

- (b) the breaking up or sorting out of a substance;
- 'oil' means oil of any description, and includes—
- (a) spirit produced from oil;
- (b) coal tar; and
- (c) a mixture of oil with any other substance;
- 'packaging', used in relation to oil, means the operation of filling containers with oil."

CROWN LANDS (No. 2).

No. 79 of 1963.

AN ACT to amend the *Crown Lands Act 1935*.
[3 December 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* Short title and citation.
(No. 2) 1963.

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

2 Section forty-three of the Principal Act is repealed and the following section is substituted therefor:—

"43 If the Surveyor-General reports to the Commissioner that specified rural lands are in his opinion suitable for agriculture, horticulture, dairying, or improved grazing, the Commissioner may withdraw from selection under the provi- Power of Commissioner to withdraw area of land from the operation of this Act.

sions of this Act those lands and such other inferior lands adjoining or near them as he thinks desirable for the purposes of this Part.”.

Blocks to
be sold by
auction.

3 Section forty-six of the Principal Act is amended by omitting the words “, upon the terms set out in the second schedule”.

Improve-
ments on
rural land.

4 Section fifty-four of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ equal to ” (twice occurring) and substituting therefor in either case the words “ not less than ”; and
- (b) by inserting, after subsection (1), the following subsection:—

“(1A) In reckoning the value of improvements for the purposes of subsection (1) of this section the value of fences, whether boundary or internal, shall be excluded so far as it exceeds one-third of the relevant prescribed amount.”.

5 After section eighty-nine of the Principal Act the following section is inserted in Division III of Part XI:—

Kelp leases.

“89A—(1) The Commissioner may, with the consent of the Governor, lease the sole right to cut and take away kelp from specified lands adjoining the foreshore and covered by the territorial waters of the sea for any term not exceeding forty years.

“(2) A lease under this section shall be called a ‘ kelp lease ’ and, among other things—

- (a) shall be subject to payment of—
 - (i) rent yearly in advance; and
 - (ii) royalties on kelp taken,
as provided in the lease;
- (b) shall contain a covenant by the lessee to work the lease as therein set forth;
- (c) shall provide for forfeiture for breach of any of the lessee’s covenants; and
- (d) may contain a covenant for renewal for any term not exceeding the term of the original lease, with such variations in respect of rent, royalties, and working as may be agreed upon between the Commissioner and the lessee.

“(3) The rights of a lessee under a kelp lease are subject to the *Marine Act 1921*.”.

6 After section ninety-six of the Principal Act the following Part is inserted:—

“ PART XIA.

“ BUILDING LEASES.

“96A Expressions defined in section four hundred and sixty-two of the *Local Government Act 1962* have the same meaning in this Part. Interpretation.

“96B The Governor may, by proclamation, constitute and define as building areas Crown land suitable for development by subdivision and building. Proclamation of building areas.

“96C The Commissioner may, as recommended by the Surveyor-General, subdivide a building area, lay out and make roads therein, and do all such other things as the owner of a building estate might reasonably do or be required by the corporation to do preparatory to disposing of the lots therein. Development of building areas.

“96D—(1) Lots in a building area may be disposed of only on building leases in accordance with section ninety-six E, or as provided in section ninety-six H. Disposal of lots.

“(2) Building leases may be sold by auction subject to Part V, as nearly as possible, or as provided in subsection (3) of this section.

“(3) The Commissioner may, on the recommendation of the Surveyor-General, fix the purchase price of lots to be disposed of in accordance with this subsection, and call for applications for leases at the prices so fixed.

“(4) Prices fixed under subsection (3) of this section shall lapse after five years, or such shorter period as the Commissioner thinks, and shall be fixed afresh.

“96E—(1) A building lease for the purposes of this Part shall be a lease for twenty-one years— Building leases.

(a) subject to paying upon entry one-tenth of the purchase price as determined by auction or under subsection (3) of section ninety-six D, in this section called the ‘ingoing’;

(b) at a rent equal to six per cent of the purchase price a year;

- (c) upon condition to build such a building of such value as has been specified in the notice of the auction sale or when applications were called, as the case may be, in accordance with plans and specifications approved by the Surveyor-General, work to begin within six months of entry and to be completed to the satisfaction of the Surveyor-General within three years of entry, or within such further time, in either case, as the Commissioner may approve;
- (d) with a right upon such completion to purchase in fee simple at the purchase price, credit being given for the ingoing and rent, the assurance to be prepared and registered at the expense of the lessee;
- (e) with a covenant not to assign or sublet without the consent of the Commissioner, which consent shall not be unreasonably withheld;
- (f) upon condition that the lessee has no beneficial interest in any other lot in the same building area;
- (g) upon such other conditions and with such other covenants as have been notified in the notice of the auction sale or when applications were called for, as the case may be; and
- (h) with a proviso for re-entry for breach of condition or covenant.

“(2) If a lessee under a building lease has a beneficial interest in another lot in the same building area he may buy off forfeiture therefor on payment of a hundredth part of the value of that interest for each day on which he held it.

Disposal of
other blocks.

“96F The Governor, in the name and on behalf of Her Majesty, or the Commissioner, as the nature of the interest requires, may dispose of blocks in a building area not created for building purposes in such manner as the owner of a building estate might reasonably do or be required by the corporation to do, in accordance with this Act or otherwise.

Provision
for titles.

“96G—(1) The Commissioner may seal a plan of a building area prepared as nearly as possible to comply with Division II of Part XVI of the *Local Government Act 1962*, which plan may then be registered in the office of the Recorder of Titles and take effect under that Division as would a plan approved and sealed under section four hundred and sixty-four or section four hundred and sixty-nine, as the case may be, of that Act.

“(2) Upon registration of a plan under subsection (1) of this section, the land comprised therein shall be subject to the *Real Property Act 1862*, and may be granted only by transfer in accordance with that Act.

“ 96H Where a building lease under this Part is determined by forfeiture or surrender— Lots forfeited, &c.

- (a) before completion of the building to be built thereunder, the Commissioner may let the lot again so that the new lessee is as nearly as possible in the same position as if he were assignee of the original lease, financial obligations to the Crown excepted; and
- (b) after completion of the building and before purchase, the land comprised in the lease shall be sold by auction in accordance with Part V.

“ 96J In respect of building leases the Crown is bound by sections one hundred and eighty-three, one hundred and eighty-four, and one hundred and eighty-five of the *Common Law Procedure Act 1854*, section fifteen of the *Conveyancing and Law of Property Act 1884*, and subsection (14) of section eleven of the *Supreme Court Civil Procedure Act 1932*.” Equitable relief against forfeiture.

LOCAL GOVERNMENT.

No. 80 of 1963.

AN ACT to amend the *Local Government Act 1962*. [17 December 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 *Local Government Act 1963*. Short title and citation.

(2) The *Local Government Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section fourteen of the Principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (1), after sub-paragraph (iii), the following sub-paragraph:—

Functions and powers of the Municipal Commission.