From and after the commencement of this Act, and notwithstanding anything to the contrary in any Act or law contained, the Land Administration Board shall, for all purposes of the Prickly-pear Land Acts, by virtue of the provisions of this Act, be and be deemed to be and shall constitute the Prickly-pear Land Commission under the said Acts, and further, such Land Administration Board shall by virtue of the provisions of this Act be appointed and be and be deemed to be the Prickly-pear Land Commission under the said Acts, and the said Acts and any other Act or law or process of law shall be read and construed accordingly; and without in any wise limiting the generality of the above provisions, the Land Administration Board shall have and exercise all the rights, powers, and authorities, jurisdiction, and functions (administrative and judicial) of such Prickly-pear Land Commission, and shall perform the duties and functions of and be subject to the obligations of such Prickly-pear Land Commission.

Land Administration Board to be the Prickly-pear Land Commission.

(2.) Without derogation and in aid of the foregoing provisions, all the powers, functions, and duties of the Prickly-pear Land Commission conferred and imposed under the provisions of any other Act or law, and all the functions, duties, obligations, rights, contracts, agreements, liabilities, privileges, and powers conferred and imposed upon the Prickly-pear Land Commission under the Prickly-pear Land Acts, or any other Act or under

General transfer power.

* 6 Edw. VII. No. 20, *supra*, page 790.

any law or process of law shall on and from the commencement of this Act, and without any transfer, assignment, or conveyance or notice other than this Act, be vested in and be performed, conferred, imposed, and exercised, and shall attach to and may be enforced by and against the Commission (being the Land Administration Board as provided in subsection one of this section.)

Existing members to go out of office.

(3.) The members of the Prickly-pear Land Commission in office prior to the commencement of this Act shall on the commencement of this Act go out of office.

Power to delegate functions.

6. (1.) For the purposes of the Prickly-pear Land Acts, the Commission (being the Land Administration Board) may from time to time delegate to a member of the Land Administration Board or to any officer of the Land Administration Board or to any officer of the Commission such of the powers, functions, jurisdiction, and duties conferred or imposed on the Commission as the Commission (being the Land Administration Board) may think fit, and such delegation may be either for a specified time or without limit of time, and the Commission may at any time cancel such delegation.

The member of the Land Administration Board or other officer as aforesaid to whom such powers, functions, jurisdiction, or duties are delegated shall to the extent of such delegation and while the same subsists have all the powers and authorities and perform and exercise all the powers, duties, functions, and jurisdiction of the Commission (being the Land Administration Board); but no such delegation shall be construed so as to prevent such Commission from also exercising any of such powers and authorities and jurisdiction or performing any of such duties or functions.

Prickly-pear Land Commission a sub-Department of the Department of Public Lands.

7. The Prickly-pear Land Commission and the officers thereof shall be and constitute a sub-Department of the Department of Public Lands under the name of the "sub-Department of Prickly-pear Land Commission."

1932. *Prickly-pear Land and Forestry, Etc., Act.*

PART II.—
PRICKLY-PEAR
LAND
COMMISSION.
Consequen-
tial amend-
ments to
the Prickly-
pear Land
Acts.

8. The consequential amendments to the Prickly-pear Land Acts made by this Act are set forth in the following Schedule:—

SCHEDULE.

PART I.

*Amendments to *[“]The Prickly-pear Land Acts, 1923 to 1929[”] (being †[“]The Prickly-pear Land Act of 1923[”] as amended by ‡[“]The Prickly-pear Land Act Amendment Act of 1926,[”] by §[“]The Land Acts Amendment Act of 1929,[”] and by ¶[“]The Prickly-pear Land Acts Amendment Act of 1930,[”] so far as such lastmentioned Act amends **[“]The Prickly-pear Land Acts, 1923 to 1929[”]).*

(a) In section three, the definition of “ Commission ” is repealed and the following definition is inserted in lieu thereof, namely:—

“ “ Commission ”—The Prickly-pear Land Commission (being the Land Administration Board constituted for the time being pursuant to the provisions of Part III. of ¶[“]The Land Acts Amendment Act of 1931[”] or any Act amending or in substitution of the same), such Board being appointed to be and to constitute the Prickly-pear Land Commission pursuant to the provisions of **[“]The Prickly-pear Land and Forestry Administration Act of 1932.[”] ”

(b) Section four is amended as follows:—

Subsections one to seven inclusive are repealed and the following subsections are inserted in lieu thereof, namely:—

(1.) For the purposes of this Act there shall be constituted a Commission, to be called the “ Prickly-pear Land Commission.”

