

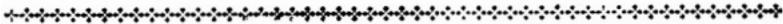


1945.

ANNO NONO

GEORGII VI. REGIS.

No. 14.



AN ACT to consolidate and amend the Law relating
to the Cape Barren Island Reserve.
[28 November, 1945.]

A.D.
1945.

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—(1) This Act may be cited as the *Cape Barren Island Reserve Act 1945*. Short title and repeal.

(2) The *Cape Barren Island Reserve Act 1912** is repealed.

* 3 Geo. V. No. 16, as amended by 25 Geo. V. No. 72 and by Statute Law Revision (See Reprint of Statutes, Vol. I., p. 381.)

Cape Barren Island Reserve.

A.D. 1945. Penalty: Not less than twenty pounds or more than two hundred pounds, or imprisonment for not less than one month or more than twelve months.

(2) No person shall have any liquor in his possession within the prohibited area.

(3) If any person contravenes the provisions of subsection (2), the liquor and any container or receptacle containing it, may be seized by any police officer, who shall convey the same as soon as practicable before a justice, who may order that the liquor and the container or receptacle shall be confiscated and disposed of as he may direct, and the person having such liquor in his possession shall, in addition, be liable to imprisonment for three months.

(4) Any justice, upon complaint made before him on oath that there is reason to suspect, or that it is commonly reported and believed by the deponent, that there is any liquor within the prohibited area, may, if he thinks fit, by warrant under his hand, in accordance with the form in the third schedule, directed to any police officer, bailiff of Crown lands, or other officer under this Act named in the warrant, authorise that police officer, bailiff, or officer to enter and search, by day or by night, any vessel, house, premises, or place within the prohibited area, and to open and examine any parcel, package, container, or receptacle, and, if necessary, to use force for making any such entry or search, whether by breaking doors or otherwise, and to seize all liquor found and all containers or receptacles containing such liquor.

(5) Any person entering any vessel, house, premises, or place under the authority of a warrant under this section may search all parts of such vessel, house, premises, or place, and all persons found therein or thereon.

(6) All liquor and all containers and receptacles seized in accordance with this section shall be conveyed to a police office or other suitable place for safe custody.

(7) If it is shown to the satisfaction of any justice that the seizure of any liquor, or any containers or receptacles containing liquor was made within the prohibited area, he shall order that the liquor, containers, and receptacles be forfeited, and thereupon such containers and receptacles shall be forthwith broken up and destroyed, and the liquor shall be poured out and destroyed by a police officer or other person authorised in that behalf by the justice.

(8) For the purposes of this section, the master or person in charge of a vessel which is temporarily within the prohibited area shall not be deemed to have committed the offence of bringing liquor into the prohibited area, or of having liquor in his possession within the prohibited area, notwithstanding that liquor may be upon such vessel, if such liquor is kept securely locked up in some part of the vessel, and is not consumed by, or supplied to, any person whomsoever during the time the vessel is within the prohibited area.

Cape Barren Island Reserve.

(9) Every complaint under this section shall be in the appropriate form prescribed under the *Justices Procedure Act 1919**, and shall set forth the grounds upon which the suspicion or belief of the deponent is based. A.D. 1945.

(10) In this section—

“liquor” means liquor as defined by the *Licensing Act, 1932†*;

“the prohibited area” means Cape Barren Island, and includes any area or place situated within three miles of the Reserve.

23—(1) If any person—

(a) obstructs or hinders the Commissioner, or any person acting with the Commissioner’s authority, in taking possession of, or entering upon, any land within the Reserve;

(b) remains in unlawful possession of any land within the Reserve after being required by the Commissioner, or by any person acting with the Commissioner’s authority, to quit and deliver up possession of that land;

(c) who has erected any fence or other structure on any land within the Reserve, fails or refuses, upon being required by the Commissioner so to do, to take down and remove the fence or structure within the time directed by the Commissioner: or

(d) who is trespassing upon any part of the Reserve, fails or refuses to leave the Reserve when ordered so to do by any police officer, bailiff of Crown lands, or other officer appointed under this Act,

Summary
remedy
where persons are
in unlawful
possession,
&c., of land.
Section 34.

the Commissioner may, by warrant under his hand, authorise any bailiff of Crown lands named in the warrant to dispossess and remove that person, or to enter upon and take possession of that land, or to take down and remove that fence or structure, or to remove that person from the Reserve, as the case may require.

