

Interpre-
tation.**2** In this Act, unless the contrary intention appears—

- “Minister” means the Minister for Education;
 “private school” means a school that is registered under Part IV of the *Education Act 1932*;
 “State school” means a State school within the meaning of the *Education Act 1932*.

Payments to
encourage
the migration
of teachers,
&c., to
this State.**3**—(1) For the purpose of encouraging or facilitating the migration to this State of persons from countries outside Australia who—

- (a) have been appointed, or have applied for or are willing to accept appointment, as teachers in State schools or private schools in this State; or
 (b) in the opinion of the Minister, are possessed of such educational qualifications as would qualify them, after the appropriate course or period of training, for appointment as teachers in State schools or private schools in this State,

the Minister may, subject to this section, make payments out of the moneys available to him for the purposes of this Act to those persons or to such other persons as he thinks fit of such sums as he may think desirable in or towards defraying the fares and other costs of transporting those persons to this State.

(2) A payment under subsection (1) of this section—

- (a) may be made unconditionally or upon and subject to such terms and conditions as the Minister, in his discretion, may determine; and
 (b) shall not exceed one hundred pounds in any one case.

Expenses of
administra-
tion of Act.**4** All costs and expenses incurred by the Minister in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for the purposes of this Act.

RENISON LIMITED (ZEEHAN LANDS).

No. 70 of 1964.

AN ACT to make provision with respect to the vesting of certain lands in Renison Limited, and for other purposes. [17 December 1964.]

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.

1 This Act may be cited as the *Renison Limited (Zeehan Lands) Act 1964*.

2 In this Act, unless the contrary intention appears—

Interpre-
tation.

“board” means the valuation board established by this Act;

“company” means Renison Limited, a company incorporated in the State of Victoria, the registered office of which in this State is situated at Number 54 Brisbane Street, in the city of Launceston;

“plan” means the plan that is set forth in the schedule;

“vested land” means land that is vested in the company by section three.

3—(1) By force of this section, on the commencement of this Act all lands in the town of Zeehan that are within the area shown on the plan (other than the excluded lands) are vested in the company absolutely, freed and discharged from all estates and interests therein subsisting in any person, and every such estate and interest is converted into a claim for compensation.

Vesting of
certain lands
in the
company.

(2) Where any land that is vested in the company by subsection (1) of this section is subject to the *Real Property Act 1862* the Recorder of Titles, for the purpose of giving effect to the vesting of that land—

- (a) shall, as soon as practicable after the commencement of this Act, enter in the folium of the register book containing the grant or certificate of title relating to that land a memorial specifying that the land has been so vested;
- (b) may make such cancellations, corrections, and entries in the register book as he may think necessary or desirable; and
- (c) may issue a fresh certificate of title in relation to that land in the name of the company as the registered proprietor thereof.

(3) Within six months after the commencement of this Act, the company shall—

- (a) apply to the Recorder of Titles to bring under the provisions of the *Real Property Act 1862* such of the vested land as is not, at the time of the application, subject to that Act; and
- (b) supply to the Recorder of Titles such information as the Recorder may reasonably require for the purpose of enabling the Registrar of Deeds to make such cancellations, corrections, and entries as are referred to in subsection (6) of this section.

(4) On an application being made under paragraph (a) of subsection (3) of this section, the Recorder of Titles may take such steps as he thinks necessary or desirable in the circumstances to bring under the provisions of the *Real Property Act 1862* any vested land that is not subject to that Act and may accordingly issue to the company a certificate of title to that land under that Act.

(5) The power conferred on the Recorder of Titles by subsection (4) of this section is exercisable solely by force of that subsection, and no provisions of any other law relating to the bringing of land under the *Real Property Act* 1862 apply to or in relation to anything done by the Recorder in the exercise or purported exercise of that power, or to or in relation to any land with respect to which that power is exercised.

(6) The Registrar of Deeds may make such cancellations, corrections, and entries in the indexes to memorials made by him pursuant to the *Registration of Deeds Act* 1935 as he may think necessary or desirable in consequence of the exercise by the Recorder of Titles of the power conferred on him by subsection (4) of this section.

(7) For the purposes of subsection (1) of this section, the several pieces or areas of land specified hereunder are the excluded lands, that is to say:—

- (a) The pieces of land shown on the plan as lots 8, 9, and 12 of section B4, lots 2, 5, and 7 of section Z3, lots 6, 9, and 10 of section T3, lot 3 of section R3, lot 3 of section U3, lots 4 and 6 of section O3, lots 4, 5, and 9 of section W3, lots 6 and 10 of section V3, lots 2, 3, 10, and 11 of section L4, lots 3 and 5 of section K4, lots 7, 8, and 10 of section M4, lots 1 and 2 of section O4, and lot 4 of that section (being the lot shown on the plan in the name of William Thomas as purchaser), lots 2, 3, and 4 of section P3, lots 6 and 7 of section P5, lots 3 and 4 of section R4, lot 11 of section Q4, lots 1 and 2 of section P4, lot 1 of section S5, lot 13 of section T2, lot 12 of section Q5, and lot 3 of section W5;
- (b) Such parts of the land over which Grubb's tramway passes as is situated within the limits of a public street; and
- (c) Any other land that is situated within the limits of a public street.

(8) If a question arises as to whether any piece or area of land is or is not within the limits of a public street, the Minister shall refer the question to the Surveyor-General for determination, and the Surveyor-General shall determine the question after such inquiry, and after hearing such evidence and inspecting such plans and records, as he may think desirable.

(9) A determination by the Surveyor-General on a question that is referred to him pursuant to subsection (8) of this section is final.

