

“(2) On and after the time when any such transfer is recorded in the office of the Director, the transferee therein named shall take the place of, and be deemed to be, the applicant in respect of the subject-matter of the application.

Priority of applicants.
Ibid., s. 36.

“82D—(1) Where two or more applications for a lease or licence under this Act, wholly or in part, comprise the same land, and all the applicants have complied with the requirements of this Act, the applicant who first marked out the land has priority.

“(2) Where any such applications are based upon simultaneous marking out, the priority shall be determined as prescribed.”.

Power of Minister to revoke leases and licences.

32 Section one hundred and thirty-one C of the Principal Act is amended by adding at the end thereof the following subsections:—

“(3) Notwithstanding anything in subsection (1) of this section, the Minister may take proceedings in the warden’s court for forfeiture as nearly as possible in accordance with sections fifty-six and fifty-seven.

“(4) Nothing in this Act takes away the right of the Crown in cases of forfeiture apart from this Act.”.

Regulations.

33 Section one hundred and thirty-two of the Principal Act is amended by inserting in sub-paragraph (a) of paragraph IV of subsection (2), after the word “out”, the words “(with power to prescribe a system of marking out using only one peg)”.

Transitory provisions to increase existing rents.

34 In respect of every lease under which the rent was governed by the third column of the table set forth in section twenty-five of the Principal Act (being the column omitted by section thirteen of this Act) additional rent accrues, and shall be paid from the commencement of this Act, of such amount that, together with the rent reserved by the lease, the total rent will be that required by section twenty-nine of the Principal Act, as amended by this Act.

CROWN LANDS.

No. 71 of 1958.

AN ACT to amend the *Crown Lands Act 1935*.

[19 December 1958.]

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:—

Short title and citation.

1—(1) This Act may be cited as the *Crown Lands Act 1958*.

(2) The *Crown Lands Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section nine of the Principal Act is amended by omitting the words "not exceeding five acres in extent".

Reservation of land for school purposes.

3 After section eleven of the Principal Act the following section is inserted in Part II:—

"11A The Governor may, by proclamation, except from sale and reserve for the purposes of Division II of Part XI and Division II of Part XII any island not exceeding thirty thousand acres in area or any part thereof, and any land so reserved shall not, while the proclamation remains in force, be disposed of otherwise than under those Divisions."

Reservation of certain lands for leasing, &c.

4 Section nineteen of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

Classification of rural land.

"(1) For the purposes of the sale of rural lands—

- I The Surveyor-General shall determine the value of rural lands available for sale:
- II The value so determined in each case shall be the sale price of the land when it is sold upon selection: and
- III Rural lands shall be classified as first-class, second-class, and third-class respectively according to whether the value determined by the Surveyor-General equals or exceeds the value per acre prescribed for lands of each class."

5 Section twenty of the Principal Act is amended—

Selection for purchase.

(a) by omitting subsection (1) and substituting therefor the following subsections:—

"(1) Any person may select and purchase at the value determined in respect thereof under section nineteen and upon the terms prescribed in relation thereto one lot comprising—

- I Not more than three hundred acres of first-class land:
- II Not more than five hundred acres of second-class land: and
- III Not more than two thousand acres of third-class land.

"(1A) For the purposes of subsection (1) of this section, a person who is the holder under contract of other rural land may not select and purchase an area of any class such that if the area so held under contract were added he would become the holder of more land of that class than the maximum prescribed in that subsection."; and

(b) by omitting sub-paragraph (a) of paragraph II of subsection (2) and substituting therefor the following sub-paragraph:—

"(a) First-class land at not less than the prescribed amount per acre: or".

Upset
prices.

6 Section twenty-two of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The lowest upset price of rural lands of the several classes offered for sale by auction shall be the prescribed amount per acre for the respective class.”.

Sales by
private
contract.

7 Section twenty-four of the Principal Act is amended—

- (a) by omitting from sub-paragraph (b) of paragraph III the word “Is” and substituting therefor the words “In the case of a business licence, is”;
- (b) by omitting from that paragraph all the words following sub-paragraph (c) to the end of that paragraph; and
- (c) by adding at the end thereof the following subsection:—

“(2) Notwithstanding any other provision of this Act, where the land is sold under this section to the holder of a residence licence—

I It shall be a condition of the contract that—

(a) The purchaser will, within a reasonable time, erect on the land a dwelling-house for himself and his family: and

(b) The purchaser is not entitled to a grant of the land until the dwelling-house is completed and furnished for habitation and is occupied by the purchaser or a member of his family: and

II Section fifty-five does not apply to land so sold.”.