(2) Every bailiff of Crown lands named in any warrant issued under the authority of this section shall do all such acts and things as may be necessary to carry the warrant into effect, and all police officers shall, on being requested by the bailiff so to do, assist the bailiff in the execution of such warrant.

* 10 Geo. V. No. 55. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 183. Since amended by 2 Geo. VI. No. 54, 4 & 5 Geo. VI. No. 67, 5 Geo. VI. No. 53, 7 Geo. VI. No. 32, and 8 & 9 Geo. VI. No. 56.

† 23 Geo. V. No. 55. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 848. Since amended by 1 Geo. VI. Nos. 9, 40, and 55, and 7 Geo. VI. No. 33.

Cape Barren Island Reserve.

A.D. 1945.

General
penalty.

24 Any person who contravenes or fails to comply with any of the provisions of this Act which are applicable to him, for breach of which no penalty is prescribed elsewhere in this Act, shall be liable to a penalty of twenty pounds, or to imprisonment for three months, or to both such penalty and imprisonment.

Regulations
Sections 30,
31, and 33.

25 The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and, in particular, for—

- (a) providing for the peace, order, and good government of the Reserve;
- (b) providing for and regulating the care, protection, and management of Crown lands and public buildings situated within the Reserve;
- (c) regulating the use and enjoyment of Crown land within the Reserve which is not held under lease in accordance with this Act;
- (d) prohibiting and regulating the keeping of dogs within the Reserve; and
- (e) prescribing a penalty of not more than twenty pounds for the breach of any such regulations.

Expiry
of Act.

26—(1) Upon the expiration of the period specified in subsection (2) of section fourteen, this Act shall cease to have effect, and thereafter all lands within the Reserve which have not been granted to any person in accordance with that section may be disposed of to any persons (whether residents of the Reserve or not) in accordance with the provisions of the *Crown Lands Act 1935**.

(2) The expiry of this Act shall not affect any—

- (a) right, privilege, obligation, or liability acquired, accrued, or incurred during the continuance of this Act, in accordance with the provisions of this Act;
- (b) penalty, forfeiture, or punishment incurred in respect of any offence committed during the continuance of this Act against any of the provisions of this Act; or
- (c) investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment,

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if this Act had continued in operation.

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Since amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

Cape Barren Island Reserve.

THE FIRST SCHEDULE.

A.D. 1945.

All those 6000 acres being the eastern portion of Cape Barren Island commencing at the north-west angle of Lot 6 leased by P. Burgess on high-water mark on Franklin Sound and bounded on the east by that lot by Lot 6a also leased by P. Burgess Lot 87 leased by C. J. and T. J. Barrett Lot 7 leased by T. J. Barrett and Lot 3 also leased by the before-mentioned C. J. and T. J. Barrett to high-water mark on Armstrong Channel and thence by that highwater mark to the point of commencement.

Section 2.

THE SECOND SCHEDULE.

Section 9.

PERSONS ENTITLED TO APPLY FOR LEASES.

