

(4) If the master of a vessel is informed by persons in distress, or by the master of another vessel that has reached those persons, that assistance is no longer necessary he is released from any obligation imposed on him by subsection (1) or subsection (2) of this section in relation to those persons.

(5) A person who fails to comply with subsection (1) or subsection (2) of this section is guilty of an offence.

Penalty: One thousand dollars.

(6) The master of a vessel shall make a record, or cause a record to be made—

- (a) of any information received by him that a vessel or aircraft is in distress at sea; and
- (b) if, on receipt of any such information, the master does not proceed to the assistance of persons on or from that vessel or aircraft, of his reasons for not so proceeding.

Penalty: Two hundred dollars.

(7) A record required to be made by the master of a vessel under subsection (6) of this section shall, if the ship has an official log-book, be made in that log-book.

(8) Nothing in this section imposes any obligation on the master of a vessel to which the Commonwealth Act applies.

7 The expenses incurred in the administration of this Act shall be defrayed out of moneys provided by Parliament for the purpose. Expenses
of Act.

CROWN LANDS (MISCELLANEOUS PROVISIONS).

No. 84 of 1971.

AN ACT to make provision for certain matters relating to certain Crown lands and certain other lands. [14 December 1971.]

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 (Miscellaneous Provisions) Act 1971*. Short title and
incorporation.

(2) This Act is incorporated, and shall be read as one, with the *Crown Lands Act 1935* (in this Act referred to as the Principal Act).

Reinstatement
of purchaser
of Crown land.

2—(1) The Commissioner may, with the consent of the Governor, reinstate *John Wilson Lee*, of Currie in King Island in this State, as the purchaser of the land specified in the first schedule under the contract entered into by him under the Principal Act for the purchase of that land.

Closure of part
of Jacques
Road, East
Tamar.

3 All public rights of passage over the land described in the second schedule are extinguished.

Closure of part
of Old Bass
Highway,
Camdale, and
sale of site to
Tasmanian
Plywood Mills
Pty. Ltd.

4—(1) All public rights of passage over the land described in the third schedule are extinguished.

(2) The Commissioner may sell to Tasmanian Plywood Mills Proprietary Limited, a company incorporated in this State, the land described in the third schedule for a sum determined by the Director of Lands.

Closure of part
of Cutten
Street,
Queenstown,
and sale of site
to Joseph
Gaspersic.

5—(1) All public rights of passage over the land described in the fourth schedule are extinguished.

(2) The Commissioner may sell to *Joseph Gaspersic* of Queenstown in this State the land described in the fourth schedule for a sum determined by the Director of Lands.

Sale of Crown
land at Burnie
to Burnie
Marine Board.

6 The Commissioner may sell to the Marine Board of Burnie the land described in the fifth schedule for a sum determined by the Director of Lands.

Sale of Crown
land at
Latrobe to
Glaxo
Australia Pty.
Ltd.

7 The Commissioner may sell to Glaxo Australia Proprietary Limited, a company incorporated in the State of Victoria, the land described in the sixth schedule for a sum determined by the Director of Lands.

Sale of Crown
land at
Queenstown to
Milton Paul
Crocker.

8—(1) Subject to this section, the Commissioner may sell to *Milton Paul Crocker* of Queenstown in this State the land described in the seventh schedule for the sum of one hundred and ten dollars.

(2) An adhesion order within the meaning of section four hundred and seventy-seven A of the *Local Government Act 1962* with respect to the land referred to in subsection (1) of this section and the land comprised in certificate of title registered volume 3047 folio 29 registered in the name of *Milton Paul Crocker* is, on the lodgement with the Recorder of Titles of the memorandum of transfer by way of grant executed in pursuance of subsection (1) of this section, deemed to have been made under that Act.

(3) When registering the transfer by way of grant executed in pursuance of subsection (1) of this section the Recorder of Titles shall also register the adhesion order referred to in this section as if it were an adhesion order made under the *Local Government Act 1962*.

(4) When registering the adhesion order referred to in this section the Recorder of Titles shall register a consolidated certificate of title to all the land referred to in this section, noting the adhesion

order thereon, and, for that purpose, may call in and cancel, in accordance with section one hundred and thirty-six of the *Real Property Act 1862*, certificates of title to any piece.

(5) Subsection (8) of section four hundred and seventy-seven A of the *Local Government Act 1962* is of no application to an adhesion order deemed to have been made under this section.

(6) If a transfer of the fee simple of the land comprised in certificate of title registered volume 3047 folio 29 is lodged in the office of the Recorder of Titles before registration of the adhesion order under subsection (3) of this section, any sale made by the Commissioner under subsection (1) of this section, whether before or after that lodgement, is void and any transfer by way of grant executed in pursuance of that sale, and any certificate of title registered pursuant to that transfer by way of grant, is cancelled by force of this subsection.

9—(1) By force of this section, the land described in Part I of the eighth schedule reverts to and reverts in Her Majesty, freed and discharged from all estates and interest therein subsisting in any person.

