

TASMANIA.

**THE FLORENTINE VALLEY WOOD-
PULP AND PAPER INDUSTRY
ACT, 1932.**

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title and commencement.
2. Interpretation.
3. Effect of assignment by promoter.
4. Power to terminate Act.
5. Further obligations of promoter.

PART II.—TIMBER RIGHTS.

6. Dedication as State forests.
7. Rights of promoter over State forests.
8. Promoter to furnish working plans.
9. Royalties to be paid by promoter.
10. Increase of royalty in certain cases.
11. Review of royalties.
12. Records to be kept by, and returns to be made by, promoter.
13. Exemption from Forestry Act, 1924.
14. No compensation to be payable in respect of the damming of the River Derwent.
15. Promoter to supply milling timber in certain cases.

PART III.—OTHER RIGHTS
AND POWERS.

16. Water-rights.
17. Outflow.
18. Promoter to construct drains and other works.

19. Application of 20 Geo. V. No. 71,
Part VI.

Other easements.

20. Tramways.
21. Carriage of timber and goods.
22. Transport rights.
23. Restriction on use of forest products from beyond concessions.

PART IV.—SURRENDER, CUR-
TAILMENT, AND FORFEI-
TURE OF PROMOTER'S
RIGHTS.

24. Surrender of rights.
25. Rights of promoter may be curtailed in certain cases.
26. Application for forfeiture of rights.

PART V.—DURATION OF
RIGHTS.

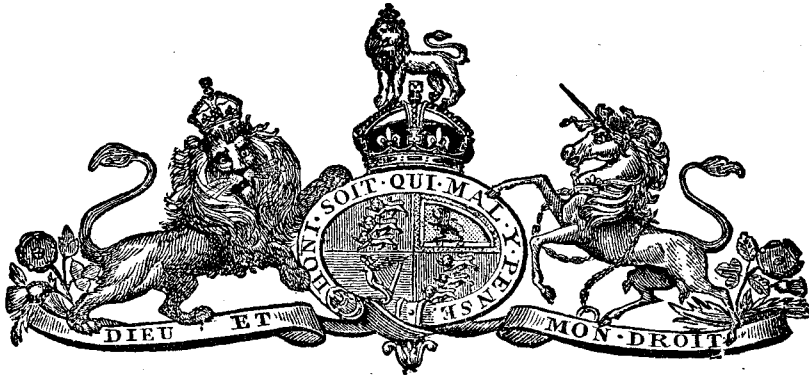
27. Expiration of this Act.

PART VI.—GENERAL.

28. Evidence and procedure.
29. Regulations.



T A S M A N I A .

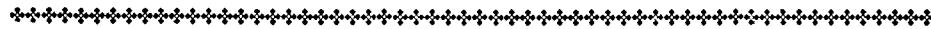


1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 10.



AN ACT to encourage the Manufacture of Wood-pulp and Paper in Tasmania, and to authorise the granting of certain rights and concessions to *Thorold Fink* and his assigns for that purpose. [7 July, 1932.]

A.D.
1932.

WHEREAS *Thorold Fink* proposes to form a company or companies, having as one of its or their objects the erection of factories and works upon the lands described in Schedules (1), (2), (3), and (4) to this Act, or upon lands belonging to or which may hereafter be acquired by the said *Thorold Fink* or his assigns for the manufacture of wood-pulp and paper :

PREAMBLE

And whereas it is desirable to authorise the granting to the said *Thorold Fink* and his assigns of the rights and concessions hereinafter mentioned, upon and subject to the conditions hereinafter contained :

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

Be it therefore 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 :—

PART I.

PRELIMINARY.

Short title and commencement.

1—(1) This Act may be cited as “The Florentine Valley Wood-pulp and Paper Industry Act, 1932.”

(2) This Act shall come into operation on a date to be fixed by proclamation.

(3) Such proclamation shall be issued when the Minister is satisfied that a company, having a paid-up capital of not less than Thirty thousand Pounds, has been formed by the promoter, having as one of its purposes the purchasing, erecting, and installing a plant for the manufacture in this State of wood-pulp and paper from the forest products to be obtained from the said lands as defined in this Act, and that the promoter has lodged with the Treasurer a guarantee as provided by Subsection (4) hereof.

(4) The promoter shall lodge with the Treasurer a guarantee by a bank or insurance company approved by the Treasurer for the sum of Ten thousand Pounds payable to His Majesty conditioned upon the performance by the promoter of all the requirements of Section Four within the respective times provided by that section, in default of which the said sum thereby secured shall be forfeited to His Majesty.

