

TASMANIA.



1945.

ANNO NONO

GEORGII VI. REGIS.

No. 22.

ANALYSIS.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Short title and citation. 2. Interpretation. 3. Appointment of Surveyor-General and officers. 4. Selection for purchase. 5. Applications to have land submitted for sale by auction. 6. Land to be surveyed. 7. Purchase of town lands at auctions to be on credit only. 8. Grazing leases. 9. Rent. | <ol style="list-style-type: none"> 10. Temporary licences. 11. Occupation licences: Terms and conditions applicable thereto. 12. Residence and business licences. 13. Improvements on land held under temporary or occupation licence. 14. Certain public highways vested in His Majesty. 15. Regulations. 16. Consequential amendments. |
|---|---|

AN ACT to amend the *Crown Lands Act 1935*.
 [28 November, 1945.]

A.D.
 1945.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Crown Lands Act 1945*. Short title and citation.
 (2) The *Crown Lands Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Subsequently amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

Crown Lands.

A.D. 1945.

Interpretation.

2 Section three of the Principal Act is amended—

- (a) by omitting the definition of “Secretary”; and
 (b) by inserting after the definition of “Surveyor” the following definition:—

“‘Surveyor-General’ means the person appointed as Surveyor-General and Secretary for Lands in accordance with section six:”.

Appointment of Surveyor-General and officers.

3 Section six of the Principal Act is repealed and the following section substituted therefor:—

“6.—(1) The Governor may, under and subject to the provisions of the *Public Service Act 1923**, appoint some person to be Surveyor-General and Secretary for Lands, and such other officers as the Governor thinks necessary, for the purposes of this Act.

(2) The person holding office as Secretary for Lands at the commencement of this section shall be deemed to have been appointed as Surveyor-General and Secretary for Lands under the authority of this section.

(3) All officers holding office under this Act at the commencement of this section shall be deemed to have been appointed under the authority of this section.”.

Selection for purchase.

4 Section twenty of the Principal Act is amended by adding at the end thereof the following subsection:—

“(3) In any case where two or more applications under this section are received simultaneously by the Surveyor-General with respect to the same land, the Surveyor-General shall determine which of the applicants, if any, shall be permitted to select and purchase that land.”.

Applications to have land submitted for sale by auction.

5 After section twenty-eight of the Principal Act the following section is inserted in Part IV.:—

“28A.—(1) A person may, by application in writing in the prescribed form, request the Commissioner to submit for sale by auction any available town land, or any area of rural land not exceeding fifteen acres in extent, specified in the application.

(2) Upon receipt of an application under this section and upon payment by the applicant, in the prescribed manner and within the prescribed time, of the survey fees (if any) payable in respect of the land to which the application relates, the Commissioner may submit such land for sale by auction in accordance with the provisions of this Part.”.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, and 7 & 8 Geo. VI. No. 104.

*Crown Lands.***6** Section forty of the Principal Act is amended—

A.D. 1945.

(a) by omitting all the words after “prescribed manner” to the end of that section; and

Land to be surveyed

(b) by adding at the end thereof the following subsection:—

“(2) No applicant for any Crown land shall be entitled, by reason only of the payment by him of any survey fees or other fees payable in respect of that land in accordance with the provisions of this Act, to—

I. Enter upon, or occupy, that land, or remove therefrom any timber, stone, gravel, minerals, or other materials: or

II. Require the Commissioner to enter into a contract of sale with him,

until the land has been surveyed and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.”.

7 Section forty-nine of the Principal Act is repealed and the following section substituted therefor:—

“49. Town lands purchased under Part IV. shall, in all cases, be purchased on credit in accordance with the provisions of this Part, and not otherwise.”.

Purchase of town lands at auction to be on credit only.

8 Section eighty of the Principal Act is amended by adding at the end of subsection (3) the words “, and shall specify the value (as determined by the Commissioner) of the improvements, if any, effected on each run.”.

Grazing leases.

9 Section ninety-two of the Principal Act is amended by omitting from subsection (3) the word “shall” and substituting therefor the word “may”.

Rent.

10 Section one hundred and one of the Principal Act is amended—

Temporary licences.

(a) by adding at the end of subsection (1) the words “, and on such special conditions, if any, as the Commissioner may, in each case determine, and as may be specified in the licence.”;

(b) by omitting from subsection (2) the word “occupation” and substituting therefor the word “temporary”; and

(c) by omitting subsection (3) and substituting therefor the following subsections:—

“(3) The holder of a temporary licence may, upon payment of the prescribed fee and subject

Crown Lands.

A.D. 1945.

to the prescribed conditions, transfer such licence to any other person to whom a temporary licence may be granted under this Act.

“(4) An instrument of transfer under this section shall be in the prescribed form and shall be executed and attested in the prescribed manner.”.

11 After section one hundred and one of the Principal Act the following Division is inserted:—

“ Division IIA.—Occupation Licences.

Occupation
licences:
Terms and
conditions
applicable
thereto.

“101A. Any bailiff of Crown lands who is authorised, either generally or specially, in that behalf by the Commissioner may, upon the application of any person, grant to that person a licence (in this Act referred to as an ‘occupation licence’) authorising the holder thereof to occupy any specified Crown land in any town for—

- I. The purpose of depasturing stock thereon:
- II. The purpose of gardening or agriculture:
- III. The purpose of erecting thereon any store or similar structure: or
- IV. Such other purpose (whether similar to the foregoing purposes or not) as may be prescribed.”.

