

CLOSER SETTLEMENT AMENDMENT ACT 1983

No. 28 of 1983

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CLOSER SETTLEMENT AMENDMENT ACT 1983

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AN ACT to amend the Closer Settlement Act 1957 for the purpose of making provision with respect to leases under that Act and for other purposes.

[Royal Assent 19 July 1983]

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 *Closer Settlement Amendment Act 1983*. Short title.

2—This Act shall commence on the twenty-eighth day after the day on which it receives the royal assent. Commencement.

3—In this Act, the *Closer Settlement Act 1957** is referred to as the Principal Act. Principal Act.

* No. 100 of 1957. For this Act, as amended to 1st June 1979, see the Continuing Reprint of Statutes. Subsequently amended by Nos. 19 and 49 of 1980.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 of the Principal Act is amended by omitting the definition of “government loan interest”.

Amendment of section 9 of Principal Act (Proceedings of the Board).

5—Section 9 (5) of the Principal Act is amended by omitting “*Real Property Act 1862*” and substituting “*Land Titles Act 1980*”.

Amendment of section 22 of Principal Act (Disposal of lands to assist settlement).

6—Section 22 (2) of the Principal Act is amended by omitting “100 acres” and substituting “40 hectares”.

Amendment of section 29 of Principal Act (Settlement leases).

7—Section 29 (3) (a) of the Principal Act is amended by omitting “99” and substituting “10”.

Amendment of section 31 of Principal Act (Rental).

8—Section 31 of the Principal Act is amended as follows:—

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

(1) The rent payable in respect of a holding under a settlement lease shall be—

(a) such amount as the Board may determine, being an amount determined as a percentage of the capital value of the holding; and

(b) payable for a period of 12 months commencing on 1st July in any year.

(b) by omitting subsections (3) and (4) and substituting the following subsections:—

(3) The rent payable in respect of any buildings on a holding under a settlement lease shall be—

(a) such amount as the Board may determine; and

(b) payable for a period of 12 months commencing on 1st July in any year.

(4) In the month of June in each year, the Board shall review the rents payable under this section in respect of a period of 12 months commencing on the following 1st July, and may vary one or both of the rents as it thinks fit.

(4A) Where the Board varies one or both of the rents payable under this section in accordance with subsection (4), it shall, by notice in writing, notify the lessee accordingly.

9—Section 32 of the Principal Act is repealed.

Repeal of section 32 of Principal Act (Buildings on holdings).

10—Section 35 of the Principal Act is amended as follows:—

Amendment of section 35 of Principal Act (Right to purchase).

(a) by inserting in subsection (1) “, at any time during the term of the lease,” after “ may ”;

(b) by omitting subsections (2), (12), and (13).

11—After section 35 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 36.

36—(1) Where, at the expiration of the term of a settlement lease, the lessee has failed to exercise the right to purchase the holding under that lease pursuant to section 35, the Board may require the lessee to purchase that holding.

Requirement to purchase.

(2) Where, pursuant to subsection (1), the Board requires a lessee to purchase a holding under a settlement lease, it shall, by notice in writing, inform the lessee accordingly and the lessee is deemed to have exercised his right of purchase in accordance with section 35.

12—Section 41 of the Principal Act is amended as follows:—

Amendment of section 41 of Principal Act (Advances to lessees).

(a) by omitting from subsection (3) “, not exceeding 40 years,”;

(b) by omitting from subsection (5) “, and shall not exceed government loan interest at the time of the determination”.

13—Section 49 (b) of the Principal Act is amended by omitting “ and section 47 ”.

Amendment of section 49 of Principal Act (Powers and obligations of the Board).

Transitional provisions relating to expiration of settlement leases.

14—(1) The term of a settlement lease granted under the Principal Act on a date less than 10 years before the commencement day shall, notwithstanding anything contained in that lease and subject to the Principal Act, expire—

- (a) in the case of a settlement lease granted on a date less than 7 years before the commencement day, on the expiration of a period of 10 years after the date on which it was granted; or
- (b) in the case of a settlement lease granted on a date 7 years or more before the commencement day, on the expiration of a period of 3 years after the commencement day.

(2) The term of a settlement lease granted under the Principal Act on a date 10 years or more before the commencement day shall, notwithstanding anything contained in that lease and subject to the Principal Act, expire on the expiration of a period of 3 years after the commencement day.

(3) For the purposes of this section, “commencement day” means the day referred to in section 2 of this Act.