

THE SCHEDULE.

(Section 11.)

Sections of the Land and Income Taxation Act 1910.

8, 9, 193, 195, 200 to 204, 206 to 210, 212 to 215, 222, 227, 228, 230.

RENISON LIMITED (ZEEHAN LANDS).**No. 71 of 1970.**

AN ACT to make provision with respect to the vesting of certain lands in, and the sale of certain lands of the Crown to, Renison Limited, and for other purposes. [23 December 1970.]

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 This Act may be cited as the *Renison Limited (Zeehan Lands) Act 1970*. Short title.

2 In this Act, unless the contrary intention appears—

“board” means the valuation board established by this Act;

“company” means Renison Limited, a company incorporated in the State of Victoria, the registered office of which in this State is situated at Number 54 Brisbane Street, in the city of Launceston;

“Plan 1” means the plan that is set forth in the second schedule;

“Plan 2” means the plan that is set forth in the third schedule;

“Plan 3” means the plan that is set forth in the fourth schedule;

Interpre-
tation.

“ the excluded lands ” means—

- (a) the several pieces or areas of land that are specified in the first schedule; and
- (b) any lands within the area surrounded by a heavy black line in Plan 1, or Plan 2, or Plan 3 that are within the limits of a public street, or of a drainage reservation or of a Crown reservation;

“ vested land ” means land that is vested in the company by subsection (1) of section three.

Vesting of
certain lands
in the
company.

3—(1) All lands (other than the excluded lands) in the town of Zeehan that are within the area surrounded by a heavy black line in Plan 1, or Plan 2, or Plan 3 are, by force of this subsection, vested in the company absolutely, freed and discharged from all estates and interests therein subsisting in any person, and every such estate and interest is converted into a claim for compensation.

(2) Where land that is vested in the company by subsection (1) of this section is subject to the *Real Property Act* 1862 the Recorder of Titles, for the purpose of giving effect to the vesting of that land—

- (a) shall, as soon as practicable after the commencement of this Act, enter in the folium of the register book containing the grant or certificate of title relating to that land a memorial specifying that the land has been so vested;
- (b) may make such cancellations, corrections, and entries in the register book as he may think necessary or desirable; and
- (c) may issue a fresh certificate of title in relation to that land in the name of the company as the registered proprietor thereof.

(3) Within six months after the commencement of this Act, the company shall—

- (a) apply to the Recorder of Titles to bring under the provisions of the *Real Property Act* 1862 such of the vested land as is not, at the time of the application, subject to that Act; and
- (b) supply to the Recorder of Titles such information as the Recorder may reasonably require for the purpose of enabling the Registrar of Deeds to make such cancellations, corrections, and entries as are referred to in subsection (6) of this section.

(4) On an application being made under paragraph (a) of subsection (3) of this section, the Recorder of Titles may take such steps as he thinks necessary or desirable in the circumstances to bring under the provisions of the *Real Property Act* 1862 any vested land that is not subject to that Act and may accordingly issue to the company a certificate of title to that land under that Act.

(5) The power conferred on the Recorder of Titles by subsection (4) of this section is exercisable solely by force of that subsection, and no provision of any other law relating to the bringing

of land under the *Real Property Act 1862* applies to or in relation to anything done by the Recorder in the exercise or purported exercise of that power, or to or in relation to any land with respect to which that power is exercised.

(6) The Registrar of Deeds may make such cancellations, corrections, and entries in the indexes to memorials made by him pursuant to the *Registration of Deeds Act 1935* as he may think necessary or desirable in consequence of the exercise by the Recorder of Titles of the power conferred on him by subsection (4) of this section.

(7) If a question arises as to whether any piece or area of land is or is not within the limits of a public street, or of a drainage reservation, or of a Crown reservation, the Minister shall refer the question to the Surveyor-General for determination, and the Surveyor-General shall determine the question after such inquiry, and after hearing such evidence and inspecting such plans and records, as he may think desirable.

