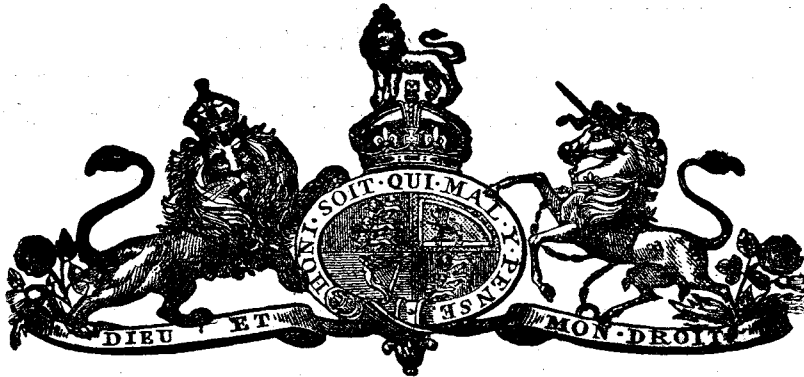


TASMANIA



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 42.

ANALYSIS.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Short title and incorporation.</li> <li>2. Amendment of Section 3 of Principal Act.</li> <li>3. Amendment of Section 36 of Principal Act.</li> <li>4. Amendment of Section 38 of Principal Act.</li> <li>5. Amendment of Section 39 of Principal Act.</li> <li>6. Amendment of Section 40 of Principal Act.</li> <li>7. Amendment of Section 105 of Principal Act.</li> </ol> | <ol style="list-style-type: none"> <li>8. Kelp licences may be granted. Where several applicants. Terms and conditions of kelp licence. No transfer or assignment without consent. Licence confers exclusive rights. Saving of jurisdiction of marine boards and offences against Marine Boards Acts.</li> <li>9. Amendment of Section 160 of Principal Act.</li> <li>10. Repeal and re-enactment of Schedule (7).</li> </ol> |
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AN ACT to amend "The Crown Lands Act, 1911," and for other purposes. A.D. 1917.

[13 December, 1917.]

**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** This Act may be cited as "The Crown Lands Act, 1917," and shall be incorporated with and read as one with "The Crown Lands Act, 1911," hereinafter referred to as the Principal Act, and every amendment thereof. Short title and incorporation.  
2 Geo. V. No. 64.

*Crown Lands Amendment.*

A.D. 1917.

Amendment of  
Section 3 of  
Principal Act.**2** Section Three of the Principal Act is hereby amended by inserting—

i. After the definition “Crown lands” the following definitions :—

“Foreshore” means the foreshore of the sea between the high and low water marks :

“Kelp” means the seaweed or kelp known as *Macrocystis pyrifera* :

ii. After the definition “Rural lands” the following definition :—

“Sea” includes any inlet or arm of the sea.

Amendment of  
Section 36 of  
Principal Act.**3** Section Thirty-six of the Principal Act is hereby amended by inserting the words “or second-class” after the word “first-class” occurring

i. In the first line of Subsection One thereof,

ii. In the heading thereto, and

iii. In the marginal note thereof.

Amendment of  
Section 38 of  
Principal Act.**4** Section Thirty-eight of the Principal Act is hereby amended by inserting the words “or second-class” after the word “first-class” occurring in the First line thereof and in the marginal note thereof.Amendment of  
Section 39 of  
Principal Act.**5** Section Thirty-nine of the Principal Act is hereby amended by omitting—

i. From the heading thereto the words “second and,” and

ii. From the Second line and the marginal note the words “second-class or.”

Amendment of  
Section 40 of  
Principal Act.**6** Section Forty of the Principal Act is hereby amended—

i. By inserting after the word “first-class” occurring in the Third line thereof the words “or second-class,” and

ii. By omitting from the Fourth line thereof the words “second or.”

Amendment of  
Section 105 of  
Principal Act.**7** Subsection One of Section One hundred and five of the Principal Act is hereby amended by inserting at the end thereof the following words :—

“The grant deed of any Crown land on which substantial improvements of a total specified value are required to be made shall not be issued unless the Surveyor-General certifies that in his opinion substantial improvements of such total specified value are actually in existence at or immediately prior to the time of the issue of the grant deed.”

Kelp licences  
may be granted.  
Cf. S.A., 1909,  
No. 981, s. 4.**8** After Section One hundred and thirty-one of the Principal Act the following sections are inserted :—*“Kelp Licences.***“131a** The Commissioner, or any person authorised by him, may grant to any person a licence (hereinafter called a ‘kelp licence’) for

*Crown Lands Amendment.*

the purpose of obtaining and removing kelp from lands adjoining the foreshore and covered by the territorial waters of the sea. Provided that— A.D. 1917.

