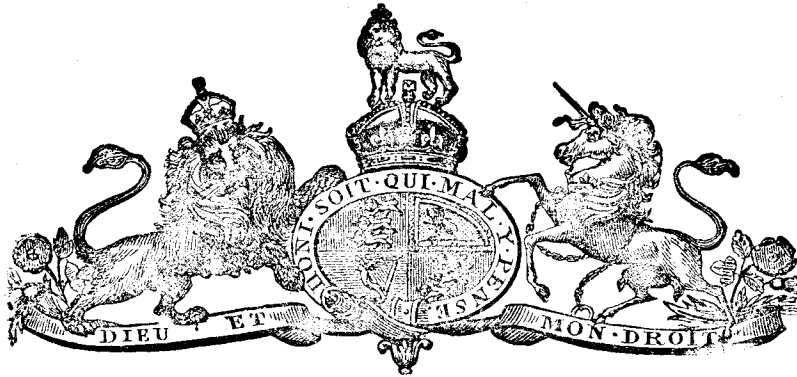


T A S M A N I A.



1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 15.

ANALYSIS.

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AN ACT to provide for the Acquisition and Preservation of Lands of Scenic or Historic Interest, and for other purposes.

A.D. 1915.

[26 November, 1915.]

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 Scenery Preservation Act, 1915." Short title.

6d.]

Scenery Preservation.

A.D. 1915.

Interpretation.
2 Geo. V. No. 64.

Scenery Preservation Board constituted.

2 In this Act, unless the context otherwise determines—

“Crown land” or “land of the Crown” has the meaning ascribed to the expression “Crown lands” by “The Crown Lands Act, 1911” :

“Minister” means the Minister of Lands and Works for the time being :

“Private land” means any land not being Crown land as defined by this Act.

“Reserve” means any reserve proclaimed under this Act :

3—(1) For the purposes of this Act there is hereby constituted a Board to be called “The Scenery Preservation Board,” hereinafter called “the Board,” which shall administer this Act and in all things be subject to the directions of the Minister.

(2) The Board shall consist of :—

The Surveyor-General for the time being ;

The Commissioner of Railways for the time being ;

The Engineer-in-Chief for the time being ; and

Four members appointed by the Governor in Council

One of whom shall be a representative of the State Tourist Department.

The Surveyor-General shall be chairman of the Board and shall, if present, preside at every meeting of the Board. In his absence a chairman shall be chosen by the members present.

(3) The Governor may at any time, in the case of the absence, or continued illness, or inability to perform his duties of the chairman of the Board, or any member, appoint some person to act as his substitute during such absence, illness, or inability.

(4) Any Three members of the Board shall be a quorum, and shall have and may exercise all the powers and authority conferred upon the Board by this Act, and, during a vacancy in the Board, the continuing members may act as if no vacancy had occurred.

(5) The members of the Board shall not as such be subject to the provisions of the Public Service Acts.

(6) Subject to the provisions of this Act and the regulations thereunder, the Board may regulate its own procedure.

Officers of
Minister's
Department may
be employed.**4** For the purpose of carrying out the powers, duties, authorities and obligations, conferred or imposed upon it by this Act or any other Acts, the Board may, with the approval of the Minister make use of the services of any of the officers and employees of any department controlled by the Minister.Secretary's and
inspectors'
appointment.
N.Z., 1908,
No. 172, s. 4.**5** Subject to “The Public Service Act, 1905,” the Governor may, appoint a fit person to be secretary to the Board, and One or more inspectors for the purposes of this Act.Board to inspect
lands and report.
Ibid., s. 5.**6** The Board may inspect any lands possessing scenic or historic interest, and make enquiries respecting the same, and report to the Governor, and shall from time to time, recommend what lands, whether Crown land or private land, in the opinion of the Board should be permanently reserved as scenic or historic reserves.

Scenery Preservation.

Subject to the provisions of this Act the Board shall have the entire care, control, and management of any reserves under this Act, and shall cause to be carried out all works in respect of any such reserves from time to time authorised by Parliament. A.P. 1915.

7—(1) Where the land so recommended to be reserved is Crown land the Governor may by proclamation declare the same to be a reserve under this Act. How land to be made a reserve. *Ibid.*, s. 6.

(2) Where the land is private land, it may be purchased, acquired or taken as a public work under "The Lands Resumption Act, 1910," and the provision of that Act shall apply accordingly, and the land so taken shall be deemed to be a Reserve under this Act.

The expressions "public purpose" and "public work," in "The Lands Resumption Act, 1910," shall be deemed to include any purpose for which any such land may be purchased, acquired, or taken by virtue of this Act.

8 Where any private land so purchased, acquired, or taken as aforesaid, does not comprise the whole of the area included in an existing title, the Governor may purchase, acquire, or take, in like manner under the lastmentioned Act, the residue of the land comprised in such title or any portion thereof. Governor may take residue of land. *Ibid.*, s. 7.

9 Subject to the provisions of any special Act, every reserve under this Act shall be inalienable: Disposal of land no longer required

Provided that land purchased, acquired, or taken under the last preceding section may be exchanged for other private land which the Board considers suitable for reservation as a scenic or historic reserve, or may be disposed of as Crown land under "The Crown Lands Act, 1911," or under Section Sixty-six of "The Lands Resumption Act, 1910," and the net proceeds of such disposal shall be paid into the Public Debts Sinking Fund. *Ibid.*, s. 8

10 Any private land which becomes a reserve under this Act shall thereupon cease to be subject to any previous reservation under any other Act. Previous reservations under other Acts to cease. *Ibid.*, s. 9.