(5) No such proclamation shall be issued after the thirty-first day of December, one thousand nine hundred and thirty-two.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—

“Conservator” means the Conservator of Forests :

“Cord,” used in relation to timber, means the quantity of wood contained in a stack four feet wide, four feet high, and eight feet long :

“Forest products” means the products of growing or dead trees, shrubs, or other vegetable growth :

“Judge” means a judge of the Supreme Court :

“Private land” means any land alienated or contracted to be alienated from the Crown in fee simple, or held under any lease or any occupation, residence, or business licence granted or issued under the Crown Lands Act, 1911, or under any lease, licence, or other authority granted or issued under the Mining Act, 1929, or under any timber or forestry lease or permit granted by the Crown under any Act :

“Road” means any road, street, or high road, or any reservation therefor :

“The industry” means the manufacture by the promoter in this State of wood-pulp, paper-pulp, and paper, or any of them, and the investigations in connection with such

Florentine Valley Wood-pulp and Paper Industry.

manufacture and the supply and preparation of materials therefor, and the carrying on of processes and businesses incidental to such manufacture, and the carrying on in this State by the promoter of any manufacture cognate or incidental or subsidiary to such manufacture, including the milling and marketing of timber : A.D. 1932.

“The promoter” means the said *Thorold Fink* and his assigns:

“The said lands” means such of the lands of the Crown comprised within the respective areas described in Schedules (1), (2), (3), and (4) as for the time being are subject to the provisions of this Act :

“Timber” includes trees of any description, whether alive or dead, and whether standing or fallen :

“Unit,” used in relation to any plant or machinery for the manufacture of wood-pulp or paper, respectively, means a complete and fully-equipped plant, having the capacity necessary to produce annually not less than—

- i. Nine thousand tons of wood-pulp from wood ; or
- ii. Eighteen thousand tons of paper from wood-pulp—
as the case may be :

“Working plan” means a detailed statement in writing, setting out in respect of a specified area, called the working plan area—

- i. The facts on which the proposals therein contained are based :
- ii. The intended operations to be carried out :
- iii. The manner in which the same are to be carried out :
- iv. The requirements to be observed in relation to all fellings and all operations for the regeneration, improvement, and protection of the forest : and
- v. The requirements for the proper record and control of the work—

in the working of that area during the period specified in such plan.

3 Upon any assignment by the promoter of his rights and concessions under this Act, the person in whom such rights and concessions shall be vested by virtue of such assignment shall be subject to all the obligations and conditions imposed upon the promoter by this Act, to the exclusion of the person making such assignment. Effect of assignment by promoter.

4—(1) If the promoter, whenever required by the Governor so to do, at any time after the expiration of the appropriate period prescribed in that behalf by this subsection, fails to satisfy the Governor that he— Power to terminate Act.

1. Within two years after the commencement of this Act, has—
 - (a) Completed the installation at some place in the valley of the River Derwent of one unit of plant for the manufacture of wood-pulp ; and

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

(b) Commenced in this State the installation of one commercial two-roll newsprint paper-making unit :
or

ii. Within four years after the commencement of this Act, having complied with the requirements of Paragraph i. hereof, has completed the installation in this State of such paper-making unit for the manufacture of newsprint paper—

the Governor, by proclamation, may declare that the rights and concessions conferred upon the promoter under this Act shall be determined, and thereupon the provisions of this Act shall cease to have effect, but without prejudice to the enforcement against the promoter of any liability incurred by him under this Act previously to such cesser.

(2) The Governor, upon being satisfied that any such work as is mentioned in Paragraphs i. and ii. respectively of Subsection (1) hereof has been delayed through any cause beyond the promoter's control, may extend the time within which the said respective works shall be carried out as aforesaid for a further period of twelve months beyond the periods of two and four years respectively prescribed for the same, and the provisions of Subsection (1) hereof shall be construed as subject to any such extension of time.

Further obligations of promoter.

5 Within ten years after the commencement of this Act, the promoter shall complete the installation in this State of a second unit for the manufacture of wood-pulp and a second paper making unit for the manufacture of newsprint paper, and such second units respectively shall be in addition to those required under Section Four.

PART II.

TIMBER RIGHTS.

Dedication as State forests.
11 Geo. V. No. 60.

6 All such portions of the said lands as are not already included in State forests are hereby dedicated as State forests within the meaning of the Forestry Act, 1920.

Rights of promoter over State forests.

7—(1) Subject to the provisions of this Act and to the requirements of any working plan approved hereunder, the promoter shall have the full and exclusive right to cut and remove timber and forest products of

Florentine Valley Wood-pulp and Paper Industry.

any description, and for any purpose whatsoever, from the said lands and to dispose of such timber and forest products in such manner as the promoter shall think fit. A.D. 1932.

(2) In the exercise of his powers under this section, the promoter shall comply with the regulations in force under the Forestry Act, 1920, with regard to the lighting and extinguishing of fires and the use of steam locomotives and spark arrestors. 11 Geo. V. No. 60.