- i. No kelp licence shall be granted in respect of any place disapproved by the Commissioner :
- ii. Any application for a licence may be refused entirely in the discretion of the Commissioner :
- iii. In the granting or renewal of any licence, all other things being equal, preference shall be given to applicants who have carried out to the satisfaction of the Commissioner experimental and developmental tests and work in connection with the treatment of kelp for the purpose of obtaining commercial products therefrom :
- iv. More than One licence may be granted to any person, corporation, or company : Provided that no such person, corporation, or company shall be entitled to receive or hold a licence or licences in respect of land or lands totalling in length more than One hundred miles.

“ **131b** In case there are more applicants than One for a kelp licence in respect of the same area, the Commissioner shall determine to which (if any) of the applicants the licence shall be granted. Where several applicants.

- “ **131c** Notwithstanding anything in this Act any kelp licence— Terms and conditions of kelp licence.  
*Ibid.*, s. 7.
- i. May be for any term not exceeding Fourteen years :
  - ii. If granted for a less term than Fourteen years, may give to the licensee a right of renewal from year to year, exercisable only if the terms, covenants, conditions, and restrictions of the kelp licence have been complied with : Provided that the total period covered by the term of the original licence and all such renewals shall not exceed Fourteen years :
  - iii. Shall be subject to an annual rent of One Pound :
  - iv. Shall contain a condition that the licensee will, without delay, proceed to obtain and remove, and during the term of the kelp licence, or of the licence and of every renewal thereof, diligently and to the satisfaction of the Commissioner carry on the work of obtaining and removing kelp from the area in respect of which such licence is granted : Provided that the Commissioner may at any time during the term of a kelp licence or any renewal thereof suspend the operation of the conditions required by this paragraph for such time as he deems reasonable, if in his opinion the circumstances warrant such suspension :
  - v. Shall contain a covenant that the licensee will pay to the Commissioner, at the expiration of each year of the kelp licence, or of such licence and of any renewal thereof, the royalty determined by the Commissioner and reserved thereby :

*Crown Lands Amendment.*

A.D. 1917.

- vi. Shall contain such other terms, covenants, conditions, and restrictions as the Commissioner sees fit to impose :
- vii. Shall not be revocable except for the non-payment of any royalty payable thereunder, or the non-performance or non-observance of any of the terms, covenants, conditions, or restrictions thereof : Provided that nothing in any kelp licence or the provisions of this Act relating to kelp licences shall be held to interfere with any right of the Crown to resume lands.

No transfer or assignment without consent.  
*Ib.*, s. 8.

“**131d** No transfer or assignment of any kelp licence, nor any sub-lease or sub-licence of any area in respect of which any kelp licence is granted, or in respect of any part thereof, shall have any force or effect unless made or granted with the previous consent in writing of the Commissioner.

Licence confers exclusive rights.  
*Ib.*, s. 9.

“**131e** The licensee under any kelp licence shall, subject to anything contained in such licence or the provisions of this Act relating to kelp licences have the exclusive right to obtain and remove kelp from the area in respect of which such licence is granted, and have the exclusive ownership of the kelp so obtained.

Saving of jurisdiction of marine boards, &c., and offences against Marine Boards Acts, &c.  
*Ib.*, s. 12.

“**131f** Nothing in any kelp licence granted under this Act, or any licence, permit, or other authority deemed to be a kelp licence granted under this Act, or in any of the provisions of this Act relating to kelp licences, shall be held :—

- i. To interfere with, or permit any interference with, the exercise by any marine board or harbour trust of any of its statutory powers or duties : or
- ii. To authorise or permit the doing of anything which is prohibited or rendered unlawful by or by virtue of any Act relating to marine boards or to any harbour trust, or the omission or failure to observe anything which is required by any such Act to be done or observed.”

Amendment of Section 160 of Principal Act.  
*Cf.*, *Ibid.*, s. 11 (1.) v. (S.A.)

9 Section One hundred and sixty of the Principal Act is hereby amended by inserting after Paragraph x. of Subsection One thereof the following paragraph :—

“**xA.** For ascertaining, determining, and recording—

- (a) The quantities of kelp obtained under kelp licences :
- (b) The existing values of the capital actually spent by licensees in obtaining, removing, and treating kelp for the purposes of obtaining commercial products therefrom :
- (c) The amounts of the net profits obtained by licensees in working under their kelp licences : and
- (d) The amounts of the royalties to be paid under kelp licences.”

*Crown Lands Amendment.*

**10** Schedule (7) to the Principal Act is hereby repealed, and the following schedule substituted therefor:—

(7)					£ s. d.
Survey fee for 100 acres	...	...	...	...	13 4 0
Interest at 2s. 6d. in the Pound	...	...	...	...	1 13 0
					£14 17 0

Repeal and re-enactment of Schedule (7).  
Sec. 36.

## REPAYMENTS.

					£ s. d.
One-fifth on demand	...	...	...	...	2 19 4
First year...	...	...	...	...	2 19 5
Second year	...	...	...	...	2 19 5
Third year	...	...	...	...	2 19 5
Fourth year	...	...	...	...	2 19 5
					£14 17 0

and in like proportion for any greater or smaller amount of survey fees.

