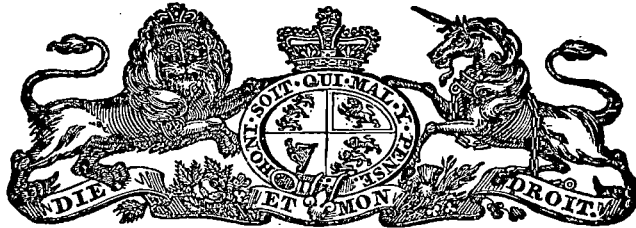


(No. 112.)



1880.

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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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**WASTE LANDS ACT AMENDMENT BILL:**

**REPORT OF SELECT COMMITTEE.**

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Brought up by the Minister of Lands, and ordered by the House to be printed,  
September 24, 1880.



*REPORT of Select Committee appointed to consider a Bill to further  
amend "The Waste Lands Act." No. 23.*

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Your Committee have the honor to report that they have carefully considered the Bill referred to them, and have agreed upon and effected certain alterations therein; and now have the honor to submit the Bill, as revised by them, for the consideration of your Honorable House.

C. O'REILLY, *Chairman.*

*Committee Room, House of Assembly,  
24th September, 1880.*

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This Bill is now printed as altered by the Committee to which it was referred.

C. O'REILLY, *Chairman.*

A

# B I L L

TO

Further amend *The Waste Lands Act.*

A.D. 1880.

**W**HEREAS it is expedient to further amend *The Waste Lands Act*: PREAMBLE.  
 Be it therefore enacted by His Excellency the Governor of *Tasmania*, 34 Vict. No. 10.  
 by and with the advice and consent of the Legislative Council and  
 House of Assembly, in Parliament assembled, as follows:—

5 **1** In this Act—

Area shall mean any quantity of land reserved for sale under the provisions of this Act.

**2** The Governor in Council is hereby empowered, from time to time as it may appear expedient so to do, to proclaim any portion of the Colony adjacent to any Gold Field, or to any locality where any Mining operations are carried on, an area for the purposes of this Act, and any such proclamation from time to time to alter and revoke, and during the time that any such proclamation shall be in force no Waste Land situate within the limits of any such area shall be sold or disposed of otherwise than under this Act. Governor in Council may proclaim areas adjacent to any Gold Field, &c.

**3** All Waste Land within any such area shall be sold by Public Auction only in the manner and subject to the conditions hereinafter prescribed; and all such land shall, previously to such sale, be surveyed in blocks of not less than Five nor more than Thirty acres each. Land to be sold by auction: and to be previously surveyed.

**4** The lowest upset price of land sold under this Act shall not be less than One Pound per acre. Upset price.

**5** Within Three months and not less than One month next preceding the sale of any land within any such area by auction, the Commissioner shall, by notice to be published in the *Gazette*, declare the time and place at which such auction will be held, and what are the lands to be offered for sale at such auction, and the upset prices at which they will be offered for sale; and lithographed or other plans of the land  
 [Bill 23.] Notice of sale by auction to be published.

A.D. 1880.

intended to be sold, showing the several lots for sale, shall be sent by the Commissioner to every Police Office and Post Office nearest to such land or such place as he shall in such notice specify, in order that such plans may be open for public inspection at such places as aforesaid at least Seven clear days before the day of sale. 5

Upset prices how to be ascertained.

6 Previously to the publication of such notice, the Commissioner shall make an estimate of what should be the upset prices of the lands to be specified in such notice, and shall add to such estimate the cost of survey and of the grant deed; and the Commissioner shall submit the same for the consideration of the Governor in Council, who 10 may vary such estimate or approve thereof, and the upset prices named in such estimate, when so varied or approved, shall be the upset prices of the land to be specified in such notice; and from time to time in any subsequent notice of the intended sale by auction of any land which has been previously offered for sale by auction under this Act 15 and not sold, the upset prices of such land may be raised or lowered according to circumstances, in like manner as they were originally fixed: Provided that the upset price of any land shall never be fixed lower than the lowest upset price fixed by this Act, with the addition of the cost of survey and of the grant deed. 20

Land not to be sold at auction at less than advertised upset price.

7 No lands shall be sold at any such auction at a lower price than the upset price of such lands so fixed and advertised in the last preceding published notice of the intended sale by auction of such lands.

Land unsold at auction to be advertised in *Gazette*, and to be sold by private contract to the first applicant within One year after auction, and before the lands are again put up for sale by auction.

8 Within Twenty-one days after every sale by auction of land under this Act, and afterwards whenever he thinks fit, and until the 25 same lands are again put up for sale by auction, the Commissioner shall cause a list of all such lands as were put up for sale at such auction and not sold, with the upset prices at which they were put up at such auction, to be published in the *Gazette*, and shall prefix a notice that any person may purchase any of the said lots at such upset prices by 30 private contract; and the Commissioner shall, after the expiration of Fourteen days from the date of the first publication of such notice, sell any of such lots at the upset prices mentioned in the notice by private contract to any person who applies to purchase the same: Provided, that if more than one application is made at the same time to purchase 35 the same lot, such lot shall not be sold by private contract, but shall be again put up for sale by auction as soon as may be after such applications are made: Provided also, that such applications to purchase shall be made within One year next after the lands were last put up for sale by auction, and before the publication of any subsequent notice of sale 40 thereof by auction.