(3) The promoter from time to time may erect, construct, alter, remove, dismantle, and re-erect and operate any mills or plants on any portion or portions of the said lands for the dressing, treatment, or making marketable or useful any timber or forest products.

8—(1) All fellings and all operations for the regeneration, improvement, and protection of the forests on the said lands shall be carried out in accordance with the requirements of working plans approved by the Conservator. Promoter to furnish working plans.

(2) Such working plans shall be prepared by the promoter and submitted to the Conservator for approval not less than—

i. Three months, in the case of working plans for the promoter's operations for the first five years after the commencement of this Act : and

ii. Six months in any other case—

before the operations therein specified respectively are proposed to be commenced.

(3) If the Conservator does not approve of any particular working plan submitted as aforesaid, he may give notice in writing to the promoter—

i. Specifying the modifications which he requires to be made in such plan : and

ii. Specifying the operations which the promoter shall, and may, respectively, carry out in the area to which such plan relates during—

(a) The first year of the period covered by such plan ; or

(b) Such longer or shorter period, specified in such notice, as the Conservator may think necessary for effecting such modifications as aforesaid in such plan—

and the promoter shall carry out the requirements of such notice at his own cost.

(4) If the promoter fails to carry out the requirements of any approved working plan, the Conservator, with the approval of the Minister, may carry out and give effect to the same or any part thereof as he may think fit, and may recover from the promoter the cost thereby incurred together with Ten Pounds per centum of such cost.

(5) If the promoter is dissatisfied with the refusal of the Conservator to approve of any working plan, he may apply to a judge for a summons calling on the Conservator to show cause why such plan should not be approved, and on the hearing of such summons the judge may make such order as to the judge may seem just.

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

Royalties to be
paid by promoter.

9—(1) The promoter shall pay to the Conservator royalty in respect of all timber and forest products taken by him from the said lands for any purpose whatsoever at the respective rates hereinafter provided.

(2) Such royalty shall be paid by the promoter in respect of timber and forest products—

- i. Cut by the promoter on the said lands and used as firewood or in the manufacture of wood-pulp or paper: at the rate of Two Shillings per cord, but subject to increase as prescribed by Sections Ten and Eleven:
- ii. Used, applied, or disposed of otherwise than as hereinbefore specified: at the respective rates for the time being prescribed under the Forestry Act, 1920, and applicable to the particular class of forest products in each case respectively.

(3) Except as hereinbefore provided no rental, fees, or other charges shall be payable by the promoter in respect of the said lands or of the timber or forest products obtained therefrom.

Increase of
royalty in certain
cases.

10—(1) Whenever the audited accounts of the promoter for any year show a net profit exceeding Ten Pounds per centum per annum upon all capital moneys expended by the promoter since the inception of the industry, including all losses, if any, incurred in operating the industry, the rate of royalty to be paid under Paragraph i. of Subsection (1) of Section Nine in respect of such year shall be increased by Threepence per cord for every One Pound or fraction of One Pound per centum by which such profit exceeds Ten Pounds per centum.

(2) In computing the total amount of such expenditure as aforesaid, the promoter may include interest thereon at the rate of Eight Pounds per centum per annum, with half-yearly rests on the thirtieth day of June and the thirty-first day of December in each year, from the respective dates upon which the expenditure thereof was incurred up to the beginning of the financial year of the promoter in which the net profits amounted to Ten Pounds per centum, and the promoter shall deduct from such total amount all net profits earned by him during such period, together with interest on such profits calculated at the rate and in manner hereinbefore provided in respect of expenditure.

(3) In computing his net profits the promoter may include in his deductions from the gross revenue earned in the year for which such computation is made—

- i. Working expenses:
- ii. All moneys expended in repairs and maintenance:
- iii. Depreciation at the rate of Five Pounds per centum in respect of all works, buildings, machinery, plant, and other tangible assets constructed, erected, purchased, acquired, or created by the expenditure of capital moneys, but not including any freehold lands purchased or acquired by the promoter, or contracted to be so purchased or acquired; such depreciation to be calculated each year on the value of all such works and other assets as reduced by all previous reductions.

Florentine Valley Wood-pulp and Paper Industry.

- iv. All usual and proper administration and other outlays, charges, and expenses : and A.D. 1932.
- v. All moneys paid for Federal and State taxes and for municipal rates and charges.

(4) If any difference or dispute shall arise between the promoter and the Conservator with respect to any increase in the rate of royalty to be paid by the promoter in accordance with the provisions of this section, the same, at the request of either the promoter or the Conservator, shall be referred to arbitration in accordance with the provisions of the Arbitration Act, 1892.