Allowance for
improvements.

8 Section fifty-two of the Principal Act is amended by omitting from subsection (1) the words “, in the case of—

I First-class land, to two shillings: or

II Second-class land, to one shilling—”

and substituting therefor the words “to the amount prescribed for its class”.

Improve-
ments on
rural land.

9 Section fifty-four of the Principal Act is amended—

(a) by omitting from paragraph I of subsection (1) the words “two shillings and six pence” and substituting therefor the words “the prescribed amount”;

(b) by omitting from that paragraph the words “one pound” and substituting therefor the words “the prescribed amount”;

- (c) by omitting from paragraph II of that subsection the words "one shilling" and substituting therefor the words "the prescribed amount"; and
- (d) by omitting from that paragraph the words "five shillings" and substituting therefor the words "the prescribed amount".

10 Section fifty-six of the Principal Act is repealed.

Occupation of first-class rural land.

11 Section fifty-seven of the Principal Act is amended by omitting from subsection (1) thereof the words "to fifty-six" and substituting therefor the words "and fifty-five".

Land liable to forfeiture if conditions not fulfilled.

12 Section seventy-seven of the Principal Act is amended—

Leases for constructing and erecting wharves, &c.

- (a) by inserting after subsection (4) the following subsection:—

"(4A) Notwithstanding any other provision of this section, the Commissioner may grant leases under this section for any period not exceeding ninety-nine years where—

- I The applicant for the lease has presented a petition to the Commissioner therefor setting forth reasons why a longer lease is necessary:
- II The facts set out in the petition have been verified by affidavit:
- III The petition has been published in the *Gazette*, together with a notification that the petition and affidavit are available for public inspection at the office of the Surveyor-General:
- IV The petition and affidavit have been available for inspection accordingly for thirty days after the publication in the *Gazette*: and
- V The Commissioner has then satisfied himself that there is no valid reason to refuse the petition and that the purpose for which the lease will be granted cannot reasonably be carried out if a shorter lease is granted."; and

- (b) by omitting subsection (6) and substituting therefor the following subsection:—

"(6) The provisions of this section do not affect the operation of Part V of the *Hydro-Electric Commission Act 1944*."

13 Section eighty of the Principal Act is amended—

Grazing leases to be submitted by auction.

- (a) by adding at the end of subsection (1) the words "for periods not exceeding twenty-one years."; and
- (b) by omitting subsection (4) and substituting therefor the following subsection:—

"(4) The minimum annual rent to be paid for a run under this section shall be fixed by the Commissioner, who shall determine the average

number of stock to be carried by the run during the lease, and fix the rent at the rate of the prescribed amount for each dry sheep or equivalent animal carried or at the prescribed minimum amount per one hundred acres, whichever is the greater.”; and

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

“(6) The holder of a run under this section shall make yearly, as prescribed, a return of the stock carried on the run, verified by a statutory declaration.”.

Improvements made upon run by lessee to be paid for by incoming lessee.

14 Section eighty-five of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsections:—

“(1) Upon the expiration by effluxion of time of a grazing lease the Commissioner shall, when offering the run for rental, specify—

I The amount which the Commissioner considers the fair and reasonable value of all improvements erected or constructed upon the run: and

II The value, calculated in accordance with subsection (1A) of this section, of other improvements effected by the previous lessee.

“(1A) The value in pounds for the purposes of paragraph II of subsection (1) of this section shall be calculated by subtracting from the average carrying capacity of the run during the previous lease the carrying capacity on which the run was based and multiplying the remainder by four.”; and

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

“(3) The Commissioner, upon being satisfied by the outgoing lessee, that—

I The improvements mentioned in paragraph I of subsection (1) of this section, or any portion thereof are his property by purchase or otherwise: and

II The improvements mentioned in paragraph II of that subsection were effected by him,

may pay to him the whole amount received under subsection (2) of this section, or so much thereof as represents the value of those improvements.”.

Leases of town lands.

15 Section eighty-nine of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) The Commissioner may, with the consent of the Governor, lease to any person on such terms and conditions and for such period not exceeding seven years as the Governor thinks fit—

I Any town land: or

II Any rural land on which a building is erected,

which is not for the time being required for any public purpose.”.