(2.) The Land Administration Board, constituted for the time being pursuant to the provisions of Part III. of ¶[“]The Land Acts Amendment Act of 1931[”] or any Act amending or in substitution of the same, is and is appointed and constitutes the Prickly-pear Land Commission by virtue of the provisions of **[“]The Prickly-pear Land and Forestry Administration Act of 1932.[”]

(3.) Whenever in ††[“]The Prickly-pear Land Acts, 1923 to 1932,[”] or in any regulation or Rule of Court made thereunder, reference is made to the Prickly-pear Land Commission or to the Commission or to the chairman or any member thereof, such reference shall for all purposes in respect of the said Acts, regulations, or Rules of Court be and be construed as a reference to the Prickly-pear Land Commission, being the Land Administration Board appointed and constituting the Prickly-pear Land Commission by virtue of the provisions of **[“]The Prickly-pear Land and Forestry Administration Act of 1932,[”]

* 14 Geo. V. No. 34 and amending Acts, *supra*, pages 10605 *et seq.*

† 14 Geo. V. No. 34, *supra*, page 10605.

‡ 17 Geo. V. No. 6, *supra*, page 11599.

§ 20 Geo. V. No. 15, *supra*, page 12642.

¶ 21 Geo. V. No. 28, *supra*, page 13032.

¶¶ 22 Geo. V. No. 39, *supra*, page 13797.

** 23 Geo. V. No. 6 (this Act).

†† 14 Geo. V. No. 34 and amending Acts, *supra*, pages 10605 *et seq.*

PART II.—
PRICKLY-PEAR
LAND
COMMISSION.

Prickly-pear Land and Forestry, Etc., Act. 23 GEO. V. No. 6,

and to the chairman or any member, respectively, of the Prickly-pear Land Commission (being the chairman or member, respectively, of the Land Administration Board):

Provided that where any powers, functions, jurisdiction, and duties of the Commission are delegated to any officer pursuant to section six of **“The Prickly-pear Land and Forestry Administration Act of 1932,”* such officer shall, wherever and whenever necessary for the purposes of the Prickly-pear Land Acts (as defined by such last-mentioned Act) and the delegation, be and be deemed to be a member of the Commission, and shall have and exercise the powers, functions, jurisdiction, and duties of a member of the Commission accordingly.”

And subsection eight is renumbered subsection four accordingly.

PART II.

Amendment of †“The Prickly-pear Land Acts Amendment Act of 1930,” as amended by ‡“The Land Acts Amendment Act of 1931.”

After section one, the following new section is inserted, namely:—

New section
1A.
Commission.
“[1A.] In this Act the Prickly-pear Land Commission (referred to as the Commission) means the “Prickly-pear Land Commission,” being the Land Administration Board constituted for the time being pursuant to the provisions of Part III. of †*“The Land Acts Amendment Act of 1931”* or any Act amending or in substitution of the same, and appointed and constituted the Prickly-pear Land Commission by virtue of the provisions of **“The Prickly-pear Land and Forestry Administration Act of 1932.”*”

PART III.—
FORESTRY
BOARD.

PART III.—FORESTRY BOARD.

Land
Administra-
tion Board
to be the
Forestry
Board.

9. (1.) From and after the commencement of this Act, and notwithstanding anything to the contrary in any Act or law contained, the Land Administration Board shall, for all purposes of the State Forests and National Parks Acts, by virtue of the provisions of this Act, be and be deemed to be and shall constitute the Forestry Board under the said Acts, and further, such Land Administration Board shall by virtue of the provisions of this Act be appointed and be and be deemed to be the Forestry Board under the said Acts, and the said Acts and any other Act or law or process of law shall be read and construed accordingly; and without in any wise limiting the generality of the above provisions, the Land Administration Board shall have and exercise all the rights, powers, and authorities, jurisdiction, and functions of such Forestry Board, and shall perform the duties and functions of and be subject to the obligations of such Forestry Board.

* 23 Geo. V. No. 6 (this Act).

† 21 Geo. V. No. 28, *supra*, page 13032.

‡ 22 Geo. V. No. 39, *supra*, page 13797.

1932. *Prickly-pear Land and Forestry, Etc., Act.*

PART III.—
FORESTRY
BOARD.

(2.) Without derogation and in aid of the foregoing provisions, all the powers, functions, and duties of the Forestry Board conferred and imposed under the provisions of any other Act or law, and all the functions, duties, obligations, rights, contracts, agreements, delegations, liabilities, privileges, and powers conferred and imposed upon the Forestry Board under the State Forests and National Parks Acts or any other Act or under any law or process of law, shall on and from the commencement of this Act, and without any transfer, assignment or conveyance or notice other than this Act, be vested in and be performed, conferred, imposed, and exercised, and shall attach to and may be enforced by and against the Forestry Board (being the Land Administration Board as provided in subsection one of this section.)

General
transfer
power.

(3.) The members of the Forestry Board in office prior to the commencement of this Act, and being the persons appointed as members thereof pursuant to the direction of the Governor in Council, dated the twenty-fourth day of March, one thousand nine hundred and thirty-two, and published in the *Gazette* of the twenty-sixth day of March, one thousand nine hundred and thirty-two at page one thousand three hundred and fifty-four, shall on the commencement of this Act, go out of office.