11—(1) At any time or times after the expiration of twenty years after the commencement of this Act the rate of royalty prescribed by Paragraph 1. of Subsection (2) of Section Nine may be reviewed at the instance of the Conservator or the promoter. Review of royalties.

(2) If the Minister and the promoter fail to agree as to the rate of royalty to be paid by the promoter, the matter shall be determined by arbitration in accordance with the provisions of the Arbitration Act, 1892.

(3) In the determination of such matter, the arbitrator shall take into consideration—

- i. The fact that the royalty prescribed as aforesaid was fixed at a concessional rate with a view to assisting the promoter in the establishment of the industry:
- ii. Any alteration in circumstances which may call for an increase or reduction as the case may be in the royalty to be paid : and
- iii. Such other relevant matters as either of the parties to the reference may bring before him—

and, after determining what rate is reasonable in the circumstances, shall give credit to the promoter for one-half the amount expended by the promoter during the five years immediately preceding the reference for the purposes of forest regeneration and tending of new crop on the said lands, on the basis that the said one-half of such amount shall be divided by the total number of cords of wood (including timber) cut by the promoter during the said five years, and the result shall represent the amount per cord for which credit is to be so given.

(4) No royalty determined as hereinbefore provided shall exceed Four Shillings or be less than One Shilling and Six Pence per cord respectively.

(5) Where a rate of royalty has been determined as provided by this section whether by agreement or arbitration, such rate shall continue in force for not less than five years from the date of such determination unless the Minister and the promoter expressly agree to the contrary.

12—(1) Books, maps, and plans recording the operations of the promoter in connection with the industry shall be kept by the promoter, and shall be available for inspection at all reasonable times Records to be kept by, and returns to be made by, promoter.

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

by the Conservator, or any officer of the Forestry Department appointed by him for that purpose, and shall show in respect of each year particulars of—

- i. The operations in the forest including fellings, silvicultural operations, fire protection, and other works required by the relevant working plan :
- ii. The quantity of wood and other forest products used in the manufacture of wood-pulp or paper :
- iii. The quantity of timber used for other milling purposes :
- iv. The quantity of timber sold in the log :
- v. The quantity of paper produced :
- vi. The quantity of wood-pulp produced and sold as such :
- vii. The quantity of timber obtained from private lands for conversion into wood-pulp or paper :
- viii. The respective amounts expended on fire protection, forest development and improvement, and reforestation :
- ix. Such other particulars of a similar nature as may be prescribed.

(2) The promoter shall also furnish the Conservator with returns in respect of all or any of the matters or things mentioned, or referred to in Subsection (1) of this section, in such form and at such times as shall from time to time be prescribed by regulations made under this Act.

(3) If the promoter shall contravene any of the provisions of this section he shall be liable to a penalty of One hundred Pounds.

Exemption from
Forestry Act,
1924.

15 Geo. V. No.
62.

13 The Minister may exempt any timber cut under this Act from the provisions of the Forestry Act, 1924, upon being satisfied that the bark of such timber is required for any operations of the promoter, and may similarly exempt any timber cut under this Act, the bark of which shall be destroyed during such operations; but, subject to any such exemption as aforesaid, the provisions of the lastmentioned Act shall apply to all timber cut under this Act.

No compensation
to be payable in
respect of the
damming of the
River Derwent.

14 Nothing in this Act shall entitle the promoter to any compensation in respect of any deprivation or diminution of his rights under this Act, or any loss of or injury to the property of the promoter, occurring by reason or in consequence of any works which may be executed, or any operations which may be carried out, at any time after the passing of this Act, by the State Hydro-Electric Commission in connection with the damming of the River Derwent or any of its tributaries, for the purposes of the State Hydro-Electric Works.

Promoter to
supply milling
timber in certain
cases.

15—(1) The rights conferred by this Act upon the promoter in respect of the said lands shall be subject to the obligation of the promoter, at any time after the expiration of six years and before the expiration of fifty years from the commencement of this Act, to supply to such persons as the Conservator may direct, timber for milling purposes from the said lands in such quantities not exceeding eight million superficial feet in any one year and upon and subject to such conditions as may be prescribed.

Florentine Valley Wood-pulp and Paper Industry.

(2) If at any time the promoter shall fail or refuse to supply timber as aforesaid, or any part thereof, or in the event of any special circumstances arising which in the opinion of the Conservator render it desirable so to do, the Conservator may grant to any person authority to obtain timber from any land to which the obligation imposed by Subsection (1) hereof relates. A.D. 1932.

(3) Such authority as aforesaid shall be in the form of an exclusive forest permit under the Forestry Act, 1920, and shall specify and describe the area in respect of which it is granted and the conditions upon and subject to which the holder thereof may take timber for milling purposes from such area.

