

TASMANIA.



1946.

ANNO NONO ET DECIMO

GEORGH VI. REGIS.

No. 59.

ANALYSIS.

1. Short title and citation.
2. Parliament may declare notification void.
3. Vesting of land by notification.
4. Registration of notification.
5. Land for public utilities.
6. Right of appeal in certain cases.



AN ACT to amend the *Lands Resumption Act*
1910. [29 March, 1946.]

A.D.
1946.
—

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 *Lands Resumption Act* 1945. Short title and citation.

(2) The *Lands Resumption Act* 1910*, as subsequently amended, is in this Act referred to as the Principal Act.

* 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 5. Subsequently amended by 4 Geo. VI. No. 11, 8 Geo. VI. No. 12.

Lands Resumption.

A.D. 1946. **2** Section eighteen of the Principal Act is repealed.

Parliament
may declare
notification
void.

Vesting of
land by
notification.

Registra-
tion of notifi-
cation.

3 Section twenty-one A of the Principal Act is amended by inserting after the word "Act" (first occurring) in subsection (1) the words "(including this Act)".

4 Section twenty-one B of the Principal Act is amended by inserting after subsection (3) the following subsections:—

"(3A) The Recorder may dispense with the production of the duplicate grant or certificate of title for the purpose of registering any notification gazetted in respect of any land in accordance with the provisions of section twenty-one C and, in any such case, the Recorder shall, upon the registration of the notification, notify in the memorial in the Register Book that no entry of such memorial has been made on the duplicate grant or certificate of title, and the registration of the notification shall be as valid and effectual as if such memorial had been entered thereon.

(3B) The Recorder shall, before dispensing with the production of any duplicate grant or certificate of title in pursuance of subsection (3A), require that at least fourteen days' notice of his intention to register the notification be given to every person appearing by the Register Book to have any right to, or estate or interest in, the land comprised in the notification, by registered letter posted to him at his address appearing in the Register Book."

Land for
public
utilities.

5—(1) Section thirty-five A of the Principal Act is amended by inserting after the word "acquired" in subsection (1) the word "compulsorily".

(2) This section shall be deemed to have commenced on the twenty-seventh day of June, 1940, and all notifications under the Principal Act in respect of land acquired for the purposes of any public utility as defined by section thirty-five A shall, for the purposes of section sixteen, be deemed to have been published in the *Gazette* on the date of the commencement of this Act.

6 After section thirty-five A of the Principal Act the following section is inserted:—

Right of
appeal in
certain
cases.

"35B.—(1) Where any land is acquired compulsorily in accordance with the provisions of this Act—

(a) for any of the purposes specified in section thirty-five A; or

(b) by the Board of Management of the Agricultural Bank of Tasmania, or by the Minister administering the *Closer Settlement Act 1929**, in pursuance of the powers conferred on the Board and the Minister respectively by—

* 29 Geo. V. No. 77. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 436. Subsequently amended by 1 Edw. VIII. Nos. 8 and 27, 1 Geo. VI. No. 71, & 4 Geo. VI. No. 64, 4 Geo. VI. Nos. 35 and 60, 8 & 9 Geo. VI. No. 53.

Lands Resumption.

- (i) sections thirty-seven I and thirty-seven J of the *Homes Act 1935** or section two of the *Homes Act 1944†*; or
- (ii) section twenty B of the *Closer Settlement Act 1929‡*,

A.D. 1946.

any person who is dissatisfied with the value of the land as assessed in accordance with the provisions of any of those sections may appeal to a judge as provided by this section.

(2) An appeal under this section shall be brought in the following manner:—

- (a) the person so dissatisfied with the assessment (in this section referred to as the appellant) shall, within twenty-one days of the receipt by him of the notification of the acquisition of the land in accordance with this Act, give notice of appeal by filing with the Principal Registrar of the Supreme Court, and serving on the Minister, Board of Management of the Agricultural Bank of Tasmania, or Minister administering the *Closer Settlement Act 1929‡*, as the case may be (in this section referred to as the respondent), a notice in writing briefly setting forth the grounds of the appeal;
- (b) the Principal Registrar shall as soon as possible after receipt of the notice of appeal, fix a date for the hearing of the appeal and shall give to the appellant and to the respondent seven days' notice of the day on which the appeal is to be heard;
- (c) on the hearing of an appeal the judge shall, notwithstanding anything contained in this Act, determine the value of the land and his decision shall be final;
- (d) the judge may, on the hearing of the appeal, exercise in relation to the appeal all such powers as may be exercised by him under the Rules of Court in the hearings of appeals to the Supreme Court from statutory tribunals (other than courts).

(3) This section shall apply to the acquisition of any land in accordance with the provisions of the enactments specified in subsection (1) in respect of which notice of acquisition has been given at any time after the first day of January, 1944.”.

* 26 Geo. V. No. 98. See Reprint of Statutes, Vol. VI., p. 661. Subsequently amended by 2 Geo. VI. No. 57, 3 Geo. VI. No. 32, 4 & 5 Geo. VI. No. 82, 5 Geo. VI. No. 44, 6 Geo. VI. Nos. 3 and 66, 7 Geo. VI. No. 31, 7 & 8 Geo. VI. No. 89.

† 7 & 8 Geo. VI. No. 89.

‡ 20 Geo. V. No. 77. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 486. Subsequently amended by 1 Edw. VIII. Nos. 8 and 27, 1 Geo. VI. No. 71, 3 & 4 Geo. VI. No. 64, 4 Geo. VI. Nos. 35 and 60, 8 & 9 Geo. VI. No. 53.

