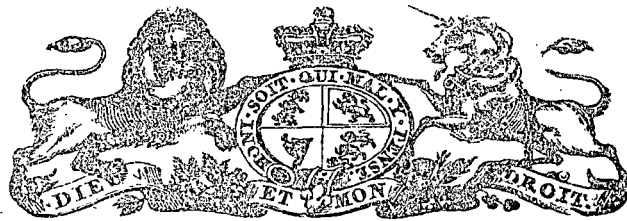


(No. 130.)



1883.

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T A S M A N I A.

H O U S E O F A S S E M B L Y.

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A BILL FOR REGULATING THE SALE AND  
DISPOSAL OF THE LANDS OF THE  
CROWN IN TASMANIA :

REPORT FROM THE SELECT COMMITTEE, WITH  
MINUTES OF THE PROCEEDINGS.

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Brought up by the Minister of Lands, and ordered by the House to be printed,  
October 5, 1883.



*SELECT COMMITTEE appointed on the 18th September to consider a Bill for regulating the Sale and Disposal of the Lands of the Crown in Tasmania.*

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MEMBERS OF THE COMMITTEE.

MR. REIBBY.  
MR. BRADDON.  
MR. DOUGLAS.  
MR. LUCAS.

MR. PILLINGER.  
MR. ARCHER.  
MR. SHOBRIDGE.  
MR. MINISTER OF LANDS. (*Mover.*)

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DAYS OF MEETING.

Thursday, 20th September ; Friday, 21st September ; Wednesday, 26th September ; Thursday, 27th September ;  
Friday, 28th September ; Tuesday, 2nd October ; Wednesday, 3rd October ; Thursday, 4th October.

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REPORT.

YOUR Committee have the honor to report to your Honorable House that they have given careful consideration to the Bill which your Honorable House remitted to them, and now submit the said Bill, revised as to wording and arrangement of clauses, but unaltered in principle, save in one particular. That exception will be found in Section 25, wherein your Committee have introduced the words "or tenant or servant," thereby removing the conditions of personal residence by selectors under the 23rd Section.

Your Committee desire to express their approval of those provisions of the Bill, which are new in our land legislation,—viz., the provisions for setting apart Agricultural Areas, the laying out of roads thereto, and the survey of lots therein before selection ; and the provision for the proclamation of Pastoral Areas, within which a certain qualified permanency of tenure may be granted to lessees, thus affording encouragement for the investment of capital in the improvement of the stock-carrying capacity of lands unsuited for any purpose except grazing, and which, before they can be profitably used for that purpose, require to be drained and otherwise improved.

Your Committee received a communication from parties interested in the timber industry, expressing their desire that provision should be made for securing to such saw-mill proprietors as may apply for the privilege the exclusive right for a term of years and on certain conditions to the removal of timber from timber reserves to be specially proclaimed as such for this purpose.

After consideration of the statements contained in the letter referred to, which was signed by Messrs. Andrewartha, Chesterman, Facy, and Ford, on behalf of 17 mill-owners (which will be found in the Minutes of the Proceedings of the Committee), together with further particulars relating to the same subject which were placed before them by Mr. Andrewartha, your Committee have decided to suggest to your Honorable House that provision should be made for giving such privileges as may appear to your Honorable House to be necessary to those engaged in the important industry referred to. But your Committee would suggest that such provision should for the present be confined to the District of the Huon only, and should be embodied in a separate measure rather than be included in a Bill having for its object the general regulation of the sale and disposal of the Crown Lands of the Colony.

NICHOLAS J. BROWN, *Chairman.*

*Committee Room, 4th October, 1883.*

## MEETINGS OF COMMITTEE.

### No. 1.

THURSDAY, 20TH SEPTEMBER, 1883.

*Present.*—Mr. Douglas, Mr. Shoobridge, Mr. Reibey, Mr. Braddon, Mr. Lucas, Mr. Archer, Mr. Minister of Lands.

1. On the motion of Mr. Douglas, seconded by Mr. Archer, Mr. Minister of Lands was voted to the Chair.

2. Draft Bill considered.

Clauses 1 and 2 read and agreed to as printed clause.

3. Moved and carried,—That the words “which are or may become” be inserted after “lands” in line 14. (Mr. Douglas.)

Clause 4 amended by insertion of “unless the context otherwise determines” after “them,” line 26 (Mr. Douglas); and striking out all the words after “the” in line 3, page 2.

Clause 5 read and agreed to as printed.

