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Dated 17 February 2021



TASMANIA

SELF'S POINT LAND ACT 1951

No. 32 of 1951

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SELF'S POINT LAND ACT 1951

No. 32 of 1951

An Act to provide for the resumption and reclamation of land at Self's Point on the River Derwent and for its future use

[Royal Assent 18 May 1951]

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 and construction

- (1) This Act may be cited as the *Self's Point Land Act 1951*.
- (2) This Act shall be read and construed as one with the *Crown Lands Act 1976*.

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2. Resumption of land

- (1) The vesting in the Lord Mayor, Aldermen, and Citizens of the City of Hobart of the lands described in Part II of the seventh schedule to the *Hobart Corporation Act 1947* is repealed so far as it includes any of the lands coloured red on Plan No. 162, Hobart, lodged in the office of the Surveyor-General.
- (2) The trustees of the Hobart Public Cemetery are hereby divested of any of the land coloured red on the said plan which was vested in them at the commencement of this Act.
- (3) The said corporation and the said trustees shall be entitled to receive, out of money borrowed for the purposes of this Act, compensation for all improvements on the lands of which they are hereby divested, the amount of which compensation, if not agreed upon between the Minister and the claimant, shall be determined as a disputed claim for compensation under the *Land Acquisition Act 1993*.
- (4) The whole of the land coloured red on the said plan shall be deemed to be Crown land subject to the *Crown Lands Act 1976* and at the commencement of this Act free from any reservation, duty, trust, or interest whatsoever.

3. Reclamation of land

- (1) The Governor may reclaim from the River Derwent the land coloured green on the said plan.

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- (2) The Governor may, before commencing to reclaim any part of that land, by proclamation extinguish the public rights of navigation and fishing and any other public rights therein and thereover.
- (3) Upon any such reclamation the boundary of the City of Hobart shall extend to the new high-water mark so created.

4. Disposal of land

- (1) The land coloured red or green on the said plan shall be dealt with only under section 6 of the *Crown Lands Act 1976*, and shall be used only for one or more of the following purposes:
 - (a) Roads, railways, sidings, paths, drainage, sewers, transmission lines, and such like things;
 - (b) Storage of alternative fuel, gas, industrial chemicals or oil;
 - (ba) The manufacture of substances from, or containing, alternative fuel, gas, industrial chemicals or oil;
 - (bb) The packaging of substances from, or containing, alternative fuel, gas, industrial chemicals or oil;
 - (bc) The erection, installation and use of infrastructure or equipment for, or in connection with, any of the purposes specified in paragraph (b), (ba) or (bb);

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- (c) Municipal sewage disposal works; and
 - (d) Wharves and other purposes of the Tasmanian Ports Corporation Pty. Ltd. (ACN 114 161 938).
- (2) Any part of the land reserved for municipal sewage disposal works may be sold under the *Crown Lands Act 1976* to the Lord Mayor, Aldermen, and Citizens of the City of Hobart.
- (3) In this section –
- alternative fuel* means any fuel that is not composed of or derived from a fossil fuel;
 - gas* means gas within the meaning of the *Gas Safety Act 2019*;
 - industrial chemical* means any chemical that has an industrial use;
 - manufacture* includes the carrying out of any process with a view to the production of a substance by that process or by that process in conjunction with any other process, and (without prejudice to the generality of the foregoing provisions of this definition) includes –
 - (a) the production of a substance by any process of separation, distillation, refining, remaking, or reconditioning, or by the mixing together of two or more kinds of oil or other substances; and

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- (b) the breaking up or sorting out of a substance;

oil means oil of any description, and includes –

- (a) spirit produced from oil;
- (b) coal tar; and
- (c) a mixture of oil with any other substance;

5.

6. Roads

So much of the road in the City of Hobart running from Queen's Walk round the Hobart Public Cemetery back to Queen's Walk as lies outside the lands coloured red on the said plan is declared to be a highway, and may be diverted or widened by the council over its adjoining lands notwithstanding anything to the contrary in the *Local Government (Highways) Act 1982*.

7. Railway

- (1) The Transport Commission shall, when required by the Minister, construct a line of railway from the Main Line near New Town Station into the lands coloured red or green on the said plan, and such lines, points, sidings, and other works thereon as the Minister requires.

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- (2) The Transport Commission shall be entitled to be paid the cost of all works constructed under this section out of moneys borrowed under section nine of this Act.

8. Water and sewerage

- (1) The Hobart City Council shall provide a supply of water and a system of sewerage for the lands coloured red or green on the said plan upon terms to be mutually agreed with the Minister.
- (2) Any payments which the Minister agrees to make under this section, and which the Treasurer determines not to have the nature of revenue expenditure, shall be made out of moneys borrowed under section nine of this Act.

9. Borrowing

The Treasurer may borrow the sum of \$50 000 and such other sums as Parliament may hereafter approve and may apply the same for the purpose of meeting –

- (a) compensation payable under section two and other costs of and incidental to the resumption thereby provided;
- (b) the cost of and incidental to the reclamation of land under section three;
- (c) the cost of preparing the land for use as provided in section four, including the initial cost of roads, paths, drains, and

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similar things required for the proper use of the land;

- (d) sums payable to the Transport Commission under section seven; and
- (e) payments out of borrowed moneys under section eight.

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NOTES

The foregoing text of the *Self's Point Land Act 1951* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 3 February 2021 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Self's Point Land Act 1951</i>	No. 32 of 1951	18.5.1951
<i>Self's Point Land Act 1963</i>	No. 78 of 1963	3.12.1963
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Tasmanian Ports Corporation Act 2005</i>	No. 41 of 2005	31.12.2005
<i>Self's Point Land Amendment Act 2009</i>	No. 11 of 2009	9.6.2009
<i>Gas (Consequential Amendments) Act 2019</i>	No. 3 of 2019	3.2.2021

TABLE OF AMENDMENTS

Provision affected	How affected
Section 1	Amended by No. 11 of 2009, s. 4
Section 2	Amended by No. 68 of 1994, s. 3 and Sched. 1 and No. 11 of 2009, s. 5
Section 4	Amended by No. 78 of 1963, s. 2, No. 41 of 2005, Sched. 1, No. 11 of 2009, s. 6 and No. 3 of 2019, s. 22
Section 5	Repealed by No. 41 of 2005, Sched. 1
Section 6	Amended by No. 11 of 2009, s. 7