Reversion to the Crown of land at Bellerive: sale of Crown land at Bellerive to the Public Trustee and to Thomas Crichton Denholm.

(2) The Commissioner may sell to the Public Trustee as trustee of the estate of the late *Peter Crichton Denholm* the land described in Part II of the eighth schedule for a sum determined by the Director of Lands.

(3) The Commissioner may sell to *Thomas Crichton Denholm* of Bellerive in this State the land described in Part III of the eighth schedule for a sum determined by the Director of Lands.

10 The Commissioner may sell to *Alexander Patterson Mitchell* of Launceston in this State the land described in the ninth schedule for a sum determined by the Director of Lands.

Sale of Crown land at Bicheno to Alexander Patterson Mitchell.

11—(1) All public rights of passage over the land described in the tenth schedule, and all estates and interests therein subsisting in any person, are extinguished.

Closure of part of Princess Park and sale of site to Lenna Motor Inn Pty. Ltd.

(2) The Commissioner may sell to Lenna Motor Inn Proprietary Limited, a company incorporated in this State, the land described in the tenth schedule for a sum determined by the Director of Lands.

(3) The sale referred to in subsection (2) of this section shall be subject to the following conditions:—

(a) The land shall not be used for any purpose other than the loading or unloading of vehicles for the service of the Lenna Motor Inn Proprietary Limited and the construction of any building required for such purpose;

(b) No building constructed in accordance with paragraph (a) of this subsection shall exceed a height of 20 feet above the level of the footpath at the south-western corner of the land; and

(c) Such other conditions as the Director of Lands considers necessary to give effect to the provisions of paragraph (a) of this subsection.

(4) Upon the breach of any of the conditions contained in paragraphs (a) or (b), or imposed by the Director of Lands in pursuance of paragraph (c) of subsection (3) of this section, the said land may be acquired by the Crown in accordance with the provisions of the *Lands Resumption Act 1957* as if for a public purpose within the meaning of that Act.

(5) No resumption in accordance with subsection (4) of this section shall give rise to any claim for compensation, costs, or otherwise against the Crown.

(6) Any conditions or rights to which, under this section, a sale is subject are not rendered void or unenforceable by reason of the rule against perpetuities or any other rule of law preventing or restricting the creation of rights or interests to have effect at a future time or the enforcement of those rights or interests, and any conveyance and alienation in pursuance of a sale under this section is of full effect according to its terms notwithstanding any of those conditions or rights.

Grant of Crown land at Glenorchy to Retarded Children's Welfare Association of Tasmania.

12 The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the eleventh schedule to the Retarded Children's Welfare Association of Tasmania, a company incorporated in this State, for an estate in fee simple.

Grant of Crown land at Swansea to the Cottage Nursing Home Association Inc., Swansea.

13 The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the twelfth schedule to the Cottage Nursing Home Association Incorporated, an association incorporated under the *Associations Incorporation Act 1964*, for an estate in fee simple.

Grant of Crown land at Devonport to trustees of the Meercroft Home for the Aged.

14 The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the thirteenth schedule to *Luke Percy Heerey, Charles Leslie Jackson, and Baden Leo Herbert*, all of Devonport in this State, to hold as trustees of the Meercroft Home for the Aged for an estate in fee simple.

Grant of Crown land at Ouse to the Municipality of Hamilton.

15 The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the fourteenth schedule to the warden, councillors, and electors of the municipality of Hamilton for an estate in fee simple.

Grant of Crown land at Beaconsfield to the Beaconsfield Homes for the Aged Association Inc.

16—(1) The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the fifteenth schedule to the Beaconsfield Home for the Aged Association Incorporated.

(2) No land shall be conveyed or alienated in pursuance of a sale under this section except subject to such conditions and rights (including a power to resume under the *Lands Resumption Act 1957* on breach of any of those conditions or rights) as the Director of Lands is satisfied are necessary to ensure that the land is not used

otherwise than for the erection of homes for the aged, for the occupation of any home so erected by aged persons, or for any purpose reasonably incidental to either of those purposes.

(3) Any conditions or rights to which, under this section, a conveyance and alienation is subject are not rendered void or unenforceable by reason of the rule against perpetuities or any other rule of law preventing or restricting the creation of rights or interests to have effect at a future time or the enforcement of those rights or interests, and any conveyance and alienation in pursuance of a sale under this section is of full effect according to its terms notwithstanding any of those conditions or rights.

17 The Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the sixteenth schedule to the trustees of the property of the Roman Catholic Church in Tasmania for an estate in fee simple.

Grant of Crown land at Longford to the trustees of the property of the Roman Catholic Church in Tasmania.

18—(1) Subsection (2) of section seventy of the Principal Act applies to the conveyance and alienation of land pursuant to the foregoing provisions of this Act as it applies to the alienation of land pursuant to that section, but nothing in this subsection shall be construed as affecting the operation of that section in relation to the sale of land pursuant to any of those provisions.

Supplementary provisions.