Clause 6 amended by striking out the word “may” in line 14 and substituting “shall, with the approval of the Governor in Council;” in line 16 by striking out “Minister may,” and substituting “Governor in Council shall;” line 17 by inserting “providing for the examination of candidates for appointment as Surveyors;” in line 18 by striking out “authorised” and substituting “qualified.”

Clause 7 amended in line 21 by striking out “according to,” and in line 24 by striking out “if he think fit.”

Clause 8 amended by striking out “if known to the Minister or” in lines 34 and 35.

Clause 9 amended by inserting “and all such Regulations shall be laid before such Houses of Parliament within fourteen days from the making thereof if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session;” after “Regulations,” in line 49, by striking out “such” and substituting “their,” by inserting “in the *Gazette*” after “publication” in line 44, and by inserting “and at least one newspaper published in Hobart and one newspaper published in Launceston” after the word “*Gazette*” in line 43.

Clauses 10, 11, 12, 13, and 14 read and agreed to as printed.

Clause 15 amended by adding following proviso to end of clause:—“Provided that no such condition of forfeiture shall be enforced until after thirty days’ notice of the intention of the Minister to apply to have such land forfeited has been given in the *Gazette*.”

Clause 16 read and postponed for insertion of power to appoint conservators of forest reserves.

Clause 17, 18, and 19 read and agreed to as printed.

Clause 20 amended by striking out “or to dispose of under the 23rd Section of this Act” in lines 15 and 16.

The Minister of Lands requested an expression of opinion from the Committee on the question of reserving lands for school purposes, dealt with in Clause 19. The opinion of the Committee was that it was not advisable to make such regulations.

Clause 21 read and postponed, in order to insert provision for advertising notice of revocation.

4. The Committee adjourned at 1 p.m. till Friday, the 21st instant, at 10:30 a.m.

### No. 2.

FRIDAY, 21ST SEPTEMBER, 1883.

*Present.*—All the Members of the Committee.

Minutes of last meeting read and confirmed.

1. Consideration of Bill resumed.

Clause 22 amended in line 43, by inserting after “lands” “not being Town lands or lands situate within any Pastoral Area.” The Clause was then postponed.

Clause 23 read and agreed to.

Clause 24 amended in line 17 by inserting “by regulations” after “shall,” and striking out the words “the lot of” and inserting “any” in lieu thereof. In line 19 by striking out “lot” and substituting “land.”

Clause 25 amended in line 27 by inserting the words “his tenant or servant” after “purchaser.”

Clause 26 amended in lines 31 and 32 by striking out the words “from time to time as it may appear expedient so to do;” in lines 35 and 36 by striking out “only” and “any such Proclamation from time to time,” and inserting “any such Proclamation” after “revoke” in line 34.

Clause 27, all words after “acres,” line 42, struck out.

Clause 28 amended in line 3 by striking out “and in such form,” and adding “provided that the Minister may reserve any lots from selection in such area” to end of Clause.

Clause 29 agreed to.

Clause 30 amended in line 30 by inserting after “person” “at the age of eighteen years and upwards;” in line 29 by striking out “bids” and inserting “tenders” in lieu thereof.

Clause 31 amended in lines 33, 34, 35, by striking out “and if the lot selected has not been surveyed, the Minister, upon payment of such fee, shall cause such lot to be surveyed in the form prescribed.”

Clause 32 amended in line 48 by striking out the word “clear” and inserting “of the first Ten years” after the word “year.” Further consideration of the Clause was deferred till the next meeting.

The Committee adjourned at 1 p.m. till Wednesday, the 26th instant, at 10:30 a.m.

### No. 3.

WEDNESDAY, 26TH SEPTEMBER, 1883.

The Committee met at 10:30 a.m.

*Present.*—Mr. Lucas, Mr. Shoobridge, Mr. Archer, Mr. Pillinger, Mr. Minister of Lands (Chairman).

1. Consideration of Bill resumed.

Clause 32, consideration further postponed.

Clauses 33 and 34 postponed.

Clause 35 amended in line 38 by striking out "*bonâ fide*" and inserting "his tenant or servant" after "purchaser."

Clauses 36 and 37 agreed to.

Clause 38 amended by striking out all the words after "lots" in line 23.

Clause 39. Provision of right of appeal, or for some form of investigation before forfeiture, to be inserted.

Clause 40 amended in line 52 by striking out the words "as is."

Clauses 41, 42, 43, 44, 45, and 46 agreed to.

Clause 47 amended in line 5 by striking out "shall" and inserting "may" in lieu thereof.

Clauses 48 and 49 agreed to.

