

THE ACTS  
OF  
THE PARLIAMENT  
OF  
TASMANIA  
1963

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CROWN LANDS.

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No. 1 of 1963.

AN ACT to amend the *Crown Lands Act* 1935.  
[2 May 1963.]

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* 1963. Short title  
and citation.

(2) The *Crown Lands Act* 1935, as subsequently amended,  
is in this Act referred to as the Principal Act.

**2** After section one hundred and twenty of the Principal  
Act the following section is inserted:—

“120AA—(1) In this section in relation to a highway—  
‘actual line’ means the land over which a highway  
runs at the relevant time; Simplified  
exchange of  
land for  
roads.

‘new line’ means—

- (a) in the case of a highway the actual line of which does not wholly coincide with the old line for it, its actual line; and
- (b) in the case of a highway which is to be diverted from its actual line, the land over which it is to be diverted;

‘old line’ means domain or waste land of the Crown set apart by proclamation or otherwise, and former alienated land resumed by the Crown, for a highway.

“(2) For the purposes of this section the old and new lines of a highway shall be dealt with as two separate parcels notwithstanding that some land is common to both, and where such common land is the subject of an exchange under this section it shall be deemed to pass from the Crown with the old line and return to the Crown with the new line.

“(3) The Crown may exchange the old line of a highway for its new line with or without money, land, goods, or work for equality of exchange, subject to this section and in one of the following modes:—

- (a) Mode 1, to be used where the new line is to be acquired or dedicated by compulsory process under the *Lands Resumption Act 1957*, by providing in the notification therefor under section thirteen of that Act for the exchange of so much of the old line as lies within the lands affected by the notification, and on registration of the notification as provided in section eighteen of that Act such part of the old line will be alienated and vested as provided in subsection (4) of this section;
- (b) Mode 2, to be used where the new line is to be acquired or dedicated by voluntary purchase and is not under the *Real Property Act 1862*, by providing in the deed relating to the new line for the exchange of so much of the old line as lies within the lands of the vendor or donor, and on registration of the deed under the *Registration of Deeds Act 1935* such part of the old line will be alienated and vested as provided in subsection (4) of this section;
- (c) Mode 3, to be used where the new line is to be acquired or dedicated by voluntary purchase and is under the *Real Property Act 1862*, by an instrument under the seal of the Commissioner declaring that so much of the old line as lies within the lands of the vendor is exchanged for the new line comprised in a specified memorandum of transfer, and on the registration of the instrument and memorandum under the *Real Property Act 1862* such part of the old

line will be alienated and vested as provided in subsection (4) of this section; and

- (d) Mode 4, to be used where a highway is not to be diverted and the actual line is not the old line, by an instrument under the seal of the Commissioner declaring that the exchange of so much of the actual line as lies within the lands of a specified person for so much of the old line as lies in the same lands is ratified, and upon registration of the instrument under the *Registration of Deeds Act 1935* or the *Real Property Act 1862* or both, as the case requires, such part of the old line will be alienated and vested as provided in subsection (4) of this section.

“(4) Where subsection (3) of this section provides that part of the old line of a highway will be alienated and vested as provided in this subsection, that part shall be deemed to have been comprised in the Crown grant of the land in which it lies and shall vest as if so alienated in the persons presently entitled thereto for their respective estates and interests.

“(5) For the purposes of subsection (3) of this section, where the relevant part of the old line of a highway does not lie within land the subject of one or more Crown grants for the same estate and subject to the same terms and conditions the boundaries of which on either side of that part are in the same straight line, provision shall be made in the instrument effecting the exchange—

- (a) to indicate in which Crown grant the part or portions of it shall be deemed to be comprised;
- (b) to determine the portion of boundary required to connect the boundaries on either side of the part or such portions; or
- (c) to do both,

as the case requires.

“(6) Subsections (3) and (4) of this section apply with necessary modifications where the old line of a highway does not lie within but only along a parcel of alienated land.

“(7) For the purposes of this section the old line of a highway shall be described as so much of the old line of a specified highway shown on a specified plan lodged in the office of the Surveyor-General as lies in, or along a specified boundary of, specified land without any metes and bounds except as required for the purposes of paragraph (b) of subsection (5) of this section.

“(8) The Commissioner’s seal shall not be affixed to an instrument under this section without the consent of the Governor.”.

## LANDS RESUMPTION.

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### No. 2 of 1963.

AN ACT to amend the *Lands Resumption Act* 1957. [2 May 1963.]

**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  
and citation.

**1**—(1) This Act may be cited as the *Lands Resumption Act* 1963.

(2) The *Lands Resumption Act* 1957, as subsequently amended, is in this Act referred to as the Principal Act.

Dedication  
of land for  
highways.

**2** Section nineteen of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

“(2) The land to be dedicated may be described by reference only to the existing line and the new line as then set out, except—

(a) where a new highway is to be opened;

(b) in a city or town; and

(c) along lands subdivided for building purposes,

in which cases it shall be described as if the fee therein were being taken.”.

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## REAL PROPERTY.

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### No. 3 of 1963.

AN ACT to amend the *Real Property Act* 1886. [2 May 1963.]

**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  
and citation.

**1**—(1) This Act may be cited as the *Real Property Act* 1963.