Name of person entitled to apply for lease.	Area in respect of which application			
	Lot.	Homestead Block.	Lot.	Agricultural Block.
		A. R. P.		A. R. P.
		3 0 0	46	49 3 0
Brown, Benjamin William		...	11	46 2 39
Brown, Claude Eyre	101	3 0 0	21	49 2 10
Brown, Clarence William	92	2 3 39		49 3 27
Brown, Donald Leslie	82	1 1 11	45	49 3 9
Brown, Frederick Mark Tasman		...	39	49 3 3
Brown, George William	61	3 0 0	40	49 1 32
Brown, Henry George		3 0 0
Brown, Morris Desmond		...	{ 10	36 3 0
			{ 97	13 2 18
Burgess, Hector Macdonald	95	3 0 0		
Everett, Albert Stanley	67	2 3 38	19	49 3 16
Everett, Dalton Godfrey		...	42	48 2 0
Everett, Geoffrey Lionel	58	2 3 36	44	48 3 23
Everett, Julian Clifford	59	2 3 35½	41	*49 3 27
Mansell, Alexander George	79	3 0 2	6	49 3 9
Mansell, Alice Louisa	94	3 0 0	4	49 3 4
Mansell, Claude Burwood	99	4 2 29		
Mansell, John Smith	73	2 3 10	15	36 1 1
Mansell, Lewis John	69	2 3 37	50	13 1 29
Mansell, Phillip John	87	2 3 25	1	49 2 10
Mansell, William Henry, sen.	78	3 0 0	49	36 1 35
Maynard, Andrew Armstrong	86	2 3 37		49 0 39
Maynard, Claudia		...	26	49 3 4
Maynard, Edmund James	93	2 3 36		
Maynard, George Everett Wm.	81	3 0 0	47	49 3 35
Maynard, Hubert James		...	51	30 3 11
Maynard, Ida	90	2 3 36		
Maynard, Irwin		...	37	49 1 17
Maynard, John Phillip		...	56	43 3 23
Maynard, Minnie Jane		...	54	40 2 0
	84	2 3 28	43	49 3 25
	68	2 3 30	27	49 3 4
	65	2 3 39		49 3 11
Summers, Ronald		...	23	49 2 35
Summers, Stanley		3 0 0	38	48 3 35
Thomas, Samuel Henry	77	2 3 30	25	49 2 33
	76	1 2 4	24	49 0 38
		...	8	49 3 2

* 99 years' lease.

Cape Barren Island Reserve.

A.D. 1945.

Section 22.

THE THIRD SCHEDULE.

FORM OF SEARCH-WARRANT.

Tasmania (to wit).

To _____ of
in the State of Tasmania.

Whereas _____ of
in _____

hath this day made oath before me, the undersigned, one of His Majesty's justices, that he suspects and believes that there is liquor within the prohibited area as defined by Section 22 of the Cape Barren Island Reserve Act 1945, in violation of that Act: These are, therefore, in the name of Our Sovereign Lord the King, to authorise and require you, with necessary and proper assistance, to enter and diligently search by day or by night any and every vessel, house, premises, or place within the said prohibited area believed or suspected by you to contain liquor, and any persons found in or on any such vessel, house, premises, or place, for such liquor, and also to open and examine any parcel or package, and also to break open any door, if not opened within a reasonable time after demand; and if any liquor shall be found within the said prohibited area upon any such search, that you bring such liquor so found, and also all receptacles of any kind whatever containing the same, before me or some other justice, to be disposed of and dealt with according to law.

Given under my hand and seal, at _____ in the
State of Tasmania, this _____ day of _____
One thousand nine hundred and _____

Justice of the Peace.

Cape Barren Island Reserve.

A.D. 1945.

Interpreta-
tion.Cf. 3 Geo. V.
No. 16.
Section 2.**2—(1)** In this Act, unless the contrary intention appears—

“Commissioner” means the Commissioner of Crown Lands;

“lease” means a lease granted under the provisions of this Act;

“lessee” means the holder of any lease granted under the provisions of this Act;

“surface” means the surface of the land, and includes the land to a depth of ten feet below the surface;

“the Island” means Cape Barren Island;

“the repealed Act” means the *Cape Barren Island Reserve Act 1912**;

“the Reserve” means the Cape Barren Island Reserve, being the area described in the first schedule.

(2) For the purposes of this Act—

(a) a homestead block shall consist of an area of the surface of the Reserve not exceeding three acres in extent; and

(b) an agricultural block shall consist of an area of the surface of the Reserve not exceeding fifty acres in extent.

Administra-
tion.

Section 3.

3 The Surveyor-General shall, subject to the directions of the Commissioner, be charged with the duty of carrying out and giving effect to the provisions of this Act.Duties of
Surveyor-
General.