16 Section ninety-seven of the Principal Act is amended—

(a) by omitting from subsection (2) the words “surveyed for sale or”; and

Licences to remove gravel, stone, &c.

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

“(3) Licences may be issued, on conditions approved by the Forestry Commission, to obtain, quarry, and remove sand and gravel from State forests and Crown land reserved for forestry.”.

17 Section one hundred and one A of the Principal Act is amended by omitting paragraph III.

Occupation licences.

18 Section one hundred and two of the Principal Act is repealed and the following section is substituted therefor:—

“102—(1) The Surveyor-General may, subject to this section, grant to persons applying therefor licences called respectively ‘residence licences’ and ‘business licences’.

Residence and business licences.

“(2) A person over twenty-one years of age—

I Upon—

(a) Application as prescribed:

(b) Payment of the prescribed fee for the kind of licence sought: and

(c) In the case of a residence licence, a statutory declaration that he intends to commence within twelve months the erection of a dwelling-house for himself and his family on the land: and

II Unless he is the holder of a licence of the same kind, may obtain a residence licence or a business licence.

“(3) Where a licence is issued under this section after the thirtieth day of June in any year only half the prescribed fee is payable therefor.

“(4) A licence issued under this section shall expire on the thirty-first day of December next following its date of issue, unless sooner determined in accordance with the provisions of this Act.

“(5) On the expiration of a residence licence another residence licence shall not be issued to the same person in respect of the same land unless—

I The land is occupied in connection with work at a mine or a calling, trade, or business carried on near a mine for the benefit of the persons working thereat: or

II The applicant has contracted to buy the land under section twenty-four.

“(6) Where the applicant for a residence licence—

I Has contracted to buy the land: and

II Has performed all his obligations under the contract,

he has a right to obtain the licence.”.

19 Section one hundred and four of the Principal Act is repealed and the following section is substituted therefor:—

Certain licences may be transferred.

“104—(1) Except as provided by this section, the holder of a residence licence or business licence may not assign, transfer, or otherwise deal with his interest in the land except by testamentary disposition.

“(2) The holder of a residence licence or business licence who wishes to transfer it to another person may apply as prescribed to the Commissioner tendering with his application the prescribed fee and returning his licence.

“(3) Where the Commissioner accedes to an application under subsection (2) of this section, he shall issue to the transferee without fee a new licence authorizing the transferee to occupy the land on the same conditions for the unexpired portion of the term of the transferror’s licence.”.

20 Section one hundred and eight of the Principal Act is repealed and the following section is substituted therefor:—

Buildings on holdings.

“108 The holder of a residence licence or business licence may erect or construct any building or erection on the land that is the subject of the licence and may remove it at any time during the currency of the licence but not afterwards.”.

Improvements on land held under temporary or occupation licence.

21 Section one hundred and nine A of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Notwithstanding the provisions of subsection (1) of this section, where the holder of a temporary licence has been in occupation of the land under a grazing lease and his occupation is continued by the temporary licence, the Commissioner may—

I Permit him, during the currency of the temporary licence, to remove any improvements which he might have removed under the grazing lease: and

II Pay him such compensation as he might have received under section eighty-five out of moneys paid by an ingoing lessee if the grazing lease had continued until the expiration of the licence.”.

22 Section one hundred and fifteen of the Principal Act is repealed and the following section is substituted therefor:—

“115—(1) Where in any locality land is sold under Parts IV and V the Minister shall make provision for surveying and constructing such roads, bridges, and drains as may be required in the vicinity of the land. Provision for roads, bridges, and drains.

“(2) Provision under this section shall be of an amount equal—

- I Where the first-class land sold aggregates an area of not less than five hundred acres in not less than five lots which adjoin or are in close proximity to each other, to the prescribed amount per acre of first-class land:
- II In the case of land in a town other than a mining town, to half the sale price of the land sold: and
- III In other cases, to the amount per acre prescribed in respect of each class or kind of land sold.”.

ADMINISTRATION AND PROBATE.

No. 72 of 1958.

AN ACT to amend the *Administration and Probate Act 1935*. [19 December 1958.]

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 *Administration and Probate Act 1958*. Short title and citation.

(2) The *Administration and Probate Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section forty-four of the Principal Act is amended by omitting the words “one thousand pounds” (wherever occurring) and substituting therefor, in each case, the words “five thousand pounds”. Succession on intestacy.

3 This Act shall not apply in respect of any death occurring before the commencement of this Act. Application.