11 The Minister may from time to time take such steps as he thinks fit for the fencing and maintenance of any reserve; and where any sufficient or rabbit-proof fence within the meaning of "The Boundary Fences Act, 1908," is erected by authority of the Minister on the common boundary of any reserve and the adjoining private land, or the Minister converts any existing fence on that boundary into a rabbit-proof fence, the owner (within the meaning of the lastmentioned Act) of such adjoining land shall be liable by virtue of this Act to contribute one-half of the actual cost of the construction or conversion of such fence, and such half-cost may be recovered from him in any court of competent jurisdiction by the Minister. Maintenance of reserves. *Ibid.*, s. 10, as amended by s. 5 of 1910, No. 55.

Scenery Preservation.

A.D. 1915.

How expenses to
be borne.

12 All expenses of or incidental to the surveying, subdividing, clearing, draining, fencing, or improving any Crown land or private land subject to this Act, or making or improving roads or access thereto, and all expenses of or incidental to conserving, preserving, and maintaining wholly or in part the timber, plants, bush, land-marks, buildings, palisades, mounds, trenches, or other marks in, on, or around the scenic or historic spots within any reserve under this Act, and the purchase-money and any compensation for lands purchased, taken, or acquired under this Act, and all other moneys required for the purposes of carrying out or administering this Act shall be paid out of moneys authorised by Parliament to be applied for the purpose.

Control of
reserves.

13 The Governor may from time to time upon the advice of the Board, by notice in the "Gazette," vest the control of any reserve under this Act in any municipal council or local authority or in any special board constituted by him for that purpose, and in any such case upon such trusts and with such powers and subject to such conditions as are declared by such notice.

Damage by fire
from adjoining
land.

14 Every person who, upon land adjoining any reserve under this Act, lights or permits to be lighted upon such land a fire which spreads into and destroys any bush on or seriously damages such reserve shall be liable on conviction in a summary way to a penalty not exceeding One hundred Pounds, and shall in addition be liable to pay for all damage done, and such damage may be assessed by the presiding magistrate or justices.

Offences.

15 Every person shall be liable on conviction to a fine not exceeding One hundred Pounds who at any time after the gazetting of any proclamation declaring any Crown land to be a reserve under this Act, or of any notification under Section Fourteen of "The Lands Resumption Act, 1910," vesting any private land in His Majesty for the purposes of this Act:—

- i. Lights a fire on such Crown land or private land: or
- ii. Cuts or removes any timber or bush thereon without the written authority of the Minister: or
- iii. Discharges any firearm thereon, or kills or takes any birds or any native or imported game thereon: or
- iv. In any way interferes with such Crown land or private land, or damages any scenic or historic features thereof or makes marks or writings, disfiguring buildings, fences, trees, rocks, or other surfaces.

Reservations may
be revoked in
certain cases.
N.Z., s. 8.

16 Where, in the opinion of the Governor, any reserve is, by reason of destruction or damage or through any other cause, no longer suitable for scenic purposes, he may re-plant or reinstate the reserve, or by proclamation revoke the said reservation with the consent of Parliament, and thereafter the land may be disposed of as Crown land under "The Crown Lands Act, 1911," or under Section Sixty-six of "The Lands Resumption Act, 1910," and the net proceeds of such disposal shall be paid into the Public Debts Sinking Fund.

Scenery Preservation.

- 17** The Minister, on the recommendation of the Board, may grant leases of, or licences to occupy, open or cleared portions of any reserve for periods not exceeding Three years, on such terms and conditions, and at such rentals as he thinks fit. The proceeds of all such leases or licences shall be paid into the Consolidated Revenue. A.D. 1915.
Leases or licences for short terms may be granted. N.Z., s. 9.
- 18** It shall be lawful for the Governor, upon the recommendation of the Board, whenever it shall be deemed expedient for the purposes of scenery preservation, by mutual agreement, to grant in fee simple any area of Crown land in exchange for the fee simple of any private land which, in the opinion of the Board, is of approximately equal value, and on any such exchange to pay or receive, by way of equality of exchange, any sum not exceeding Ten per centum of the estimated value of the Crown land so granted. Power to exchange Crown land for other land. N.Z., s. 11.
- 19** The Governor may from time to time make such regulations as he deems necessary or expedient in order to give full effect to the provisions of this Act. Regulations.
Any such regulation may impose a penalty not exceeding Ten Pounds for the breach thereof or of any other regulation.
- 20** All informations for offences against the provisions of this Act, or the regulations, and all penalties or sums of money or assessed damages imposed or made payable by this Act or the regulations may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate, or any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply. Procedure.
- 21** Within Twenty-one days after the opening of each Session a statement, prepared under the direction of the Board, shall be submitted to both Houses of Parliament showing the locality and area of lands acquired and the number of reserves made under this Act, together with a statement of accounts showing the amounts expended and the purposes to which the moneys so expended have been applied. Statement by Board to be submitted to Parliament annually.