Section 5.

4 The Surveyor-General shall—

(a) subject to the directions of the Commissioner, apply all moneys by this Act placed at the disposal of the Commissioner, in such manner as he considers most desirable for giving effect to the provisions of this Act;

(b) manage and regulate the use and enjoyment of the Reserve; and

(c) exercise a general supervision and care over all matters affecting the interests and welfare of the residents of the Reserve.

Officers.

Section 6.

5—(1) The Surveyor-General may, with the approval of the Governor upon the recommendation of the Public Service Commissioner, make use of the services of any officer of the Public Service for the purposes of this Act.

(2) The Commissioner may appoint such persons, not being officers of the Public Service, as he considers necessary to be officers for the purposes of this Act, and the persons so

* 3 Geo. V. No. 16, as amended by 25 Geo. V. No. 72 and by Statute Law Revision.
(See Reprint of Statutes, Vol. I., p. 381.)

Cape Barren Island Reserve.

appointed shall exercise and perform such powers, functions, and duties as the Commissioner may assign to them or as may be prescribed. A.D. 1945.

(3) The officers appointed in pursuance of subsection (2) shall not be subject to the provisions of the *Public Service Act 1923**.

6—(1) There shall be opened and kept in the books of the Treasury an account, to be called the Cape Barren Island Reserve Fund Account (in this Act referred to as “the Account”).

The Cape Barren Island Reserve Fund Account. Section 4.

(2) There shall be credited to the Account—

- (a) all moneys provided by Parliament, or donated or bequeathed by any person, for the purposes of this Act;
- (b) any moneys paid to the credit of the Account by the Treasurer in accordance with subsection (4); and
- (c) the moneys which, at the commencement of this Act, are standing to the credit of the fund formed under the repealed Act.

(3) There shall be debited to the Account—

- (a) all costs and expenses incurred in, or in connection with—
 - (i) the maintenance and improvement of public buildings erected within the Reserve prior to the commencement of this Act;
 - (ii) the construction and maintenance in the Reserve of such public buildings, roads, and other public works as the Commissioner may consider necessary for the proper development of the Reserve; and
 - (iii) the sale of goods and livestock to lessees in accordance with section seventeen; and
- (b) the salaries and emoluments of officers (including a resident bush nurse) appointed for the purposes of this Act.

(4) The Treasurer may pay to the credit of the Account out of the Consolidated Revenue (which, to the necessary extent, is hereby appropriated accordingly) the sum of one thousand pounds.

(5) Subject to this Act, the moneys at any time standing to the credit of the Account shall be at the disposal of the Commissioner, and may be applied by him as he thinks fit for the purposes of this Act.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Since amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, and 7 & 8 Geo. VI. No. 104.

Cape Barren Island Reserve.

A.D. 1945.

Reservations
for public
purposes.

Section 8.

7—(1) The Governor may, by proclamation, except from the operation of this Act and reserve to His Majesty any portion of the Reserve for any public purpose that he may think fit.

(2) In addition to any powers conferred by this section, the Governor may except and reserve to His Majesty such land, whether it is at the commencement of this Act occupied or not, as may be required for making roads to any other part of the Island not included in the Reserve.

Provision for
churches, &c.

Section 9.

8—(1) The Commissioner may grant to any church authority a permit to occupy, for such period, not exceeding five years, as may be specified in the permit, any portion of the Reserve specified in the permit which is not reserved for public purposes or leased to any person in accordance with this Act.

(2) Where any permit has been granted to a church authority under subsection (1), the church authority may, during the currency of the permit—

(a) use the portion of the Reserve specified in the permit for such religious purposes as the church authority thinks fit; and

(b) erect and maintain on that portion of the Reserve such church buildings (including a minister's residence) as the church authority may deem necessary.

(3) If any building is erected by a church authority on any portion of the Reserve occupied by it under the authority of a permit under this section during the currency of the permit at a cost of not less than one hundred and fifty pounds, the Commissioner may sell the portion so occupied to the church authority by private contract in accordance with the provisions of section twenty-four of the *Crown Lands Act 1935**, as if the permit granted to the church authority under this section were a residence licence granted to that authority under the provisions of that Act.

