

TASMANIA

**CROWN LANDS (SHACK SITES) AMENDMENT
BILL 2007**

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**CROWN LANDS (SHACK SITES) AMENDMENT
BILL 2007**

(Brought in by the Honourable Andrew Paul Harriss)

A BILL FOR

An Act to amend the *Crown Lands (Shack Sites) Act 1997*

Preamble

WHEREAS :

- A.** In view of the provisions of the *Crown Lands (Shack Sites) Act 1997* as originally enacted (in this Preamble called “the Act”), lessees and licensees of shack sites throughout Tasmania reasonably believed that sale prices would be determined in accordance with the Act and offered to them during the conversion period provided by the Act and that that period would end on or before 31 December 2003;
- B.** This belief was fortified by –
- (a) statements made on 19 October 1999, 26 October 1999 and 3 November 1999 by, or on behalf of, the Minister responsible for the administration of the Act; and
 - (b) letters written in September 2002 by the Shack Sites Commissioner appointed by the Act to the lessees and licensees of shack sites stating that –

- (i) it was anticipated that the valuing and selling of shack sites under the Act would commence in 2003; and
 - (ii) the lessees and licensees would be notified of valuations made by the Valuer-General and of their appeal rights; and
 - (iii) until 20 November 2002 every effort would be made to assess and determine shack sites in Tasmania; and
- C.** On 31 December 2003 sale prices for less than one-half of shack sites in Tasmania had been determined under the Act;
- D.** Having regard to the substantial increase in the value of shack sites since 31 December 2003, it is just and equitable that lessees and licensees who were not offered a sale price before 31 December 2003 should be able to effect a conversion of their shack sites in accordance with this Act at a price that would have been appropriately offered on that day:

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. Short title

This Act may be cited as the *Crown Lands (Shack Sites) Amendment Act 2007*.

2. Commencement

This Act commences on the day on which it receives the Royal Assent.

3. Principal Act

In this Act, the *Crown Lands (Shack Sites) Act 1997* is referred to as the Principal Act.

4. Insertion of section 25A in Principal Act

After section 25 of the Principal Act the following section is inserted:

25A. Retrospective determination of sale prices

- (1) This section applies to a shack site which, on the commencement of the *Crown Lands (Shack Sites) Amendment Act 2007*, was subject to a determination under section 4(1)(c) of this Act if the lessee or licensee was not offered a sale price for the shack site before 31 December 2003.
- (2) A sale price is to be determined in accordance with section 25 in respect of each shack site to which this section applies.
- (3) For the purposes of this section –
 - (a) the Valuer-General is to assess the value of the shack site as at 31 December 2003; and
 - (b) the Secretary is to assess the cost of any infrastructure provided in relation to the shack site as mentioned in section 25(2)(b); and
 - (c) the Minister is to determine appropriate administrative costs as mentioned in section 25(2)(c).
- (4) A lessee or licensee of a shack site has the same right of appeal against a valuation under subsection (3) as if it had been made under section 25.

- (5) Within a period of 9 months after the commencement of the *Crown Lands (Shack Sites) Amendment Act 2007*, the Minister is to exercise his or her powers under section 25 in respect of a shack site to which this section applies.
- (6) The application of this Act extends to a shack site to which this section applies as if the sale price had been determined under section 25.