(8) A determination by the Surveyor-General on a question that is referred to him pursuant to subsection (7) of this section is final.

(9) If the Governor is satisfied that any of the excluded lands, being lands of the Crown, are not required for a public purpose he may, in the name and on behalf of Her Majesty, convey and alienate those lands to the company for an estate in fee simple for such sum by way of purchase-money (together with such grant fees and survey fees, if any) as may be agreed on between the Commissioner of Crown Lands and the company.

4—(1) Within six weeks after the commencement of this Act the company shall cause— Public notification of vesting of land.

- (a) to be published in the *Gazette* and in at least three newspapers published in this State; and
- (b) to be posted, in a prominent position, on the outside of the police station and the council chambers in the town of Zeehan,

a notice in a form approved by the Minister publicly notifying the vesting in the company of the vested lands.

(2) The notice under subsection (1) of this section shall—

- (a) specify the lands that are vested in the company and state that they are so vested; and
- (b) contain such other matter and information as the Minister may approve or direct.

(3) The officer in charge of the police station at Zeehan and the clerk of the Zeehan Municipal Commission, respectively, shall each afford to the company such assistance and facilities as may reasonably be necessary to enable the company to comply with the provisions of paragraph (b) of subsection (1) of this section.

5—(1) For the purposes of this Act, there shall be a valuation board comprising such number of persons possessing such qualifications or experience as the Minister may determine. Valuation board.

(2) The members of the board shall be appointed by the Minister and shall hold office during the Minister's pleasure.

(3) The Minister may appoint a person to act as the secretary of the board.

(4) The members and secretary of the board may be paid such remuneration as the Minister may determine.

(5) For the purpose of the exercise of its functions under this Act the board has, and may exercise, the powers and authority conferred by Division II of Part II of the *Evidence Act* 1910 on persons holding inquiries on commission.

Valuation of
vested lands.

6—(1) As soon as is reasonably practicable after the commencement of this Act, the board shall, after hearing such evidence, making such inquiries, and examining such documents, as it thinks desirable, proceed to determine the value, as at the commencement of this Act, of each piece or area of land that is vested in the company by subsection (1) of section three.

(2) If it appears to the board to be desirable to do so in a particular case, it may determine the value, as at the commencement of this Act, of an estate or interest in any vested land that is less than the fee simple therein, and may apportion the value of the land between the holders of the several estates or interests therein.

(3) A determination by the board under this section as to the value of any land or of an estate or interest in any land is final and is not subject to appeal, and shall not be challenged, reviewed, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.

Certificates of
valuation.

7—(1) On determining pursuant to section six the value of any vested land, the board shall, by certificate under the hand of the chairman, notify the company of the value so determined.

(2) Where the board, pursuant to subsection (2) of section six, determines the value of an estate or interest in any land that is less than the fee simple therein, a certificate under this section in relation to that land shall specify separately the value of that estate or interest, as so determined.

(3) A certificate under this section may be issued in relation to one piece or area of land or any two or more pieces or areas of land.

(4) The board shall cause a copy of each certificate under this section to be given to the Minister and to the person who appears to the board to be the owner of the land to which the certificate relates (if that person's whereabouts are known to the board).

(5) All courts and persons acting judicially shall take judicial notice of—

- (a) any certificate under this section;
- (b) the signature of the chairman of the board appearing on such a certificate; and
- (c) the value of any land, or of an estate or interest in any land that is less than the fee simple therein, as specified in such a certificate.

8—(1) A person who claims to be entitled to compensation in respect of an estate or interest of which he is deprived by the operation of this Act shall lodge a claim with the company within three years after the commencement of this Act. Compensation.

(2) A claim for compensation under this Act—

- (a) shall be in writing;
- (b) shall be delivered or sent by post to the registered office of the company in this State; and
- (c) shall set forth—
 - (i) the name and description of the claimant;
 - (ii) the nature of the claimant's estate or interest in the relevant land;
 - (iii) the situation and description of the property;
 - (iv) short particulars of the documents of title to the land;
 - (v) the name and address of any person who has the custody of any documents of title to the land, and the place where those documents may be inspected; and
 - (vi) the name and address of the claimant's solicitor or agent (if any).