(4) Where any building has, prior to the commencement of this Act, been erected by a church authority on any portion of the Reserve occupied by that church authority in pursuance of the provisions of the repealed Act, that building shall be deemed to have been erected under the authority of a permit under this section, and the provisions of subsection (3) shall apply accordingly in respect of the portion of the Reserve on which such building has been erected.

(5) All purchase-moneys received by the Commissioner in connection with the sale of any portion of the Reserve to any church authority in accordance with this section shall be paid by him to the credit of the Account.

(6) In this section, "church authority" means any person entitled by law to acquire and hold lands in trust for any

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Since amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

Cape Barren Island Reserve.

religious denomination or body, or appointed by the administrative head for the State of that denomination or body as the person entitled to hold lands in trust therefor. A.D. 1945.

9 Subject to this Act, no person, other than—

- (a) a person named in the second schedule; or
- (b) a person who is, at the commencement of this Act, engaged on active service with any of His Majesty's naval, military, or air forces, and who, prior to becoming engaged on active service, was a resident of the Reserve and was entitled to make an application for a licence under the provisions of the repealed Act,

Persons entitled to apply for leases. Section 11.

shall be entitled to make application for, or to be granted, a lease under this Act.

10—(1) An application for a lease under this Act shall be in writing in the prescribed form and shall contain the prescribed particulars.

Application for leases. Section 13.

(2) An application under this section by any person named in the second schedule may be made only in respect of the lot or lots set opposite that person's name in that schedule.

(3) Any person to whom paragraph (b) of section nine applies may, within six months after ceasing to be engaged on active service, make an application under this section for a lease of one homestead block, or one agricultural block, or of one homestead block and one agricultural block.

(4) No person to whom paragraph (b) of section nine applies shall, after the expiration of six months after he ceases to be engaged on active service, be entitled to make any application for, or to be granted, a lease under this Act.

(5) If any person named in the second schedule fails, within thirty days (or such extended time as the Commissioner may, in any particular case, approve) after being requested by the Surveyor-General so to do, to make application in accordance with this section for a lease under this Act, any lease or licence granted to him under the repealed Act shall, by force of this section, cease and determine, and the land to which such lease or licence relates shall thereupon become subject to, and may be dealt with in accordance with, the provisions of the *Crown Lands Act 1935**.

11 Every lease granted under the provisions of this Act shall be for the term of five years from the commencement of this Act, and shall contain the following covenants and conditions and such other covenants and conditions (if any) as may be prescribed:—

Terms and conditions of leases. Section 15.

- (a) A covenant by the lessee to effect to the satisfaction of the Commissioner permanent and

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Since amended by 3 Geo. VI. No. 3, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

Cape Barren Island Reserve.

A.D. 1945.

- substantial improvements on the demised land to the value of not less than one pound per acre during the currency of the lease, in addition to any improvements effected thereon prior to the commencement of the lease;
- (b) A covenant by the lessee that he, or his wife or children over the age of seventeen years, shall reside on the demised premises for not less than nine months in each year during the currency of the lease;
- (c) A covenant by the lessee that he shall, to the satisfaction of the Commissioner—
- (i) securely fence the demised land; and
 - (ii) continuously cultivate the demised land, and use it continuously for agricultural, horticultural, or grazing purposes;
- (d) A covenant by the lessee not to sub-let, or part with the possession of, the whole or any part of the demised premises; and
- (e) A condition for forfeiture of the lease—
- (i) on any default being made by the lessee in payment of any moneys payable by him in respect of goods or livestock supplied to the lessee in accordance with section seventeen for any period exceeding sixty days after payment thereof becomes due; and
 - (ii) for the non-observance by the lessee of any covenant or condition contained in the lease.

Effect of
lease.
Section 14.