Payment of purchase-money on sale by auction.

9 Upon the sale of any land by auction, if the purchaser, at the time of sale, declares that he is desirous of being allowed credit, such credit shall be allowed on the terms hereinafter mentioned; and unless the purchaser so declares that he is desirous of being allowed credit, he shall 45 pay, in ready money at the time of sale, a deposit of one-fifth of the price, and shall pay the residue of the price within One month next after the time of sale; and unless he pays such residue within such time, the deposit shall be forfeited and the sale void, and the land shall revert to the Crown. 50

Payment of purchase money on sale by private contract.

10 Upon the sale of any land by private contract the purchaser shall, at his option, either pay the purchase money in ready money, or shall be allowed credit on the terms hereinafter mentioned.

**11** Upon the sale of any land whether by auction or by private contract, where the purchase money of such land shall be not less than Five Pounds, the terms of credit shall be as follows:—A sum equal to one-third of the price shall be added thereto by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase money of the land; and the purchaser shall pay a deposit of one-eighth of such purchase money at the time of sale or signing the contract, as the case may be, and shall contract to pay, and shall pay, the residue of the purchase money by annual instalments of one-eighth of the purchase money, the first instalment to be paid at the expiration of One year from the time of sale or signing of the contract, as the case may be.

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Terms of credit on sale of land.

**12** One-half of all purchase money received by the Crown for land sold under the provisions of this Act, shall be set apart and form a fund to be expended from time to time under and by the authority of the Governor in Council for the purpose of making and constructing roads in the vicinity of the land so sold.

**13** Any land sold under this Act shall be open to search or mining for Gold or other Metal or any Mineral thereon in manner hereinafter provided.

Land sold under this Act open to search for Gold, &amp;c.

**14** Any person desiring to search or mine on any land sold under this Act, for Gold, shall apply in writing to the Commissioner of Gold Fields, and any person desiring to search or mine on any such land for any other Metal or any Mineral shall apply in writing to the Commissioner of Mines for the Mining District in which such land is situate, for permission to search or mine as the case may be on so much of such land as shall be specified in such application.

Person desiring to search to apply to a Commissioner.

**15** Upon the receipt of any such application the Commissioner to whom the same is made shall forthwith give notice in writing of such application to the occupant of such land, if any, by leaving the same at his residence, and also to the owner of such land by forwarding the same through the Post to the address of the owner of such land, and if such owner cannot be found such notice shall be published in the *Gazette*, and such notice shall require such owner to nominate and appoint some person to assess the amount of compensation which ought to be paid to such owner for the damage which he will be liable to sustain by reason of such searching or mining, and such Commissioner shall in and by such notice nominate and appoint some other person for the like purpose, and the persons so nominated and appointed shall with such Commissioner be called the Assessors; and shall at such time and place as the Commissioner appoints for that purpose assess and determine the amount which shall be paid by the applicant to such owner, and the amount so assessed and determined shall be paid to such owner before any mining operations shall be commenced on such land.

Commissioner to give notice to purchaser or owner of land, of application to search thereon.

**45** If such owner shall neglect or refuse for Fourteen days after service upon him of the notice hereinbefore mentioned to nominate and appoint any person to assess as aforesaid, then it shall be lawful for the Commissioner to nominate and appoint some person for and on behalf of such owner.

Appointment of persons to assess compensation to be made.

**50** For the purposes of this Section the Commissioner may exercise all the powers conferred upon Justices of the Peace by *The Magistrates Summary Procedure Act* for procuring and enforcing the attendance of

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witnesses before him, and may administer oaths and hear, receive, and examine evidence, and the determination of two of the Assessors upon any question shall be final.

Matters to be considered in estimating compensation.

**16** In estimating the amount of compensation to be paid as aforesaid the value of all surface improvements made upon such land shall be considered and the loss which such purchaser or owner will be liable to sustain if such applicant shall occupy any of the said land for the purpose of residence in connection with the object of mining, and shall put up any building or other erection thereon, and shall cut down and remove from such land, for any purpose, any trees growing thereon, and also cut, construct, and use races and dams for mining purposes through and upon any part of the said land, and the Assessors shall determine the locality in which, and the area over which mining operations shall be carried on upon such land; but it shall not be lawful for the Assessors to estimate the value of any Gold or other Metal or any Mineral which such land may be supposed to contain.

Land may be resumed when mining operations discontinued.

**17** When and so soon as mining operations shall be discontinued upon such land and the Commissioner has certified that mining operations have been discontinued upon such land, the person for the time being who is the owner of such land shall, without making compensation to any person whomsoever, be entitled to resume possession of so much of such land as shall have been occupied under this Act for mining purposes.

Regulations applicable for purposes of this Act.

**18** So far as the same can be applied to the purposes and objects of this Act, all Regulations made under any Act or Acts relating to mining for Gold or other Metals or Minerals, and in force when this Act takes effect, and all Regulations made under the said Acts hereafter shall be applicable to and for the purposes and objects of this Act.

Acts to be read together.

**19** This Act and *The Waste Lands Act*, and any Act altering or amending the same, shall, save so far as the same may be altered or amended by this Act, be read and construed together as one Act.

Short Title.

**20** This Act may be cited as "The Waste Lands Act, 1880."

Repeal.

**21** Section Six of the Act 43 *Victoria*, No. 16, is hereby repealed.