Clause 50 amended in line 36 by striking out "from time to time."

Clause 51 agreed to.

Clause 52 amended in line 48 by the insertion of "land not being comprised in any agricultural area" after "agricultural."

Clause 53 amended by prefixing "The Minister shall" to line 1, and striking out "the Minister shall" in line 5.

Clause 54 amended by inserting "to alter and revoke" after "and" in line 25, and striking out "from time to time to alter and revoke" in same line.

Clause 55 amended by striking out "One hundred and twenty" in line 32, and inserting "eighty" in lieu thereof.

Clauses 56 and 57 read and agreed to.

Clause 58 amended by inserting "may" after "Commissioner," and substituting "appoint" for "appoints" in line 9.

The Committee adjourned at 12 o'clock till Thursday, the 27th instant, at 10:30 A.M.

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No. 4.

THURSDAY, 27<sup>TH</sup> SEPTEMBER, 1883.

The Committee met at 10:30 A.M.

*Present.*—Mr. Lucas, Mr. Douglas, Mr. Shoobridge, Mr. Pillinger, Mr. Archer, Mr. Braddon, Mr. Minister of Lands (Chairman).

1. Minutes of last meeting read and confirmed.

2. Consideration of Bill resumed.

Clause 59 read and agreed to.

Clause 60 amended in line 40 by striking out the words "upon such lands" and substituting "thereon;" in line 41 by striking out "of such land" and inserting "thereof" in lieu thereof.

Clause 61 amended in lines 44-45 by striking out the words "so far as the same can be applied to the purposes and objects of this Act," and inserting them after "hereafter" in line 48.

Clauses 62 to 67 postponed in order that they be redrafted.

Clause 32 (postponed Friday, 21st September,) agreed to as amended.

Clause 33 (postponed Friday, 21st September,) amended in line 9 by striking out "two-thirds" and inserting "one-half" in lieu thereof, and by adding "proviso for purchase of land at Five years."

Clause 34 (postponed Friday, 21st September,) read and agreed to.

Clause 35 reconsidered. Amended in line 34 by striking out "or in an agricultural area or some person" and inserting "or his duly authorised agent" in lieu thereof; in lines 37 and 38 by striking out the words "by the purchaser or some person of whose credibility the Minister shall be satisfied;" in line 39 by inserting "such" after "no;" in line 42 by striking out "a" and inserting "such" in lieu thereof; in lines 42 and 43 by striking out "of land under the twenty-third Section of this Act."

The Minister of Lands withdrawing, Mr. Douglas was voted to the Chair.

Clause 67 (postponed at an earlier period of the meeting), read and agreed to.

Clause 68 amended by striking out "but" in line 42, and affixing the words "subject to the respective provisions and conditions of this Act" to the clause.

Clause 69 read and agreed to.

Clause 70, amended in lines 17, 18, 19, by striking out the words "and also such reasonable sum not exceeding Twenty shillings as the Minister may demand for the cost of advertising such land for sale;" in lines 21 and 24 by striking out the words "and costs;" line 30 by inserting "such" after "any," and striking out all the words after "Land" to "money" in line 31.

Clause 71 read and agreed to.

Clause 72 amended in lines 3 and 4 by striking out "with the consent in writing of the Minister."

Clause 73 amended in line 18 by striking out "Twenty-one days" and inserting "One month" in lieu thereof.

Clause 74 amended in line 29 by striking out the words "may if the Governor in Council sees fit," and inserting "shall" in lieu thereof, and inserting after "money," line 30, "and subject to the same estate as if he took out letters of administration."

Clause 75 postponed in order to bring it under the notice of the Minister of Lands.

Clause 76 amended in line 33 by inserting "subject to the approval of the Municipal or other local authorities having control over the same" after "Reserve."

Clauses 77, 78, and 79 read and agreed to.

The Committee adjourned at 1 P.M. till Friday, the 28th instant, at 10:30 A.M.

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No. 5.

FRIDAY, 28<sup>TH</sup> SEPTEMBER, 1883.

The Committee met at 10.30 A.M.

*Present.*—Mr. Douglas, Mr. Lucas, Mr. Shoobridge, Mr. Pillinger, Mr. Braddon, Mr. Reibey, Mr. Minister of Lands.

Minutes of last meeting were read and agreed to.

Clauses 80 and 81 read and agreed to.

Clause 82 amended in sub-section 2, lines 2 and 3, by striking out all words from "the" to "otherwise," and affixing "and such run shall be let upon lease by public auction and not otherwise, and the lease shall be for any period not exceeding twenty-one years; to sub-section 3, in line 6 by striking out "be of a larger extent than Five" and substituting "exceed Ten," and prefixing the whole sub-section as amended to sub-section 2.

