



CROWN LANDS

No. 23 of 1978

ANALYSIS

1. Short title, citation, and commencement.
2. Interpretation.
3. Delegation of powers by Minister, &c.
4. Validation of acts of Director of Lands.
5. Amendment to *Department of Lands and Surveys Act 1970*.
6. Consequential amendments to Principal Act.
7. Consequential amendments to other Acts.
8. Transitional provisions.



AN ACT to amend the Crown Lands Act 1976 and the Department of Lands and Surveys Act 1970.

[5 October 1978]

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 1978*.
- (2) The *Crown Lands Act 1976** is in this Act referred to as the Principal Act.

Short title,
citation, and
commencement.

* No. 28 of 1976.

(3) This Act shall commence on a day to be fixed by proclamation.

Interpretation.

2 Section 2 of the Principal Act is amended by omitting the definition of “ Director ” and substituting the following definition:—

“ ‘ Director-General ’ means the Director-General of Lands appointed under section 7;”.

3 Section 71 of the Principal Act is repealed and the following section is inserted:—

Delegation of powers by Minister, &c.

“ 71—(1) The Minister may by instrument in writing delegate to the Director-General such of his powers and duties under this Act as may be prescribed and any power or duty so delegated may be exercised by the Director-General as fully and effectually as by the Minister.

“(2) Where pursuant to subsection (1) any powers and duties are delegated to the Director-General, he may by instrument in writing delegate such of those powers and duties as are prescribed to such officer as is prescribed and any power or duty so delegated may be exercised by that officer as fully and effectually as by the Director-General.

“(3) A delegation by a person under this section is revocable at the will of that person and no such delegation shall prevent the exercise by him of any power or duty so delegated.”.

Validation of acts of Director of Lands.

4 The Director of Lands shall be deemed to have had power before the commencement of this Act to exercise such powers and duties as were prescribed pursuant to section 71 (as that section had effect before the commencement of this Act) as if those powers and duties were delegated to him by notice referred to in that section (as it had effect before the commencement of this Act).

Amendment to Department of Lands and Surveys Act 1970.

5—(1) Section 7 of the *Department of Lands and Surveys Act 1970* is amended by inserting in paragraph (a) after the word “ Lands ” (first occurring) the words “ or to the Surveyor-General or to the Secretary for Lands”.

(2) This section shall be deemed to have commenced on the commencement of the *Department of Lands and Surveys Act 1970*.

6 The provisions of the Principal Act specified in Schedule I are amended by omitting from the provisions the word "Director", wherever occurring, and substituting the word "Director-General" in each case. Consequential amendments to Principal Act.

7—(1) A reference in a provision of an Act to the Director of Lands shall be construed on and after the commencement of this Act as a reference to the Director-General of Lands, and every Act the construction of which is affected by the foregoing provisions of this subsection is, by force of this subsection, amended to such extent as may be necessary to give effect to this subsection. Consequential amendments to other Acts.

(2) Subsection (1) does not apply to the *Department of Lands and Surveys Act 1970*.

(3) The *Department of Lands and Surveys Act 1970* is amended as specified in Schedule II.

(4) The Minister has and shall be deemed always to have had power to exercise any of the functions conferred on the Commissioner of Crown Lands by any Act and references in any Act to the Commissioner of Crown Lands shall be construed accordingly.

8—(1) The person who immediately before the commencement of this Act held office as Director of Lands shall, on that commencement, be deemed to have been appointed Director-General of Lands. Transitional provisions.

(2) The powers, functions, duties, rights, and liabilities of the Director of Lands subsisting immediately before the commencement of this Act are, on that commencement, transferred to and vested in the Director-General of Lands, and anything done by the Director of Lands immediately before that commencement continues to have effect on that commencement as if it were done by the Director-General of Lands.

SCHEDULE I

(Section 6)

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Sections 7 (1) and (2); 13 (3) and (4); 18 (2), (3), and (4); 21 (1) and (3); 25 (2); 26 (1); 29 (7); 31 (3); 34 (1) and (2); 37 (2) and (3); 42 (4); 46 (4) and (6); 52; 59 (5); 60 (5) and (6); 61; 62 (2), (3), and (4).

SCHEDULE II

(Section 7 (3))

AMENDMENTS TO *DEPARTMENT OF LANDS AND SURVEYS ACT*
1970

1. Section 3 is amended by adding at the end of that section the words “but after the commencement of the *Crown Lands Act* 1978 the functions of that office shall be exercisable by the Director-General of Lands”.

2. Section 5 is amended by omitting the word “Director”, wherever occurring, and substituting the word “Director-General” in each case.

3. Section 6 is amended by omitting the word “Director” and substituting the word “Director-General”.

4. Section 7 is amended by adding at the end of that section the following subsection:—

“(2) On the commencement of the *Crown Lands Act* 1978 any reference in any enactment to the Surveyor-General and Secretary for Lands or to the Surveyor-General or to the Secretary for Lands that by virtue of subsection (1) (a) is to be read as a reference to the Director of Lands shall be read as a reference to the Director-General of Lands.”.