

---

**CROWN LANDS (MISCELLANEOUS AMENDMENTS)  
ACT 1989**

---

**No. 10 of 1989**

---

TABLE OF PROVISIONS

PART I

PRELIMINARY

1. Short title.
2. Commencement.

PART II

AMENDMENTS TO THE CROWN LANDS  
ACT 1976

3. Insertion in *Crown Lands Act 1976* of new section 29A.  
29A—Lease of Crown land that is reserved land.
4. Insertion in the *Crown Lands Act 1976* of new section 35A.  
35A—Compensation payable on non-renewal of certain leases.

5. Insertion in the *Crown Lands Act 1976* of new section 41A.  
41A—Licensees of Crown land that is reserved land.
6. Substitution of section 45 of *Crown Lands Act 1976*.  
45—Improvements on land held under temporary or occupation licence.

PART III

AMENDMENTS TO THE NATIONAL  
PARKS AND WILDLIFE ACT 1970

7. Repeal of section 26 of the *National Parks and Wildlife Act 1970*.
8. Insertion in *National Parks and Wildlife Act 1970* of new section 50A.  
50A—Delegation by Director.
9. Saving.





**CROWN LANDS (MISCELLANEOUS AMENDMENTS)  
ACT 1989**

—————  
**No. 10 of 1989**  
—————

\*\*\*\*\*

**AN ACT to amend the Crown Lands Act 1976 and the National  
Parks and Wildlife Act 1970.**

**[Royal Assent 18 April 1989]**

**B**E 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:—

**PART I**

**PRELIMINARY**

**1**—This Act may be cited as the *Crown Lands (Miscellaneous* Short title.  
*Amendments) Act 1989.*

**2**—This Act shall commence on the day on which it receives Commencement.  
the Royal assent.

## PART II

## AMENDMENTS TO THE CROWN LANDS ACT 1976

Insertion in  
*Crown Lands  
Act 1976* of new  
section 29A.

3—After section 29 of the *Crown Lands Act 1976*\*, the following section is inserted:—

Lease of Crown  
land that is  
reserved land.

29A—(1) In this section, “reserved land” and “forest management plan” have the same meanings as in the *National Parks and Wildlife Act 1970*.

(2) The Minister shall not lease Crown land that is reserved land to which a forest management plan applies except with the approval of the Forestry Commission.

(3) The Minister shall not grant a lease of reserved land that authorizes or requires the lessee to erect a building on the land other than—

(a) a building appurtenant to a building already on the land; or

(b) a building that the Minister is satisfied is intended to be used primarily for providing—

(i) tourist accommodation or accommodation for people resorting to the land; or

(ii) facilities and conveniences for people availing themselves of that accommodation or resorting to that land.

Insertion in the  
*Crown Lands  
Act 1976* of new  
section 35A.

4—After section 35 of the *Crown Lands Act 1976*, the following section is inserted in Division 3 of Part IV:—

Compensation  
payable on non-  
renewal of  
certain leases.

35A—(1) If on the expiration by effluxion of time of a lease of land for rural purposes the Minister decides not—

(a) to renew the lease; or

(b) to grant the lessee an option to purchase the land comprised in the lease as provided in section 35,

the Minister shall, subject to subsection (2), pay to the lessee compensation for improvements carried out by the lessee for the purposes for which the lease was granted, including any improvements paid for by the lessee and taken over from the previous lessee.

\* No. 28 of 1976. For this Act, as amended to 1st October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980, Nos. 87 and 99 of 1982, No. 29 of 1984, No. 88 of 1985, No. 98 of 1986, and No. 10 of 1988.

(2) Compensation is not payable under subsection (1) in respect of an improvement unless the improvement was approved by the Minister before being carried out.

(3) The compensation payable under subsection (1) shall be such amount approved by the Minister as is determined by the Director-General on the recommendation of the Valuer-General to be the fair and reasonable value of the improvements.