(4) The regulations to be made under and for the purposes of this section shall be consistent with such terms, if any, as may be agreed upon by the Minister and the promoter before the proclamation of this Act.

PART III.

OTHER RIGHTS AND POWERS.

16—(1) The Minister for Mines, with the consent of the Hydro-Electric Commission, may grant to the promoter under and subject to the provisions of the Mining Act, 1929, and, subject to such restrictions, limitations, and conditions as the lastmentioned Minister shall determine, such water-rights and dam sites as the promoter may require for the purposes of the industry. The Minister in granting such rights shall consider the requirements of the City of Hobart for water-supply purposes. Water-rights.
11 Geo. V. No. 60.
20 Geo. V. No. 71.

(2) No such water-right shall be granted in respect of any river or stream other than the River Derwent or one of its tributaries or some stream approved by the Minister for Mines.

(3) For the purpose of this section, and of the application thereto of the provisions of the Mining Act, 1929, the carrying on of the industry by the promoter shall be of the same effect as if the promoter were the holder of a mining lease of the lands in respect whereof the rights are sought. 20 Geo. V. No. 71.

17—(1) The Commissioner of Crown Lands from time to time, upon the application of the promoter, may cause to be issued to him under and subject to the provisions of the Crown Lands Act, 1911, as herein modified, a lease or leases of a strip or strips of land, of such width in each case as the said Commissioner shall determine, upon and across the foreshore adjacent to or in the vicinity of any land whereon the industry is being carried on. Outflow.
2 Geo. V. No. 64.

(2) Every such lease shall be renewed on the application of the promoter so long as he carries on the industry.

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

Power to
construct drains
and other works.

18—(1) The promoter may construct pipe-lines, tunnels, or drains between any of his works or from his works into the sea, or into the tidal waters of the River Derwent or from that river or any of its tributaries to any of his said works upon, over, or under—

- i. The lands comprised in any such lease as aforesaid :
- ii. Any land belonging to the Crown :
- iii. Any private land : and
- iv. Any road, tramway, or railway.

(2) Before proceeding with any such construction, the promoter shall submit to the Commissioner of Crown Lands plans and specifications of the proposed work, and shall obtain his approval thereto.

(3) Every such work shall be completed within twelve months after such approval has been obtained, or within such further time as the said Commissioner may allow.

(4) The outlet of every such drain, tunnel, or pipe-line for the discharge of effluent or waste water shall be below low-water mark, and the promoter shall discharge all effluent or waste water through the same into the sea or into the tidal waters of the River Derwent.

(5) The outlet for all effluent which is of such a nature as to be likely to create any nuisance shall be at a point to be approved by the Minister, and such outlet shall be placed at such distance from the shore as the Minister may require, but the promoter shall not be required to carry the same further south than the mouth of the River Jordan.

Application of 20
Geo. V. No. 71,
Part VI.

19—(1) Part VI. and Sections Seventy-three, Seventy-four, and Seventy-six of the Mining Act, 1929, shall apply to the exercise by the promoter of the powers conferred upon him by Subsection (1) of Section Eighteen in respect of private lands, in the same manner as if the promoter were engaged in mining operations and as if the powers exercisable by him under the lastmentioned subsection were exercisable by the promoter under Part VI. of that Act.

Other easements.

(2) Except with regard to the construction of tramways, the said Part VI. of the said Act shall apply to and in respect of the promoter, and the said lands, and any other lands used or occupied by the promoter in connection with the industry, in the same manner and to the same extent as if such lands were occupied by the promoter for mining purposes.

Tramways.

20—(1) It shall be lawful for the promoter, with the consent of the Minister, and upon such terms and conditions as the Minister deems fit, to make, use, construct, repair, improve, and maintain such lines of tramway and railway within the County of Buckingham and within ten miles thereof, and along such route or routes as the promoter may deem necessary from time to time, for the purpose of working the said lands and carrying on the industry, and to take and use so much of the lands of the Crown and private lands, and of the roads and reserves, both public and private, through or along which such tramways or railways shall pass, as may be required for the construction, maintenance, and working thereof.

Florentine Valley Wood-pulp and Paper Industry.

(2) Any tramway or railway constructed within the County of Buckingham before the commencement of this Act, and purchased or taken over by the promoter before or after such commencement, shall be deemed to have been constructed under the authority of this Act. A.D. 1932.

(3) The promoter, whenever required by the Minister so to do, and within three months after being so required, shall deposit with the Minister copies of the survey plans, showing the route of any tramway or railway constructed by the promoter under the authority of this section.

(4) The promoter shall be at liberty to use steam, electricity, or other motive power for the traction of carriages or vehicles over the said tramways or railways, or any of them, or for working any mill or machinery upon the said Crown lands or worked in connection therewith.