12 Every lease shall, subject to the provisions of this Act and to the covenants and conditions contained therein, authorise the lessee to enter upon and take possession of the surface of the block or blocks of land therein described, and to hold possession of, occupy free of rent, and improve such surface to the exclusion of all other persons whomsoever.

Cancellation
of leases.
Section 19.

13—(1) Where the Commissioner has reason to believe that there has been a breach of any covenant or condition contained in any lease, he may give to the lessee a notice in writing requiring him, within such time as may be specified in the notice, to satisfy the Commissioner that all the covenants and conditions of the lease have been complied with, and in default thereof the Commissioner may cancel the lease.

(2) Notice of every cancellation of a lease shall be published in the *Gazette*, and thereupon the interest of the lessee shall cease and determine, without any re-entry or other formal proceeding by the Commissioner or any other person on his behalf, and the land to which the lease relates and all

Cape Barren Island Reserve.

improvements thereon shall become subject to, and may be dealt with in accordance with, the provisions of the *Crown Lands Act 1935**. A.D. 1945.

14—(1) Subject to this section, every lessee who has complied with all the requirements of this Act and with the covenants and conditions contained in the lease during the full term thereof, and has paid all moneys payable by him in respect of any goods or livestock supplied to him in accordance with section seventeen, shall be entitled to a grant of the land to which the lease relates. Right of lessees to free grants in certain cases.

(2) The right of a lessee to a grant under this section shall cease at the expiration of the sixth year after the commencement of the lease.

(3) Where any person becomes entitled to a grant of any land under this section, the Governor may, in the name and on behalf of His Majesty, convey and alienate that land to that person in fee simple by deed of grant in accordance with the provisions of sections seventy and seventy-one of the *Crown Lands Act 1935**, without payment of any purchase-money.

(4) A fee of one pound shall be payable in respect of every deed of grant issued under the authority of this section.

15 No lessee shall be entitled to deal with or dispose of his lease, or of the block or blocks in respect of which the lease has been granted, in any way, except by will in accordance with section sixteen, and every attempted disposition in contravention of this section shall be void. Lease not to be disposed of except by will. Section 21.

16—(1) A lessee may, by will, dispose of his lease, and the block or blocks of land to which the lease relates, to any member of his family who is actually residing within the Reserve at the time of the lessee's death, but to no other person. Persons to whom lease may be disposed of by will. Section 22.

(2) If a lessee dies intestate, or makes any testamentary disposition of the lease which, by virtue of the provisions of this Act, is void, the lease may be transferred by the Commissioner to the widow (if any) of the lessee, or if he leaves no widow, the lease may, at the discretion of the Commissioner, be transferred by him to any descendant of the deceased deemed eligible by the Commissioner, who is willing to take over the lease, subject to its covenants and conditions and to this Act.

(3) If a transfer in not effected in accordance with subsection (2) the block or blocks of land to which the lease relates shall revert to, and re-vest in, His Majesty, and shall become subject to, and may be dealt with in accordance with, the provisions of the *Crown Lands Act 1935**.

(4) For the purposes of subsection (1), the family of a lessee shall be deemed to comprise only the wife and children of the lessee.

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Since amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

Cape Barren Island Reserve

A.D. 1945.

Power of
Commissioner
to supply
goods and
livestock to
lessees.
Section 24.

17—(1) The Commissioner may, subject to the regulations, cause any fencing-wire, staples, iron roofing, building materials, water-tanks, agricultural or horticultural implements, seed, fertilisers, or livestock (in this section referred to as "goods or livestock") to be purchased and delivered to any lessee, but so that the total cost of such goods or livestock delivered to any one lessee shall not exceed the sum of fifty pounds.

(2) The lessee shall, before receiving any goods or livestock in accordance with this section, enter into a contract with the Commissioner to repay the cost of such goods or livestock by equal half-yearly instalments extending over such period, not exceeding five years, as may be determined by the Commissioner, with the right to repay at any time the balance of the instalments then owing.

(3) All goods or livestock supplied to a lessee in accordance with this section shall be used or applied by him exclusively for the purpose of improving or stocking the block or blocks to which his lease relates, and not otherwise.