(3) Within sixty days after the receipt of a claim for compensation, the company shall notify the claimant whether it admits or disputes the claim, and if it disputes the claim the claimant shall, within three months after receipt from the company of the notification that it disputes the claim, institute proceedings in a court of competent jurisdiction for the recovery of the amount claimed.

(4) Notwithstanding any other law or rule of law to the contrary—

- (a) the company is not liable to pay by way of compensation in respect of any vested land a sum in excess of the value of that land as determined pursuant to section six; and
- (b) in proceedings for the recovery of compensation, the court in which the proceedings are taken shall treat the value (as so determined) as the value of the unencumbered fee simple in the land to which the proceedings relate.

9—(1) If at the expiration of the period of three years after the commencement of this Act—

- (a) no claim for compensation has been made in respect of any vested land; or
- (b) a claim for compensation in respect of any vested land has been disallowed (whether by the company or by a court),

the company shall pay to the Treasurer to the credit of the Trust Fund a sum equal to the value of that land, as determined pursuant to section six.

Company to pay certain moneys to the Treasurer.

(2) If no person satisfies the Treasurer, within a period of six years after the commencement of this Act, that he is entitled by law to a sum of money that is paid to the Treasurer pursuant to subsection (1) of this section (or to any part of such a sum of money) by way of compensation in respect of the land in relation to which the sum was so paid—

- (a) the Treasurer may transfer that sum to the credit of the Consolidated Revenue; and
- (b) any right to receive, claim, or sue for the recovery of, that sum (or any part thereof) that, but for this paragraph, might have been exercisable by a person is absolutely barred on and from the expiration of that period.

Cost of administration of Act.

10 The costs and expenses incurred in connection with the administration of this Act (including the remuneration of the members and secretary of the board and the expenses incurred in the performance of the board's functions) shall be defrayed by the company, and the company shall be deemed to have power to incur such expenses, and expend such sums of money, as may be necessary for carrying this section into effect as if that power were specifically conferred on it by its memorandum or articles of association.

THE FIRST SCHEDULE.

(Sections 2, 3 (1).)

THE EXCLUDED LANDS.

1. PIECES OR AREAS OF LAND SHOWN IN PLAN 1—
 - Section F4*—Lots 1, 5, 6, 8, 9, and 10.
 - Section H4*—Lots 4, 5, 6, 7, 8, and 9.
 - Section I4*—Lots 2, 3, 5, 6, 7, 8, 9, and 10.
 - Section S4*—(a) Lots 2, 5, 6, 7, 8, 10, 11, 12, 15, 17, 18, 20, 22, 23, and 24;
 - (b) That piece of land having no lot number and adjoining Lots 16 and 19;
 - (c) That piece of land having no lot number and adjoining Lots 18 and 1 and having a frontage on the Zeehan Highway; and
 - (d) That piece of land comprising 9½ perches having a frontage on a roadway and adjoining Lot 18.
 - Section V4*—Lots 1, 1A, 3, 4, 5, 6, 7, 11, 13, and 14.
 - Section X3*—Lots 1, 1A, 2, 3, 7, 9, 10, 12, 13, 14, 15, 21, and 24.
2. PIECES OR AREAS OF LAND SHOWN IN PLAN 2—
 - Section A*—Lots 1, 2, 3, 4, 5, 7, 8, 9, and 13.
 - Section B*—The whole section.
 - Section C*—The whole section.
 - Section G*—Lots 1 and 2.
 - Section H*—Lots 1, 2, 6, and 7.
 - Section Z1*—Lots 1, 2, 3, and 4.
 - Section A2*—The whole section.
 - Section A6*—The whole section except Lot 5.
 - Section B6*—The whole section.
 - Section C6*—The whole section except Lots 3 and 5.