(5) The parts and sections of the Railways Clauses Consolidation Act, 1901, referred to in Schedule (5), with the modifications therein mentioned, are incorporated with this section, and for the purpose of such incorporation this section shall be deemed to be the special Act. 1 Ed. VII. No. 14.

21—(1) The promoter at all reasonable times shall make any line of railway or tramway constructed by the promoter on the said lands and for the time being in use by the promoter available for the carriage and transport of timber and other goods. Carriage of timber and goods.

Penalty: Fifty Pounds and a further daily penalty of Five Pounds.

(2) It shall be lawful for the promoter to levy, collect, and take, in respect of any such carriage or transport, such tolls, rates, and charges as may be chargeable in respect thereof as hereinafter provided.

(3) The promoter may prepare rules setting forth scales of such tolls, rates, and charges, and also the terms and conditions upon and subject to which he is prepared to accept goods for transport on any such railway or tramway.

(4) All such rules shall be submitted to the Commissioner for Railways, and, if and when approved by him, may be published by the promoter, and shall be binding upon all the parties concerned.

(5) If the Commissioner for Railways withholds his approval of any such rules, the matter in dispute shall be referred to arbitration in accordance with the provisions of the Arbitration Act, 1892.

(6) In the determination of any such dispute in respect of any toll, rate, or charge to be made by the promoter, the arbitrator may take into account—

i. The expenses and outgoings of, and incidental to, the transport, handling, and carriage of such timber and forest products, goods, chattels, and other things:

ii. Interest on and depreciation of the permanent-way and rolling-stock and all overhead expense and management charges properly applicable to such carriage and transport—

and may allow to the promoter a profit not exceeding Seven Pounds per centum after making allowance for such matters as aforesaid.

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

(7) No alteration shall be made in any such tolls, rates, or charges within twelve months after the same are first published, except with the consent of the Commissioner for Railways.

Transport rights.

22—(1) Subject to the provisions of this section, it shall be lawful for the promoter to use upon any road, upon or within twenty miles of the said lands, road trains and other means of mechanical transport.

(2) In any case where the use by the promoter of any such means of transport as aforesaid causes special damage to any such road, the promoter shall pay to the authority controlling such road such proportion of the cost of repairing such road as the Minister may determine.

(3) Any sum of money payable by the promoter under this section shall be a debt due to His Majesty, and may be recovered by the Minister, or any person authorised by him on that behalf, in any court of competent jurisdiction.

Restriction on use of forest products from beyond concessions.

23—(1) It shall not be lawful for the promoter to use for the purposes of the industry any forest products obtained from any lands of the Crown other than the said lands unless the consent in writing of the Conservator to his so doing has first been obtained.

(2) Any such consent shall specify the particular locality of the Crown lands to which the same relates.

(3) If the promoter shall contravene the provisions of Subsection (1) hereof he shall be liable to a penalty of One thousand Pounds, and to a further daily penalty of Fifty Pounds.

PART IV.

SURRENDER, CURTAILMENT, AND FORFEITURE OF PROMOTER'S RIGHTS.

Surrender of rights.

24—(1) The promoter from time to time and at any time, by deed poll—

i. May : and

ii. If and when required by the Minister so to do, at any time after the expiration of ten years after the commencement of this Act, shall—

surrender to His Majesty his rights under this Act in respect of any portion or portions of the said lands specified and described in such deed poll, and thereupon such portion or portions shall be freed and discharged from all rights conferred upon the promoter by this Act, and shall cease to be included in the said lands as defined by this Act.

Florentine Valley Wood-pulp and Paper Industry.

(2) Any requirement by the Minister, as provided by Paragraph ii. of Subsection (1) hereof, shall be in respect of such and so many blocks comprised in the said lands as the Minister on the recommendation of the Conservator may select, but the aggregate area which the promoter may be so required to surrender shall not exceed seven thousand acres.

A.D. 1932.

(3) The selection of any block to be surrendered, as provided by Subsection (2) hereof, shall be in such locality and of such area as may be determined as prescribed by a Board comprising :—

- i. The promoter ;
- ii. The Conservator : and
- iii. A person appointed by the Governor as representative of persons engaged in the timber industry in this State.

25—(1) If the promoter shall fail to satisfy the Governor that he has—

Rights of promoter may be curtailed in certain cases.

- i. Complied with the provisions of Section Five within the period therein prescribed : or
- ii. Before the expiration of fifteen years from the commencement of this Act, erected, installed, and equipped plant, for the utilization of the timber and forest products on the said lands, of such capacity that the whole of the timber and forest products—
 - (a) Then upon the said lands ; and
 - (b) Reasonably estimated to be available thereon from time to time in the future—

will be reasonably required to keep such plant and equipment supplied to its full capacity—

the Attorney-General shall apply to a judge for a summons calling upon the promoter to show cause why the rights conferred upon him by this Act should not be curtailed.

