



ANNO VICESIMO QUINTO ET VICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1862.

No. 16.

An Act to provide for an appeal against Assessments of the Waste Lands of the Crown leased for Pastoral Purposes.

[Assented to, 21st October, 1862.]

WHEREAS by an Act, No. 7 of 1861, intituled "An Act to amend an Act, No. 20 of 22nd Victoria, intituled 'An Act for an Assessment on Stock, and for other purposes therein mentioned,'" it is enacted that the waste lands of the Crown, leased for pastoral purposes, should be assessed as therein mentioned; but there is no provision for appealing against such assessment, and great injustice may result from the absence of such provision—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. Any lessee of the waste lands of the Crown for pastoral purposes may, within one year from the publication of any assessment of such lands made under the provisions of the said Acts, lodge with the Commissioner of Crown Lands and Immigration, an appeal against the assessment of the waste lands leased to such lessee; and such lessee shall, at the time of lodging such appeal, deposit with the said Commissioner the sum of Twenty-five Pounds, and any excess of that sum over the costs of such appeal shall be returned to the appellent.

Lessee may appeal against over assessment.

2. A person to be appointed by the Governor with the advice and consent of the Executive Council, another person to be appointed

Constitution of tribunal.

by

by the appellant, and a third person to be appointed by the person so appointed by the Governor and appellant, shall constitute a tribunal to be called "The Assessment Tribunal," and such tribunal shall, subject to the provisions of this Act, have full power to hear and determine all appeals which may be lodged against the assessment of the waste lands of the Crown leased for pastoral purposes.

Commissioner of Crown Lands to cause tribunal to be summoned.

3. On receipt of any appeal, the Commissioner of Crown Lands and Immigration shall cause the Assessment Tribunal to be summoned at some convenient time and place in Adelaide, there to take such evidence as may be produced and hear the appeal.

Tribunal to fix amount of assessment.

4. The said tribunal shall, after hearing such evidence, fix the amount of assessment at which the waste lands, the assessment of which is appealed against, shall in future be assessed, whether the amount so fixed may be higher or lower than the amount fixed in the assessment appealed against, and their decision shall forthwith be published in the *South Australian Government Gazette*, and shall be final, and shall be the assessment which such appellant shall pay under the provisions of the said recited Act: Provided that no past over-assessment, if proved, shall be returned to the appellant.

Tribunal to award expenses.

5. The said tribunal may, on the hearing of the appeal, award any reasonable expenses against the appellant, and such expenses may be recovered by the said Commissioner in any Court of competent jurisdiction from such appellant, on production of the certificate of the said Commissioner, as and for liquidated damages.

Costs.

6. The appellant shall pay all costs incurred in hearing and determining his appeal.

Failure to prosecute appeal.

7. If any person shall, after giving notice of such appeal, fail to appear or to prosecute the appeal at the time and place appointed, without reasonable excuse, to the satisfaction of the said tribunal, such person shall forfeit all right of appeal, together with the sum deposited in the hands of the said Commissioner.

Fees to members of tribunal.

8. Each member of the said tribunal, shall be paid the sum of Three Pounds Three Shillings per day for each appeal heard before such tribunal, and the amount thereof shall form a portion of the costs of such appeal.

Commissioner of Crown Lands and Immigration to summon witnesses.

9. The said Commissioner shall, on request of any appellant, or of the valuator of runs, issue a summons to any person in the form set forth in the Schedule to this Act, to appear and give evidence before the said tribunal; and on service of such summons, such person shall appear before such tribunal and then and there give evidence on oath, and shall thereupon be entitled to receive such reasonable expenses incurred by him, as the said tribunal may award, such expenses to be added to the costs of the appeal.

10. The

10. The said tribunal shall have all the powers and authorities Powers of tribunal.
vested in Special Magistrates for compelling the attendance of witnesses, enforcing any order made by such tribunal, and compelling witnesses to answer on oath; and any wilful false statement, made on oath before such tribunal, shall be deemed and punished as perjury.

11. This Act may be cited as the "Assessment on Stock Tribunal Short Title.
Act, 1862."

In the name and on behalf of the Queen I hereby assent to
this Act.

D. DALY, Governor.

SCHEDULE.

To A.B., , of , take notice, you are required to appear and give evidence on , the day of , 18 , at o'clock, before the Assessment Tribunal, at , in Adelaide, in the matter of the appeal of C.D. against the assessment of the Waste Lands of the Crown leased to the said C.D.

E.F., Commissioner of Crown Lands
and Immigration.