(2) Except as otherwise provided in this Act, the prescribed survey and grant fees shall be paid before any land is conveyed or alienated pursuant to any of the foregoing provisions of this Act.

(3) Except as otherwise provided in this Act, any fees payable under the *Real Property Act* 1862 in respect of the conveyance or alienation under this Act of land to any person shall be defrayed by that person.

(4) Subject to the foregoing provisions of this Act, any land that vests in Her Majesty, or over which any public rights of passage are extinguished, pursuant to any of those provisions shall be deemed to be Crown land within the meaning of the Principal Act.

(5) References in any of the schedules to this Act to a plan or diagram by a number shall be construed as references to the plan or diagram so numbered and filed in the office of the Director of Lands at Hobart.

THE FIRST SCHEDULE.

(Section 2.)

TOWN OF CURRIE.

All that area of land containing 1 rood 4 $\frac{6}{10}$ perches being the whole of Lot 2, section H as the same is shown in Survey Diagram Volume R. 6 Folio 3.

THE SECOND SCHEDULE.

(Section 3.)

LAND DISTRICT OF DORSET, PARISH OF FORDINGTON.

All that area of land containing 2 $\frac{5}{10}$ perches as the same is shown on Survey Diagram Volume 262 Folio 23.

THE THIRD SCHEDULE.

(Section 4.)

TOWN OF BURNIE.

All that area of land containing 1 acre 0 rood 27 $\frac{6}{10}$ perches as shown on Plan of Survey No. 3516.

THE FOURTH SCHEDULE.

(Section 5.)

TOWN OF QUEENSTOWN.

All that area of land containing 2 roods 28 $\frac{1}{10}$ perches being the whole of Lot 17, Section N. 1 as the same is shown on Plan of Survey No. 3291.

THE FIFTH SCHEDULE.

(Section 6.)

TOWN OF BURNIE.

All that area of land containing 6 acres 1 rood 25 $\frac{7}{10}$ perches as the same is shown on Plan of Survey No. 3262.

THE SIXTH SCHEDULE.

(Section 7.)

TOWN OF LATROBE.

All that area of land containing 12 acres 2 roods 33 perches as the same is shown on Plan of Survey No. 3330.

THE SEVENTH SCHEDULE.

(Section 8.)

TOWN OF QUEENSTOWN.

All that area of land containing 15 perches as the same is shown on Plan of Survey No. 3060.

THE EIGHTH SCHEDULE.

(Section 9.)

TOWN OF BELLERIVE.

PART I.

All those two areas of land containing 1 $\frac{5}{10}$ perches and eighty-six one hundredths of a square foot respectively as the same are shown on Plan of Survey No. 3605 being Lots 1 and 2 respectively.

PART II.

All that area of land containing 6 $\frac{2}{10}$ perches as the same is shown on Plan of Survey No. 3605 being part of Lot 2.

PART III.

All that area of land containing 4 perches as the same is shown on Plan of Survey No. 3605 being part of Lot 2.

THE NINTH SCHEDULE.

(Section 10.)

TOWN OF BICHENO.

All that area of land containing 35 $\frac{9}{10}$ perches as the same is shown on Plan of Survey No. 3562.

THE TENTH SCHEDULE.

(Section 11.)

CITY OF HOBART.

All that area of land containing 2 $\frac{6}{10}$ perches as the same is shown on Plan of Survey No. 3598.

THE ELEVENTH SCHEDULE.

(Section 12.)

CITY OF GLENORCHY.

All that area of land containing 9 acres 2 roods 5 $\frac{6}{10}$ perches as the same is shown on Survey Diagram Volume 243 Folio 11.

THE TWELFTH SCHEDULE.

(Section 13.)

TOWN OF SWANSEA.

All that area of land containing 2 roods 5 $\frac{1}{10}$ perches fronting on Franklin Street as the same is described in Certificate of Title Volume 2415 Folio 52 registered in the name of Her Majesty the Queen.

THE THIRTEENTH SCHEDULE.

(Section 14.)

TOWN OF DEVONPORT.

All that area of land containing 2 roods 26 $\frac{5}{10}$ perches as the same is described in Survey Diagram Volume R. 3 Folio 28.

THE FOURTEENTH SCHEDULE.

(Section 15.)

LAND DISTRICT OF CUMBERLAND.

PARISH OF KENMERE.

All that area of land containing 3 acres 2 roods 8 perches as the same is shown on Plan of Survey No. 2055.

THE FIFTEENTH SCHEDULE.

(Section 16.)

TOWN OF BEACONSFIELD.

All those two areas of land containing 1 acre 1 rood 6 $\frac{4}{10}$ perches and 3 roods 8 $\frac{4}{10}$ perches respectively as the same are shown on Plan of Survey No. 3514.

THE SIXTEENTH SCHEDULE.

(Section 17.)

TOWN OF LONGFORD.

All that area of land containing 3 acres 1 rood 26 $\frac{4}{10}$ perches as the same is shown on Plan of Survey No. 3533.