(2) Upon the hearing of any such summons, the judge may order and declare that the rights and concessions granted to the promoter under this Act shall cease, from the date of such order, to have effect in respect of such portion or portions of the said lands as may be specified in such order.

(3) The portion or portions of the said land to be specified as aforesaid shall be such as may be proved to the satisfaction of the judge to be unnecessary for the purpose of enabling the promoter to keep his existing plant and equipment supplied to its full capacity.

(4) No such order shall be made under this section in respect of the matters mentioned in Paragraph ii. of Subsection (1) hereof if the promoter satisfies the judge that he—

- i. Intends in good faith, within such time as the judge considers reasonable, to increase his plant and equipment in such manner and to such extent that he will require the whole of the timber and forest products from the whole of the said lands : and

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

- ii. Has reasonable prospects of giving full effect to such intention—

but, where an order has been refused under this provision, the Attorney-General may apply at any time thereafter for an order under this section if such intention as aforesaid has not been carried into effect.

Application for
forfeiture of
rights.

26—(1) If at any time the promoter fails to satisfy the Governor when so required, after the expiration of—

- i. Twelve months and before the expiration of two years after the commencement of this Act, that he has made or is making substantial progress in or towards the carrying out of the requirements of Paragraph i. of Subsection (1) of Section Four :
- ii. Three years from the commencement of this Act, that he has made or is making substantial progress in or towards the carrying out of the requirements of Paragraph ii. of Subsection (1) of Section Four : or
- iii. Fifteen years from the commencement of this Act, that within the period of three years immediately preceding such requirement he has manufactured in this State, from timber or forest products obtained from the said lands, wood-pulp or paper which, in the aggregate, represents an average annual output of not less than ten thousand tons—

the Attorney-General shall apply to a judge for a summons calling upon the promoter to show cause why the rights and concessions granted to him under this Act should not be determined.

(2) Upon the hearing of any such summons, the judge may order and declare that the rights and concessions granted to the promoter under this Act shall cease and determine as from the date of such order and thereupon the same shall be determined accordingly.

(3) If, upon the hearing of a summons issued in pursuance of Paragraph i. or Paragraph ii. of Subsection (1) hereof, the promoter satisfies the judge that—

- i. The failure in respect of which the proceedings are taken has occurred through causes beyond the promoters control : and
- ii. He has a reasonable expectation of complying with the requirements with the breach of which he is charged within such time as the judge considers reasonable—

the judge may make an order directing that the promoter shall be allowed a further time, to be specified in such order, to enable him to comply with such requirements, and may adjourn the hearing of such summons until the expiration of the further time so granted.

(4) If, upon the hearing of a summons issued in pursuance of Paragraph iii. of Subsection (1) hereof, the promoter satisfies the judge that—

- i. The non-compliance with the requirements of that paragraph has been due to causes over which he had not any control: and

Florentine Valley Wood-pulp and Paper Industry.

ii. He has produced from timber and forest products obtained from the said lands wood-pulp or paper in such quantities as in the opinion of the judge entitle him to retain some part of the rights and concessions granted under this Act—the judge may order and declare that the rights and concessions granted to the promoter by this Act shall cease to have effect in relation to a portion or portions of the said lands specified in such order, and thereupon such portion or portions shall cease to be included in the expression “the said lands” used in this Act, and all rights of the promoter in relation thereto shall cease.

A.D. 1932.

PART V.

DURATION OF RIGHTS.

27—(1) Subject to the provisions of this section, this Act shall expire at the expiration of fifty years from the commencement thereof, and thereupon the rights and concessions hereby granted to the promoter shall cease to have effect.

Expiration of
this Act.

(2) At any time not more than five years nor less than twelve months prior to the expiration of the said period of fifty years, the promoter may apply to a judge for an order declaring that the operation of this Act shall be extended and remain in operation for a further period of fifty years.

(3) Such application shall be made by summons calling upon the Minister to show cause why such extension should not be granted.

(4) If, upon the hearing of such summons, the promoter shall satisfy the judge that he is willing and able to continue the industry on a scale which, in the opinion of the judge, is sufficient to justify the extension for which he applies, and that he intends in good faith so to do, the judge may order and declare that the operation of this Act shall not expire until the expiration of a further period of fifty years from the commencement of this Act, and the same shall continue in operation accordingly, subject nevertheless to the provisions of Part IV.

(5) All costs of and incidental to any such application and order shall be borne by the promoter.

PART VI.

GENERAL.

28 On the hearing of any application to a judge as provided by this Act, the evidence may be taken by affidavit or otherwise, as the judge in any case may direct, and, except where otherwise provided, the judge may make such order as to costs as he may think fit.

Evidence and
procedure.