(4) Notwithstanding subsection (2), the Minister may, upon written application by a lessee, approve an improvement carried out before the date of commencement of the *Crown Lands (Miscellaneous Amendments) Act 1989* within 1 year after that date.

5—After section 41 of the *Crown Lands Act 1976*, the following section is inserted in Division 1 of Part V:—

Insertion in the  
*Crown Lands  
Act 1976* of new  
section 41A.

41A—(1) In this section, “reserved land” and “forest management plan” have the same meanings as in the *National Parks and Wildlife Act 1970*.

Licencees of  
Crown land that  
is reserved land.

(2) Notwithstanding section 40, the Minister shall not grant a licence of Crown land that is reserved land to which a forest management plan applies except with the approval of the Forestry Commission.

(3) The Minister shall not grant a licence of reserved land that authorizes or requires the holder of the licence to erect a building on the land other than—

- (a) a building appurtenant to a building already on the land; or
- (b) a building that the Minister is satisfied is intended to be used primarily for providing—
  - (i) tourist accommodation or accommodation for people resorting to the land; or
  - (ii) facilities and conveniences for people availing themselves of that accommodation or resorting to that land.

6—Section 45 of the *Crown Lands Act 1976* is repealed and the following section is substituted:—

Substitution of  
section 45 of  
*Crown Lands  
Act 1976*.

Improvements on  
land held under  
temporary or  
occupation  
licence.

45—(1) Compensation is not payable in respect of improvements carried out on land held or occupied under a temporary licence unless the Minister directs that the land or an improvement on the land is required for a public purpose, in which case the Minister shall pay compensation for the improvement in accordance with this section.

(2) Any compensation payable under subsection (1) in respect of an improvement shall be such amount approved by the Minister as is assessed by the Director-General on the recommendation of the Valuer-General to be the fair and reasonable value of the improvement.

(3) If the Minister—

(a) offers a person an amount of compensation assessed in accordance with subsection (2); and

(b) the person offered that amount—

(i) does not accept the offer within 30 days of receiving it; or

(ii) informs the Minister that the amount offered does not represent the fair and reasonable value of the improvement,

the matter shall be taken to be a disputed claim for compensation under section 38 of the *Lands Resumption Act 1957* and compensation shall be determined in accordance with that Act as if the improvement were an estate or interest compulsorily acquired under that Act, except that section 31 shall not apply and regard shall only be had to the fair and reasonable value of the improvement.

(4) If the Minister does not make a direction under subsection (1) any improvement on the land may be removed.

(5) Notwithstanding subsection (1), where a person has been in occupation of land under a lease for rural purposes and his occupation is continued by a temporary licence, the Minister may—

(a) permit him, during the currency of the temporary licence, to remove any improvements which he would have been authorized to remove under that lease; and

- (b) pay him such compensation as he may have received under section 35 or 35A had the lease continued until the expiration of the licence.

---

### PART III

#### AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1970

7—Section 26 of the *National Parks and Wildlife Act 1970*\* is repealed.

Repeal of section 26 of the *National Parks and Wildlife Act 1970*.

8—After section 50 of the *National Parks and Wildlife Act 1970* the following section is inserted:—

Insertion in *National Parks and Wildlife Act 1970* of new section 50A.

50A—(1) The Director may, by written instrument, delegate any of his powers or duties under this Act (except this power of delegation) to a person employed in the Agency, within the meaning of the *Tasmanian State Service Act 1984*, administering this Act.

Delegation by Director.

(2) A delegation under subsection (1) is revocable at will and does not prevent the exercise by the Director of any power or duty so delegated.

9—Any lease or licence granted under the *National Parks and Wildlife Act 1970* and in force immediately before the commencement of this Act shall continue in force as if it were granted under the *Crown Lands Act 1976*.

Saving.

---

\* No. 47 of 1970. For this Act, as amended to 1st July 1982, see the continuing Reprint of Statutes. Subsequently amended by No. 10 of 1982, Nos. 9, 10, and 29 of 1984, and No. 18 of 1986.