Existing
members to
go out of
office.

10. (1.) For the purposes of the State Forests and National Parks Acts, the Forestry Board (being the Land Administration Board) may from time to time delegate to a member of the Land Administration Board or to any officer of the Land Administration Board or to any officer of the Forestry Board such of the powers, functions, and duties conferred or imposed on the Forestry Board as the Forestry Board (being the Land Administration Board) may think fit, and such delegation may be either for a specified time or without limit of time, and the Forestry Board may at any time cancel such delegation.

Power to
delegate
functions.

The member of the Land Administration Board or other officer as aforesaid to whom such powers, functions, or duties are delegated shall, to the extent of such delegation and while the same subsists, have all the powers and authorities and perform and exercise all the powers, duties, and functions of the Forestry Board (being the Land Administration Board); but no such delegation shall be construed so as to prevent the

Forestry Board from also exercising any of such powers and authorities or performing any of such duties or functions.

Forestry Board to be a sub-Department of the Department of Public Lands.

11. The Forestry Board and the officers thereof shall be and constitute a sub-Department of the Department of Public Lands under the name of the "sub-Department of Forestry."

Amendment of State Forests and National Parks Acts.

12. A new section 2A is inserted after section two of **"The State Forests and National Parks Act of 1906"* as follows:—

Forestry Board.

"[2A.] (1.) For the purposes of this Act there shall be constituted a Board to be called the "Forestry Board."

Land Administration Board to constitute the Forestry Board.

(2.) The Land Administration Board constituted for the time being pursuant to the provisions of Part III. of †*"The Land Acts Amendment Act of 1931,"* or any Act amending or in substitution of the same, is and is appointed and constitutes the Forestry Board by virtue of the provisions of ‡*"The Prickly-pear Land and Forestry Administration Act of 1932."*

(3.) Wherever in the said Act or in any regulation made thereunder reference is made to a Forestry Board or a Provisional Forestry Board or Board or chairman or member thereof, such reference shall for all purposes be and be construed as a reference to the Forestry Board, being the Land Administration Board appointed and constituting the Forestry Board by virtue of the provisions of ‡*"The Prickly-pear Land and Forestry Administration Act of 1932,"* or to the chairman or member, respectively, of the Forestry Board (being the chairman or member, respectively, of the Land Administration Board):

Provided that where any powers, functions, and duties of the Forestry Board are delegated to any officer pursuant to section ten of ‡*"The Prickly-pear Land and Forestry Administration Act of 1932,"* such officer shall, wherever and whenever necessary for the purposes of the State Forests and National Parks Acts (as defined

* 6 Edw. VII. No. 20, *supra*, page 790.

† 22 Geo. V. No. 39, *supra*, page 13797.

‡ 23 Geo. V. No. 6 (this Act).

1932. *Prickly-pear Land and Forestry, Etc., Act.*

PART III.—
FORESTRY
BOARD.

by such lastmentioned Act) and the delegation, be and be deemed to be a member of the Forestry Board, and shall have and exercise the powers, functions, and duties of a member of the Forestry Board accordingly.”

PART IV.—
AMENDMENTS
OF “THE
LAND ACTS
AMENDMENT
ACT OF
1931.”

PART IV.—AMENDMENTS OF **“THE LAND ACTS AMENDMENT ACT OF 1931.”*

13. *“PART III.—THE LAND ADMINISTRATION BOARD”* of **“The Land Acts Amendment Act of 1931”* is amended as follows:—

Amendment
of Part III.
of “*The
Land Acts
Amendment
Act of 1931.*”

(a) In subsection one of section eleven, after the words “land settlement,” the words “prickly-pear lands, State forests, and national parks” are inserted.

Section 11.

Subsection two of section eleven is amended by the insertion therein of the following paragraphs, namely:—

“(iii.) The sub-Department of the Prickly-pear Land Commission ;

(iv.) The sub-Department of Forestry ;”

also the word “sub-Department” at the end of the said subsection is repealed and the word “sub-Departments” is inserted in lieu thereof.

(b) Section seventeen is amended as follows:—

Section 17.

In paragraph (b) of subsection one, after the words “Water Supply,” the words “Prickly-pear Lands, State Forests, and National Parks;” are inserted; and the semi-colon (;) after the word “Supply” is deleted, and a comma (,) is inserted in lieu thereof.

In subsection two the words “*Act of 1910*” are repealed and the words “*Acts, 1910 to 1929,*” are inserted in lieu thereof.

(c) In subsection one of section eighteen, after the words “Water Supply,” the words “Prickly-pear Lands, State Forests, and National Parks” are inserted.

Section 18.

14. (1.) The Prickly-pear Land Acts as amended by this Act may collectively be cited as “*The Prickly-pear Land Acts, 1923 to 1932.*”

Consolidated
titles.

(2.) The State Forests and National Parks Acts as amended by this Act may collectively be cited as “*The State Forests and National Parks Acts, 1906 to 1932.*”