Section D6—The whole section except Lots 3 and 9.

Section E6—Lot 3.

Section F6—The whole section.

Section G6—Lots 1 and 3.

Section H6—Lot 1.

Section J6—Lots 6 and 7.

Section K6—Lots 6 and 7.

Section T1—The whole of the area shown on the plan as rented to the Emu Bay Railway Company.

Section Y9—The whole of the section shown on the plan as a machinery site.

Section Y5—The whole section.

Section Z5—The whole section.

The whole of the area comprising 22 acres 11 perches shown on the plan as a recreation reserve.

The whole piece of land comprising 2 acres shown on the plan as rented by John Connor and bounded on one side by 22 acres 11 perches recreation reserve, on another side by Ritchie Street, and on the other side by Main Creek.

3. PIECES OR AREAS OF LAND SHOWN IN PLAN 3—

Section D3—The whole section.

Section E3—The whole section except Lots 1, 2, and 3.

Section F3—The whole section except Lots 6 and 10.

Section G3—Lots 2, 3, and 4.

Section H3—The whole section, except Lots 4 and 8.

Section I3—The whole section.

Section J3—Lots 1, 2, 3, 4, 5, 11, 12, 13, and 14.

Section K3—The whole section except Lots 1, 2, 8, and 10.

Section L3—The whole section except Lots 1, 4, 8, and 14.

That piece of land containing 15 acres and 3 roods or thereabouts, being the piece of land commencing at the south-east corner of Lot 4 Section M3 Crown reserve on Packer Street then by the south-east and south-west boundaries of that lot by a roadway by the south-west boundary of Lot 1 to the Zeehan Highway by that highway to the north-east angle of Lot 5 purchased by R. Robley by the north-east south-east and south-west boundaries of that lot to the Zeehan Highway by that highway to the north-east corner of Lot 7 Section P3 purchased by C. Grahame by the south-east boundary of that lot by a roadway by the south-east boundary of Lot 14 by Leventhorpe Street and by the south-east boundary of 2 roods 25 perches Crown reserve then south-easterly by the prolongation of the south-west boundary of that reserve to Packer Street and by that street to the point of commencement.

The whole of the piece of land containing 8 acres and 2 roods or thereabouts commencing at the south-east corner of Lot 12 Section F3 Crown land and bounded by an easterly line to the east boundary of Lot 1313 60 acres leased to L. Britt and Son, by the east boundary north-east boundaries and north boundary of that land to the north-east corner of Section D3 purchased by M. Bergmann and thence by a southerly line along that land along Norton Street along Lot 6 Section E3 along a roadway along Lot 12 along Haslett Street along Lot 6 Section F3 along a roadway and along Lot 12 to the point of commencement.

The piece of land having an area of 29 perches and comprised in section D3, being land fronting on Norton Street and purchased by M. Bergmann.

The piece of land having an area of 22 1/4 perches comprised in Lot 5 of section M3, being the land fronting on the Zeehan Highway and purchased by R. Robley.

THE SECOND SCHEDULE—
PLAN 1.

THE THIRD SCHEDULE.
PLAN 2.

THE FOURTH SCHEDULE—
PLAN 3.

LEGAL PRACTITIONERS.

No. 72 of 1970.

AN ACT to amend the *Legal Practitioners Act 1959*.
[23 December 1970.]

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 *Legal Practitioners Act 1970*.

(2) The *Legal Practitioners Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section three of the Principal Act is amended by inserting in subsection (1), after the definition of “solicitor”, the following definition:—

“ ‘Trust’ means the Solicitors’ Trust constituted under section sixty-one.”.

3 After section thirty-two A of the Principal Act the following Part is inserted:—

“ PART IVA.

“ TRUST ACCOUNTS.

“ 32B—(1) Every firm shall have in a bank a current account for the purposes of this section, that shall be used only for those purposes and shall be and be called a trust account.