4—(1) Within six weeks after the commencement of this Act the company shall cause—

- (a) to be published in the *Gazette* and in at least three daily newspapers published in this State; and

- (b) to be posted, in a prominent position, on the outside of the police station and the council chambers in the town of Zeehan,

a notice in a form approved by the Minister publicly notifying the vesting in the company of the vested lands.

(2) The notice under subsection (1) of this section shall—

- (a) specify the lands that are vested in the company and state that they are so vested; and
(b) contain such other matter and information as the Minister may approve or direct.

(3) The officer in charge of the police station at Zeehan and the clerk of the Zeehan Municipal Commission, respectively, shall each afford to the company such assistance and facilities as may reasonably be necessary to enable the company to comply with the provisions of paragraph (b) of subsection (1) of this section.

5—(1) For the purposes of this Act, there shall be a Valuation board. valuation board comprising such number of persons, possessing such qualifications or experience, as the Minister may determine.

(2) The members of the board shall be appointed by the Minister and shall hold office during the Minister's pleasure.

(3) The Minister may appoint a person to act as the secretary to the board.

(4) The members of, and the secretary to, the board may be paid such remuneration as the Minister may determine.

(5) For the purpose of the exercise of its functions under this Act the board has, and may exercise, the powers and authority conferred by Division II of Part II of the *Evidence Act 1910* upon persons holding inquiries on commission.

6—(1) As soon as is reasonably practicable after the commencement of this Act, the board shall, after hearing such evidence, making such inquiries, and examining such documents as it thinks desirable, proceed to determine the value, as at the twenty-eighth day of February 1965, of each piece or area of land that is vested in the company by subsection (1) of section three. Valuation of vested lands.

(2) If it appears to the board to be desirable so to do in any particular case, it may determine the value, as at the twenty-eighth day of February 1965, of any estate or interest in any vested land that is less than the fee simple therein, and may apportion the value of the land between the holders of the several estates or interests therein.

(3) A determination by the board under this section as to the value of any land or of any estate or interest in any land is final and is not subject to appeal, and shall not be challenged, reviewed, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.

Certificates
of valuation.

7—(1) Upon determining pursuant to section six the value of any vested land, the board shall, by certificate under the hand of the chairman, notify the company of the value so determined.

(2) Where the board, pursuant to subsection (2) of section six, determines the value of any estate or interest in any land that is less than the fee simple therein, any certificate under this section in relation to that land shall specify separately the value of that estate or interest, as so determined.

(3) A certificate under this section may be issued in relation to one piece or area of land or any two or more pieces or areas of land.

(4) The board shall cause a copy of each certificate under subsection (1) of this section to be given to the Minister and to the person who appears to the board to be the owner of the land to which the certificate relates (if that person's whereabouts are known to the board).

(5) All courts and persons acting judicially shall take judicial notice of—

- (a) any certificate under this section;
- (b) the signature of the chairman of the board appearing on such a certificate; and
- (c) the value of any land, or of any estate or interest in any land that is less than the fee simple therein, as specified in such a certificate.

Compensation.

8—(1) A person who claims to be entitled to compensation in respect of any estate or interest of which he is deprived by the operation of this Act shall lodge a claim with the company within three years after the commencement of this Act.

(2) A claim for compensation under this Act—

- (a) shall be in writing;
- (b) shall be delivered or sent by post to the registered office of the company in this State; and
- (c) shall set forth—
 - (i) the name and description of the claimant;
 - (ii) the nature of the claimant's estate or interest in the relevant land;
 - (iii) the situation and description of the property;
 - (iv) short particulars of the documents of title to the land;
 - (v) the name and address of any person who has the custody of any documents of title to the land, and the place where those documents may be inspected; and
 - (vi) the name and address of the claimant's solicitor or agent (if any).

(3) Within sixty days after the receipt of a claim for compensation, the company shall notify the claimant whether it admits or disputes the claim, and if it disputes the claim

the claimant shall, within three months after receipt from the company of the notification that it disputes the claim, institute proceedings for the recovery of the amount claimed in a court of competent jurisdiction.

(4) Notwithstanding any other law or rule of law to the contrary—

- (a) the company is not liable to pay by way of compensation in respect of any vested land any sum in excess of the value of that land as determined pursuant to section six; and
- (b) in any proceedings for the recovery of compensation, the court in which the proceedings are taken shall treat the value (as so determined) as the value of the unencumbered fee simple in the land to which the proceedings relate.

9—(1) If at the expiration of the period of three years after the commencement of this Act—

Company to pay certain moneys to the Treasurer.

- (a) no claim for compensation has been made in respect of any vested land; or
- (b) any claim for compensation in respect of any vested land has been disallowed (whether by the company or by a court),

the company shall pay to the Treasurer to the credit of the Trust Fund a sum equal to the value of that land, as determined pursuant to section six.

(2) If no person satisfies the Treasurer, within a period of six years after the commencement of this Act, that he is entitled by law to any sum of money that is paid to the Treasurer pursuant to subsection (1) of this section (or to any part of such a sum of money) by way of compensation in respect of the land in relation to which the sum was so paid—

- (a) the Treasurer may transfer that sum to the credit of the Consolidated Revenue; and
- (b) any right to receive, claim, or sue for the recovery of, that sum (or any part thereof) that, but for this paragraph, might have been exercisable by any person is absolutely barred on and from the expiration of that period.

10 All costs and expenses incurred in connection with the administration of this Act (including the remuneration of the members of, and secretary to, the board and the expenses incurred in the performance of the board's functions) shall be defrayed by the company, and the company shall be deemed to have power to incur such expenses, and expend such sums of money, as may be necessary for carrying this section into effect as if that power were specifically conferred on it by its memorandum or articles of association.

Costs of administration of Act.