(4) The payment of the instalments payable in accordance with this section as they fall due shall be a condition upon which the lessee shall hold his lease, and failure to fulfil this condition shall render the lease liable to cancellation in accordance with section thirteen.

(5) Upon the cancellation of any lease the Commissioner may take immediate possession of any such goods or livestock as the property of the Crown, and the goods or livestock may thereupon be disposed of or dealt with in such manner as the Commissioner may determine.

(6) Upon payment by a lessee of all instalments payable by him in respect of any goods or livestock supplied to him in accordance with this section, the Commissioner may, in his discretion, supply that lessee with additional goods or livestock under and in accordance with the foregoing provisions of this section.

(7) Except with the prior approval of the Commissioner, no lessee shall sell or otherwise dispose of to any person any goods or livestock supplied to him in accordance with this section, and no person, other than such lessee, shall, whether by purchase or otherwise, take, or have in his possession, any of such goods or livestock.

Penalty: Fifty pounds or six months' imprisonment.

Lease, &c.,
not to be
taken in
execution.
Section 25.

18 No lease, and no block held under this Act, or interest therein, and no stock or chattels upon any homestead or agricultural block, or upon the Reserve and belonging to any lessee, shall be liable to seizure or to be taken in execution.

Cape Barren Island Reserve.

19—(1) The Commissioner may, at any time, by notice in writing under his hand served on the person affected thereby, order the removal from the Reserve of any person over the age of twenty-one years who is not a lessee, or the son of a lessee who is permanently employed by, and receiving wages from, a lessee.

A.D. 1945.
Power to Commissioner to order certain persons to be removed from Reserve
Section 25.

(2) If any person upon whom a notice under this section has been served is found within the Reserve at any time after the time specified in the notice, he shall be liable to a penalty of twenty pounds, and, in addition, any bailiff of Crown lands or other officer who is authorised, either specially or generally, in that behalf by the Commissioner, may remove that person from the Reserve and may, for the purpose of removing that person therefrom, use such force as may reasonably be necessary.

(3) Any person who, having been removed from the Reserve in accordance with this section, returns to the Reserve without the written consent of the Commissioner shall be liable to a penalty of twenty pounds and may be again removed therefrom in accordance with the foregoing provisions of this section.

20—(1) Upon the expiration of six months after the commencement of this Act, any portions of the Reserve which have not been granted under lease, reserved for public purposes, or occupied by any church authority, in accordance with the foregoing provisions of this Act, may, during the continuance of this Act, be disposed of to lessees, but to no other persons, in accordance with the provisions of the *Crown Lands Act 1935**.

Certain portions of Reserve may be disposed of to lessees.

(2) The Commissioner may make such arrangements as he considers necessary for, or in connection with, the survey, subdivision, and allotment of blocks of land in those portions of the Reserve to which this section applies.

21—(1) The Commissioner may, if he thinks fit, grant to any person who has habitually resided on the Reserve for not less than three years prior to the commencement of this Act, and who, for a reason considered by the Commissioner to be satisfactory, is unable or ineligible to apply for a lease under this Act, a temporary licence (as defined in the *Crown Lands Act 1935**) to occupy any area within the Reserve to which section twenty of this Act applies.

Power of Commissioner to grant licences to certain persons.

(2) A licence under this section shall be granted for residential purposes only, and shall be in respect of an area of vacant land not exceeding five acres in extent.

22—(1) No person shall, by himself, or by his servant or agent, bring or send any liquor into the prohibited area, or supply within the prohibited area to any person by sale, gift, or in any other way, either directly or indirectly, any liquor.

Provisions relating to the use, &c., of liquor in the Reserve.
Section 29.

* 26 Geo. V. No. 35. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 1000. Since amended by 3 Geo. VI. No. 8, 4 Geo. VI. No. 47, and 7 Geo. VI. No. 57.

The Acts of the Parliament of Tasmania [electronic resource]

Corporate Author: Tasmania

AIATSIS Library, ELECTRONIC ACCESS ONLY

vn1280090-9x_a.pdf