
CROWN LANDS (MISCELLANEOUS PROVISIONS)

ACT 1974

ANALYSIS

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CROWN LANDS (MISCELLANEOUS PROVISIONS)

No. 21 of 1974

**AN ACT to make provision for certain matters relating to certain
Crown lands and other land.**

[5 June 1974]

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 1974*. Short title and citation.

(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).

Closure of highway at Latrobe and reservation of land as a school allotment.

2—(1) All public rights of passage over the land described in Schedule I are extinguished, and those lands revert to, and revest in, Her Majesty absolutely, freed and discharged from all estates and interests therein subsisting in any person.

(2) The land referred to in subsection (1) shall be deemed to be Crown land within the meaning of the Principal Act that, on the commencement of this Act, is excepted from sale and lease and reserved as a school allotment under section 9 of the Principal Act.

Closure of former reserved road at Nunamara and sale of site to G. K. & B. E. Littlejohn.

3 All public rights of passage over the Crown land described in Schedule II are extinguished and the Commissioner may sell that land to *Geoffrey Keith Littlejohn* of Nunamara in this State and *Basil Evan Littlejohn* of Launceston in this State.

Closure of disused road at Wilmot and sale of site to L. C. Fisher.

4 All public rights of passage over the Crown land described in Schedule III are extinguished and the Commissioner may sell that land to *Leonard Charles Fisher* of Wilmot in this State.

Sale of meridian reserve to M. R. Clarke.

5 The Commissioner may sell the Crown land described in Schedule IV to *Michael Richard Clarke* of Somerset in this State.

Grant of land at Deloraine to Deloraine Geriatric Centre Inc.

6—(1) The Governor may, in the name and on behalf of Her Majesty, convey and alienate to the Deloraine Geriatric Centre Inc. for an estate in fee simple, the land described in Schedule V.

(2) The conveyance and alienation of any land pursuant to this section shall reserve to Her Majesty the right to resume that land if it is not being used for the purposes of the provision of accommodation for aged persons or for purposes reasonably ancillary thereto.

Sale of Crown land near Ulverstone to the Ulverstone and Penguin Abattoirs Pty. Ltd.

7 The Commissioner may sell the Crown land described in Schedule VI to The Ulverstone and Penguin Abattoirs Proprietary Limited.

Closure of road at Old Beach and sale of site to G. N. Day.

8 All public rights of passage over the Crown land described in Schedule VII are extinguished and the Commissioner may sell that land to *George Noel Day* of Old Beach in this State.

9 All public rights of passage over the Crown land described in Schedule VIII are extinguished and the Commissioner may sell that land to *Augustus Morris Cornish* and *Margaret Patricia Cornish*, both of Old Beach in this State.

Closure of road at Old Beach and sale of site to A. M. & M. P. Cornish.

10 The Commissioner may sell the Crown land described in Schedule IX to *Leslie Thomas Riseley* and *Gwendoline Doris Riseley*, both of Gormanston in this State.

Sale of Crown land at Gormanston to L. T. & G. D. Riseley.

11—(1) All public rights of passage over the land described in Part I of Schedule X are extinguished.

Exchange of lands near Ouse with G. M. Hall.

(2) On the surrender to Her Majesty of all lands described in Part II of Schedule X the Governor may, in the name and on behalf of Her Majesty, convey and alienate the land referred to in subsection (1) to *Geoffrey Milton Hall* of Bushy Park in this State, for an estate in fee simple.

12—(1) The Commissioner may sell to the personal representative of the late *Annie Elizabeth Donovan*, formerly of Westbury in this State, the Crown land described in Schedule XI.

Sale of Crown land near Westbury to personal representative of the late A. E. Donovan

(2) Any land conveyed under this section shall form part of the estate of *Annie Elizabeth Donovan* and any expenses incurred by the personal representative shall be paid out of the estate.

13—(1) Subject to subsection (2), where power is given to the Commissioner under this Act to sell any land, that land shall be sold at such price and on such terms as are determined by the Director of Lands.

Supplementary provisions.

(2) The price of any Crown land referred to in section 7, section 10, or section 12 that is determined by the Director of Lands under subsection (1) may be less the value of the tenant's improvements to that land as assessed by the Director of Lands.