The following new Sub-section 3 was inserted:—"Lease shall be in such form as may be prescribed, and no Lessee shall enter into occupation until after the lease has been signed by him."

Clause 83 amended in line 9 by striking out "Ten" and substituting "Three."

Clause 84 read and agreed to.

Clause 85 amended in line 23 by striking out from "time to time;" in line 33 by inserting "and" after "Gazette;" lines 34, 35, 36, by striking out all words from "be" to end of clause, and inserting "exceed in area Five thousand acres" in lieu thereof.

Clause 86 amended in lines 37 and 38 by striking out the words from "except" to "area" both inclusive.

Clause 87 amended by adding "provided the reduction of rent shall not be less than a *pro rata* allowance for the land resumed" to end of clause.

Clauses 88 and 89 read and agreed to.

Clause 90 amended in lines 34, 35, and 36, by striking out all words from "as" to "paid," both inclusive.

Clause 91 amended in lines 45 and 46 by striking out the words "it shall be lawful;" line 46 by striking out "to" and inserting "shall" in lieu thereof; line 47 by striking out "Five" and substituting "Six;" in line 48 by striking out "Two" and substituting "Six;" lines 49, 50, and 51 by striking out all the words from "interest" in line 49 to "date" in line 50, and by inserting a proviso "that Rent may be recovered by process of law at any time after the expiration of One month after it is due, but Minister may allow Six months' grace."

Clause 92 read and agreed to.

Clause 93 amended in line 8 by inserting the words "in pastoral lands" after "lessee," and adding "and" to end of Clause.

Clause 94 amended in line 11 by inserting "such" after "Every," and striking out all the words from "of" in same line to end of clause, and adding "shall have no effect either at law or in equity;" the clause as amended was then incorporated with Clause 93.

Clauses 97 and 98 read and agreed to.

Clause 99 postponed.

Clauses 100 and 101 read and agreed to.

Clause 102 amended in line 47 by inserting the words "of the Crown" after "land."

Clauses 103, 104, and 105 read and agreed to.

The Committee adjourned at 1 P.M. till Tuesday the 2nd October, at 10.30 A.M.

No. 6.

TUESDAY, 2<sup>ND</sup> OCTOBER, 1883.

*Present.*—Mr. Douglas, Mr. Pillinger, Mr. Braddon, Mr. Lucas.

Minutes of last meeting read and confirmed.

Clause 99 (postponed 28th September) again postponed.

Clauses 106 and 107 read and agreed to.

Clause 108 amended in line 30 by inserting "not less than Three pounds nor;" in line 32 by inserting "not less than Five pounds nor" after "not."

Clause 109 amended by striking out the words from "authority" in line 42 to "Mineral" in line 43.

Clauses 110 to 112 agreed to.

Clause 113 amended by striking out all the words from "and," line 50, to end of Clause.

Clauses 114 and 115 read and agreed to.

Clause 116 amended by inserting "by the local authorities, where such exist," after "time" in line 31, and by striking out "from time to time" in same line.

Clause 99 (resumed from earlier period of meeting), amended in line 47, sub-section 1, by striking out the words "for grazing purposes;" in line 1 by striking out "Fourteen" and inserting "Seven" in lieu thereof; in sub-section 2 by striking out all the words after "centum," line 4, to "land," line 10, and by striking out "for grazing purposes" in line 17.

The Minister of Lands withdrawing, Mr. Douglas was voted to the Chair.

Clause 117 agreed to.

Clause 118 amended by adding the following words to end of Clause:—"but this section shall apply only to such districts in which Road Rates are annually levied at not less than Sixpence in the pound."

Clauses 119 to 132 agreed to.

The Committee adjourned at 1 P.M. till Wednesday, 3rd instant, at 10.30 A.M.

No. 7.

WEDNESDAY, 3<sup>RD</sup> OCTOBER, 1883.

*Present.*—Mr. Douglas, Mr. Lucas, Mr. Shoobridge, Mr. Archer, Mr. Pillinger, Mr. Braddon, Mr. Minister of Lands (Chairman).

The Minutes of last meeting were read and confirmed.

Clause 133 amended in sub-section 1, line 9, by striking out "within ten years from" and inserting "after" in lieu thereof; in line 7, page 30, by striking out "such manner as may be," and "the mode" inserted in lieu thereof, and adding "by The Lands Clauses Act" to the end of the Section. Sub-section 3, line 14, by striking out "thereby rendered useless" and inserting "no longer required for public purposes" in lieu thereof.

