

TASMANIA

CROWN LANDS AMENDMENT BILL 2003

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CROWN LANDS AMENDMENT BILL 2003

(Brought in by the Minister for Primary Industries, Water and Environment, the Honourable Bryan Alexander Green)

A BILL FOR

An Act to amend the *Crown Lands Act 1976*

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

1. This Act may be cited as the *Crown Lands Amendment Act 2003*.

Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

Principal Act

3. In this Act, the *Crown Lands Act 1976** is referred to as the Principal Act.

*No. 28 of 1976

Section 2 amended (Interpretation)

4. Section 2 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of “mining right”:

“other portfolio land” means Crown land –

- (a) the control and management of which is the primary responsibility of a State instrumentality; and
 - (b) that is not residential portfolio land;
- (b) by inserting “or other portfolio land” after “land” in the definition of “Portfolio Department”;
 - (c) by inserting “or other portfolio land” after “portfolio land” in the definition of “Portfolio Minister”.

Section 29 amended (Lease of Crown land)

5. Section 29 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1A) “or other portfolio land” after “land”;
- (b) by inserting the following subsections after subsection (8):

(9) The holder of a lease of other portfolio land may, with the approval of the Portfolio Minister, assign the lease to any person.

(10) The Portfolio Minister may, in his or her absolute discretion –

- (a) refuse to approve the assignment of the lease; or
- (b) approve the assignment on such terms and conditions as he or she thinks fit.

Part IV, Division 5: Heading amended

6. Division 5 of Part IV of the Principal Act is amended by inserting in the heading to that Division “***and other portfolio land***” after “***land***”.

Section 39A amended (Lease of residential portfolio land and other portfolio land)

7. Section 39A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “and other portfolio land” after “land”;
- (b) by inserting the following subsection after subsection (2):

(3) A Portfolio Minister may lease other portfolio land to any person at such rent and on such terms and conditions as the Portfolio Minister considers appropriate.

Section 39D amended (Use of rent money)

8. Section 39D of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “or other portfolio land” after “land”;
- (b) by inserting in paragraph (b) “or other portfolio land” after “land”;
- (c) by inserting in paragraph (c) “or other portfolio land” after “land”.

Section 39E repealed

9. Section 39E of the Principal Act is repealed.

Section 40 amended (Licences to remove gravel and stone, &c.)

10. Section 40 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “that is not other portfolio land” after “land”;
- (b) by inserting the following subsection after subsection (1):

(1A) A Portfolio Minister may grant to any person a licence to remove natural materials from other portfolio land, or for any other purpose that the Portfolio Minister thinks fit, on such terms and conditions as the Portfolio Minister may specify.

- (c) by inserting in subsection (2) “or Portfolio Minister, as the case may be,” after “The Minister”;
- (d) by inserting in subsection (2) “or Portfolio Minister” after “the Minister”;

- (e) by inserting in subsection (3) “or Portfolio Minister, as the case may be,” after “The Minister”;
- (f) by inserting in subsection (3) “or Portfolio Minister” after “the Minister”.

Section 42 amended (Temporary licences)

11. Section 42 of the Principal Act is amended as follows:

- (a) by omitting subsection (5) and substituting the following subsections:

(5) The Minister may grant to any person a licence authorising that person to possess land that is not other portfolio land, subject to the condition that the licence may be determined by the Minister by giving the person 3 months’ notice at any time.

(5A) A Portfolio Minister may grant to any person a licence authorising that person to possess other portfolio land, subject to the condition that the licence may be determined by the Portfolio Minister by giving the person 3 months’ notice at any time.

- (b) by inserting in subsection (6) “or Portfolio Minister, as the case may be,” after “The Minister”;
- (c) by inserting in subsection (6) “or Portfolio Minister” after “the Minister”;
- (d) by inserting in subsection (7) “or Portfolio Minister, as the case may be,” after “The Minister”;

- (e) by inserting in subsection (7) “or Portfolio Minister” after “the Minister”.

Section 44 amended (Cancellation of licence when land used for other purposes)

12. Section 44 of the Principal Act is amended by omitting “if he” and substituting “or the Portfolio Minister, as the case may be, if he or she”.

Section 48B amended (Crown Lands Administration Fund)

13. Section 48B of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) There is to be paid into the Administration Fund any money received under this Act, other than money received as rent or bond in respect of –

- (a) leases of residential portfolio land or other portfolio land granted under –
 - (i) section 39A; or
 - (ii) the *Crown Lands (Shack Sites) Act 1997*; or
- (b) licences granted under section 40(1A) or section 42(5A).

Section 60 amended (Effect of error in written description)

14. Section 60 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or other portfolio land” after “portfolio land”;
- (b) by inserting in subsection (3) “or other portfolio land” after “portfolio land”;
- (c) by inserting in subsection (4) “or other portfolio land” after “land”;
- (d) by inserting in subsection (5) “or other portfolio land” after “portfolio land”.

Section 71A inserted

15. After section 71 of the Principal Act, the following section is inserted in Part VII:

Delegation

71A. (1) A Portfolio Minister may delegate any of his or her functions or powers under this Act, other than this power of delegation.

(2) The Secretary of a Portfolio Department may delegate any function or power delegated to him or her by the Portfolio Minister under subsection (1), other than this power of delegation.