(3) Where in the conveyance and alienation of any land under any provision of this Act the right is reserved to Her Majesty to resume that land, section 69 of the *Lands Resumption Act 1957* applies to that right as it applies to a right referred to in subsection (1) of that section.

(4) In its application for the purposes of subsection (3), section 69 of the *Lands Resumption Act* 1957 has effect as if—

(a) the reference therein to the Minister were a reference to the Commissioner; and

(b) the words “ and having thereon or annexed thereto a plan of the land to be resumed ” were omitted from subsection (1) thereof,

and no compensation is payable under the Act in respect of the exercise of a right to resume land created pursuant to any provision of this Act.

(5) Subject to this Act, any lease granted by the Commissioner under this Act shall be at such rental and shall contain such covenants and conditions and confer such rights as may be determined by the Director of Lands.

(6) Section 70 (2) of the Principal Act applies to the conveyance and alienation pursuant to any of the provisions of this Act of any land not under the *Real Property Act* 1862 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.

(7) The prescribed survey and grant fees shall be paid before any land is conveyed or alienated under this Act.

(8) 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.

(9) Subject to the foregoing provisions of this Act, any land over which 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.

(10) 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.

SCHEDULE I

(Section 2)

TOWN OF LATROBE

All that area of land containing 1 803 square metres commencing at the south-west angle of 3 642 square metres surrendered to the Crown for school purposes on Lewis Street and bounded on the north by 89·17 metres easterly along that land and along other land surrendered to the Crown for school purposes on the east by 20·12 metres southerly along Bradshaw Street on the south by 90·09 metres westerly along 3 510 square metres, 910 square metres, and 900 square metres all surrendered to the Crown for school purposes and thence on the east by 20·12 metres northerly along Lewis Street aforesaid to the point of commencement.

SCHEDULE II

(Section 3)

LAND DISTRICT OF DORSET

PARISH OF SEAFORD

All that area of Crown land containing 3763 square metres or thereabouts contained in Lot 4 386 purchased by R. Z. Poole as the same is shown on Survey Diagram Dorset Volume 6 Folio 35.

SCHEDULE III

(Section 4)

LAND DISTRICT OF DEVON

PARISH OF WILMOT

All that area of Crown land containing 3 533 square metres as the same is shown on Survey Diagram Volume 307 Folio 6.

SCHEDULE IV

(Section 5)

LAND DISTRICT OF WELLINGTON

PARISH OF CALDER

All that area of Meridian Reserve containing 4 224 square metres and contained in Lot 11 742 purchased by J. R. Royle as the same is shown on Survey Diagram Wellington Volume 11 Folio 7.

SCHEDULE V

(Section 6)

TOWN OF DELORAINE

All that area of Crown land containing 5 550 square metres as the same is shown as Lot 1 on Plan 1 814.

SCHEDULE VI

(Section 7)

LAND DISTRICT OF DEVON

PARISH OF ASHWATER

All that area of Crown land containing 3 494 square metres as the same is shown as Lot 1 on Plan 4375.

SCHEDULE VII

(Section 8)

LAND DISTRICT OF MONMOUTH

PARISH OF FORBES

All that area of Crown land containing 1 539 square metres as the same is shown as Lot 1 on Plan 4261.

SCHEDULE VIII

(Section 9)

LAND DISTRICT OF MONMOUTH

PARISH OF FORBES

All that area of Crown land containing 418·6 square metres as the same is shown as Lot 4 on Plan 4 261.

SCHEDULE IX

(Section 10)

TOWN OF GORMANSTON

All that area of Crown land containing 1 011 square metres as the same is shown as Lot 11 Section F on Plan G/25.

SCHEDULE X

(Section 11)

Part I

LAND DISTRICT OF LINCOLN

PARISH OF NIVELLE

All that area of Crown land containing 1·245 hectares as the same is shown as Lot 6 on Plan 3 295.

Part II

LAND DISTRICT OF LINCOLN

PARISH OF NIVELLE

All those areas of land being Lot 1 comprising 1 351 square metres and Lot 2 comprising 1·5 square metres as the same are shown on Plan 2 403 and Lot 3 comprising 9 852 square metres as the same is shown on Plan 2 404.

SCHEDULE XI

(Section 12)

LAND DISTRICT OF WESTMORLAND

PARISH OF OSMASTON

All that area of Crown land containing 19·40 hectares as the same is shown on Plan 3 153.