Clause 134 read and agreed to.

Clause 135 amended in line 22 by striking out the words "from time to time;" in line 26 by striking out "or by the orders of the Minister."

Clause 136 amended in line 29 by striking out "Ten" and inserting "Fifty" in lieu thereof.

Clause 137 amended in line 30 by striking out "obstructs" and inserting "places any obstruction upon" in lieu thereof; and by striking out the word "carriages" and substituting "carriage" in line 33.

Clauses 138 to 140 read and agreed to.

Clause 141 amended in lines 4 and 5 by striking out the words "so far" and "is otherwise," and transposing the words "provided herein."

Schedules read and agreed to.

Clause 19 reconsidered. Amended in lines 8 and 9 by striking out the words "on the application of the Board of Education," and in line 11 by striking out "thereupon"; in line 12 by inserting "upon application of the Board of Education" after "shall."

The Committee adjourned at 12 o'clock till Thursday, the 4th instant, at 11:30 A.M.

No. 8.

THURSDAY, 4TH OCTOBER, 1883.

The Committee met at 11:30 A.M.

Present—Mr. Douglas, Mr. Lucas, Mr. Shoobridge, Mr. Archer, Mr. Pillinger, Mr. Braddon, Mr. Minister of Lands (Chairman).

The Minutes of last meeting were read and confirmed.

Resolved, that the words from "time to time," previously struck out of the Bill, be reinserted wherever so struck out.

Mr. Minister of Lands laid upon the table the following letter received from 17 mill-owners in the Huon District, which was read:—

Hobart, 3rd October, 1883.

SIR,

HAVING seen the Lands Bill which is now before a Select Committee of the House of Assembly, we find there is no provision for the saw-mill proprietors who are working upon Crown Lands.

We need say but little with respect to that particular industry, only so far it is an industry in which a large amount of capital is invested, giving employment to a great number of labourers, and one of the few articles exported from Tasmania that brings a large return to the country.

Up to the present time there has been no provision in the form of legislative enactment whereby the proprietors of those establishments are protected against the outside public who, under the present Waste Lands Act, can and do select land in such a manner as to materially injure and interrupt their work.

We have the honor to ask that some provision may be embodied in the present Bill to prevent such in the future, and would suggest that, upon application by any saw-mill proprietor situated on or near Crown Lands for a timber reserve, that an area of land of one mile wide on each side, and four miles back, shall at once be reserved from sale.

After the expiration of two years of such reservation the first half mile on each side shall again be open for sale, and a further half mile for every succeeding year after the two years first mentioned, thereby securing the back lands to the timber producer, and at the same time giving the *bona fide* selector the opportunity of taking up land which has been partially cleared of timber, which for agricultural purposes is a great advantage, as it would have to be destroyed either by fire or ringing at some considerable cost to the selector; instead of it being, under the conditions we ask for, a large source of revenue.

In bringing this matter before you we do so on behalf of ourselves and other saw-mill owners, feeling assured the concession we ask is but small as compared to the interests involved, and therefore trust you will give it your favourable consideration.

We have, &c.

W. H. ANDREWARTHA.  
H. CHESTERMAN.  
FACY & CO.  
FORD & HARRIS.

The Hon the Minister of Lands.

Mr. Andrewartha, at his own request, attended, and gave the Committee certain information and statistics on the subject under the consideration of the Committee. From statements made by him the Committee were of opinion that possibly some enactment might be necessary in order to give certain privileges to saw-mill proprietors in the Huon District.

NOTE of information given by Mr. Andrewartha as to the timber industry in the Huon District:—Saw-mills, 17; produce, 17,000,000 feet of timber annually. Vessels employed—15 ketches regularly and two intercolonial traders weekly. Labourers and families about 1200. Working stock—180 bullocks, 100 horses. Forage—1500 tons of hay, oats and bran large quantity. Tramways—70 miles. Revenue to Government about 12s. 6d. per 1000 feet directly and indirectly. Gross value, £52,000 per annum.

Mr. Andrewartha withdrew.

The Committee adjourned at 12:30 P.M. till 3:30 P.M.

AFTERNOON SITTING. Present—Mr. Lucas, Mr. Douglas, Mr. Archer, Mr. Shoobridge, Mr. Braddon, Mr. Pillinger, and Mr. Minister of Lands.

Draft Report read and adopted. The Committee adjourned *sine die*.