12 Section one hundred and two of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

Residence
and business
licences.

“(1) Any bailiff of Crown lands who is authorised, either generally or specially, by the Commissioner in that behalf may, subject to this section, grant to persons applying therefor licences called respectively ‘residence licences’ and ‘business licences’.”.

13 After section one hundred and nine of the Principal Act the following section is inserted in Part XI.:—

Improvements
on land
held under
temporary or
occupation
licence.

“109A. The holder of a temporary licence or an occupation licence shall not in any case be entitled to any compensation in respect of any improvements effected by him on land held or occupied by him under the authority of that licence, but he may be permitted to remove any improvements so effected in such cases, and upon and subject to such conditions, as may be prescribed.”.

14 After section one hundred and eighteen of the Principal Act the following section is inserted:—

Certain public
highways
vested in
His Majesty.

“118A.—(1) Subject to this section, every public highway which is not, at the commencement of this section, vested in His Majesty or in the council of any city or municipality shall be deemed to be, and to have been at all times, vested in His Majesty.

Crown Lands.

(2) For the purpose of determining the limits of any public highway to which subsection (1) relates, the following provisions shall have effect:—

- I. If the highway is separated from any adjoining lands by fences erected prior to the commencement of this section, the whole of the highway between the fences so erected shall be deemed to be vested in His Majesty: or
- II. In any other case, the whole of the constructed highway (including the earthworks thereof) and the land adjoining such highway to a distance of eight feet on both sides thereof shall be deemed to be vested in His Majesty.

(3) The limits of any public highway which, at the commencement of this section, is vested in His Majesty, shall be determined in accordance with the following provisions:—

- I. Where the land comprised in the highway is Crown land which has been reserved for the purposes of public roads or streets in accordance with the provisions of section seven, the limits of that highway shall be those defined in the proclamation made under that section in respect of that land:
- II. Where the land comprised in the highway has been acquired from the owner thereof in accordance with the provisions of the *Lands Resumption Act 1910**, the limits of that highway shall be those defined in the notification registered under that Act in respect of that land: and
- III. Where the land comprised in the highway has not been reserved or acquired in the manner referred to in paragraph I. or paragraph II., the limits of that highway shall be determined in accordance with the provisions of subsection (2) of this section.

(4) In this section 'earthworks' includes all bridges, drains, culverts, retaining walls, embankments, cuttings, and other works constructed or erected in connection with the laying out and construction of a highway, or necessary for the maintenance thereof.

(5) Nothing in this section shall affect the title to any land which, in any proceedings to which the Crown has been a party, has been adjudged not to be Crown land, or in respect of which an instrument of title under the *Real Property Act 1862†* has been issued prior to the commencement of this section."

* 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 5. Subsequently amended by 4 Geo. VI. No. 11 and 8 Geo. VI. No. 12.
 † 25 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 1002.

Crown Lands.

A.D. 1945. **15** Section one hundred and twenty-seven of the Principal Act is amended—

Regulations.

(a) by inserting after paragraph II. the following paragraphs:—

“IIA. The cases in which payment of any survey fees may be required to be made before the surveys are commenced, and providing for the refund of survey fees or of a proportion or part thereof in prescribed cases, and may provide for and regulate the determination of any questions or disputes arising with respect to the payment of any such fees:

IIIB. The payment in specified cases of royalties in lieu of fees, and providing for the manner in which the rates of such royalties shall be determined:”;

(b) by deleting the word “Secretary” in paragraph v. and substituting therefor the word “Surveyor-General”;

(c) by inserting after paragraph VI. the following paragraphs:—

“VII. The conditions under which any Crown lands or any classes of Crown lands may be used for, or in connection with, the agistment of stock; and may prohibit the agistment of stock on Crown lands generally or on any specified classes of Crown lands except under the authority of licences issued for the purpose; and may provide for, and regulate generally, the making of applications for, and the issue of, such licences:

VIII. The cases in which, and the conditions under which, persons making any applications under this Act may be required to furnish to the Commissioner or to prescribed officers particulars or information additional to that furnished with such applications, and the times within which such particulars or information shall be furnished: and

IX. The forms of, the time for making, the particulars to be furnished with, and the conditions applicable to, applications of any kind under this Act.”; and

Crown Lands.

(d) by adding at the end thereof the following sub-section:— A.D. 1945.

“(2) The regulations may provide for the variation of the fees payable in respect of any matters under this Act in accordance with the classes of land in respect of which such fees are payable.”.

16 The sections of the Principal Act which are specified in the first column of the schedule are amended as respectively specified in the second column thereof. Consequential amendments.

THE SCHEDULE.

FIRST COLUMN. Section Amended.	SECOND COLUMN. How Amended.
19	Omit “Secretary” in paragraph 1. and substitute “Surveyor-General”.
20	Omit “Secretary” (wherever occurring) and substitute “Surveyor-General”.
67	Omit “Secretary” and substitute “Surveyor-General”.
68	Omit “Secretary” in subsection (3) and substitute “Surveyor-General”.
95	Omit “Secretary” in subsection (5) and substitute “Surveyor-General”.
111	Omit “Secretary” in subsection (2) and substitute “Surveyor-General”.
123	Omit “Secretary” (wherever occurring) and substitute “Surveyor-General”.

