

TASMANIA.



1938.

ANNO SECUNDO

GEORGH VI. REGIS.

No. 30.

ANALYSIS.

1. Short title.
2. Amendment of 6 Geo. V. No. 15.
 - Section 3.
 - Section 5.
 - Section 10.
 - Section 14.
 - Section 15.
 - Section 17.
3. Repeal of section 10 of 16 Geo. V. No. 47.

AN ACT to amend the *Scenery Preservation Act* 1915. A.D. 1938.
[25 November, 1938.]

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 *Scenery Preservation Act* 1938. Short-title.

2 The Principal Act is hereby amended—

- I. By expunging subsection (2) of section three thereof and substituting therefor the following new subsections (2) and (2A)—

Amendment
of 6 Geo. V.
No. 15.
Section 3.

Scenery Preservation.

A.D. 1938.

“(2) The Board shall consist of nine members appointed by the Governor, of whom there shall be one who is a senior officer in the—

- i. Land and Surveys :
- ii. Railway :
- iii. Public Works :
- iv. Tourist :
- v. Forestry : and
- vi. Police—

departments, respectively ; but if at any time no suitable officer of any such department is available the Governor may appoint some other person in lieu of such officer.

(2A) If any member of the Board is absent without leave of the Board from three consecutive meetings of the Board, of which the prescribed notice has been given, his seat shall become vacant.” :

Section 5.

II. By inserting in section five thereof—

(a) “(1)” at the commencement; and the words “and if any person so appointed is an officer of the Public Service he may receive remuneration under this Act in addition to his salary as a Public Servant” (at the end of that subsection): and

(b) “(2) Subject to such conditions, if any, as may be prescribed, the Board, with the approval of the Minister, may employ such and so many rangers, caretakers, and labourers as it may think necessary for the purposes of this Act, and pay to them, out of any funds at its disposal, such remuneration as the Board may think fit.” (at the end) :

Section 10.

III. By inserting in section ten thereof—

(a) “(1)” (at the commencement): and

(b) “(2) For mining purposes within the meaning of the *Mining Act 1929*, the Governor, by proclamation may—

- i. Revoke the reservation of any reserve: or

Scenery Preservation.

ii. Exempt any reserve, or any specified part thereof, from all or any specified provisions of this Act, either absolutely or subject to any specified conditions. A.D. 1938.

(3) Such proclamation shall be made only upon a recommendation made by the Secretary for Mines with the consent of the Board.

(4) The—

i. Secretary for Mines shall not make; and

ii. The Board shall not consent to—

any such recommendation without being satisfied that the advantages of making the relevant land available for mining purposes materially outweigh the disadvantages thereof; and in the consideration of that question regard shall be had not only to pecuniary advantages but also to any other advantages." (at the end) :

IV. By deleting the word "adjoining" in section fourteen thereof, and substituting therefor the words "in the vicinity of" : Section 14.

V. By inserting in section fifteen thereof— Section 15.

(a) "(1)" (at the commencement): and the words "without taking adequate precautions against consequential damage" (at the end of paragraph i.):

(b) "v. Lights, or permits to be lighted, in the vicinity of such land any fire which spreads on to such land and causes serious damage to the reserve or any timber or bush thereon" (after paragraph iv.) and transposing "or" (after paragraph iii.) to follow paragraph iv. : and

Scenery Preservation.

A.D. 1938.

- (c) “(2) Any person convicted of an offence against this section may be ordered to pay, in addition to any penalty, such amount by way of damages as the convicting justices may determine.” (at the end):

Section 17.

VI. By inserting in section seventeen thereof—

- (a) “(1)” (at the commencement) and deleting the words “The proceeds” to “Revenue” (at the end of that subsection): and

- (b) “(2) Where the Board is satisfied that—

- i. Tourist accommodation is required on any reserve:
- ii. An applicant is available, who is able and willing to expend in erecting and equipping an accommodation house thereon such minimum sum being not less than five thousand pounds, as the Minister on the recommendation of the Board may determine: and
- iii. The plans and specifications for the proposed accommodation house are satisfactory—

the Minister on the recommendation, of the Board, may grant to such applicant, for such purpose only, a lease of any portion of the reserve for any period not exceeding twenty-one years at such rental and upon such terms and conditions as the Minister may think fit.

(3) The Board, with the consent of the Minister, may sell all or any timber or firewood on any reserve which, in the opinion of the Board, can be removed therefrom without detriment to the reserve.

Scenery Preservation.

(4) All—

A.D. 1938.

- I. Rents received in respect of any lease or licence under this section: and
 - II. Proceeds of any timber or firewood sold by the Board—
- shall be paid to the Board, and may be expended by it for the purposes of this Act.”.

3 Section ten of the *Crown Lands Purchasers' Reinstatement Act 1925* is hereby repealed.

Repeal of
section 10 of
16 Geo. V.
No. 47.