29 The Governor may make regulations under and for the purposes of this Act.

Regulations.

Florentine Valley Wood-pulp and Paper Industry.

A.D. 1932.

SCHEDULES.

(1)**THE FLORENTINE AREA.**

All the Crown lands included in the Florentine Valley catchment area (including all the tributaries of the Florentine River) except those areas included in the National Park.

(2)**THE STYX RIVER AREA.**

All the Crown lands included in the following parts of the Styx River catchment area, namely:—

- (1) On the left bank the whole catchment area down to a line drawn due west from the junction of the Cataract Rivulet with the Styx River.
- (2) On the right bank the whole catchment area down to the Big Creek but not crossing that stream—

excepting thereout such portion, if any, of Crown land as may be subject at the commencement of this Act to an application made under the Forestry Act, 1920, by R. F. Davidson, for an exclusive forest permit.

(3)**RUSSELL FALLS RIVER AREA.**

All lands of the Crown comprised in an area bounded as follows:— Commencing at a point on the southern boundary of National Park distant 70 chains or thereabouts from its south-west angle and extending 6 miles or thereabouts along the said southern boundary thereof thence by Crown land and by the respective boundaries of lands held by J. Gourlay Proprietary Limited J. O. Gourlay the Mount Field Timber Company and the Pioneer Woodware Company Proprietary Limited to the north-west angle of 50 acres 3 roods and 17 perches purchased by M. Davis thence by the boundaries of that land and of lands belonging to the Union Bank of Australia Limited and to J. M. and R. E. and C. T. Mayne respectively to the western boundary of other land held by the said Pioneer Woodware Company Proprietary Limited and by the boundaries of that land to its south-east angle thence by a north-easterly line to the south-east angle of land held by H. E. Risby and by a continued north-easterly line to the southern angle of 49 acres 3 roods 36 perches belonging to H. F. Loveluck thence by the boundary of that land to the south-eastern boundary of land belonging to E. Malley thence by that boundary and by a continued straight north-easterly line along Crown land to the southern boundary of 1091 acres formerly held by E. C. Champion thence by an easterly line to the summit of the dividing range between the watersheds of the Russell Falls River and the Styx River thence along the divide between those watersheds in a general south-westerly and westerly line to a point on the Mueller Range called High Rocky and thence along the summit of that range and the adjoining range to the point of commencement as the same are approximately shown in the Sketch Map A attached hereto. Excepting thereout all those 40 acres of Crown land comprised in an application No. 10,931/M by Thomas George Marshall and Frederick H. Peacock for a mining lease under the provisions of the Mining Act, 1929.

Florentine Valley Wood-pulp and Paper Industry.

(4)

A.D. 1932.

THE ELLENDALE-BETHUNE AREA.

All the Crown lands comprised in an area bounded as follows:— Commencing at a point on the River Derwent opposite the western angle of Lot 24,861 (397 acres) purchased by Brock Brothers Proprietary Limited and bounded by a south-easterly line along a Crown reservation to the western angle of Lot 24,861 aforesaid by the south-west and part of the south-east boundary of that lot by the south-west boundary of Lot 24,318 (2057 acres) also purchased by Brock Brothers Proprietary Limited thence by a southerly line from the south angle of the last-mentioned lot to Dawson's Road by that road in a general north-easterly direction to its intersection with the south-west boundary of Lot 2228 (960 acres) purchased by Walter Angus Bethune by part of the south-west boundary of that lot to a point on the north-west boundary of the Town Reserve of Bethune by part of the north-west and by the south-west boundary of that Town Reserve and by a continued south-easterly line along a Crown reservation to the Repulse River by that river in a general south-westerly direction to a point opposite the western angle of Lot 2230A (285 acres and 1265 acres) purchased by Walter Angus Bethune aforesaid by a south-easterly line to that angle (after crossing the Repulse River aforesaid) by part of the south-west boundary of Lot 2230A aforesaid by the north-west south-west and south-east boundary of 600 acres purchased by H. J. Brock again by part of the south-west boundary of Lot 2230A aforesaid to a point on the Broad River and by a continued south-easterly line (after crossing Broad River) to the western angle of 99 acres 0 roods 33 perches purchased by T. J. Johnston by the south-west boundary of that land and by a south-easterly line of 23 chains or thereabouts thence by a southerly line to the north-west angle of 60 acres State Forest and by the western boundary of that land and by a continued southerly line to a point on the north boundary of National Park by part of that boundary and by the north-eastern boundaries of National Park in a westerly and north-westerly direction to the eastern boundary of 42,060 acres State Forest thence by that boundary in a general northerly direction along the western crest of Mount Field Range to the junction of the Florentine River and the River Derwent and thence by the River Derwent to the point of commencement as the same are approximately shown in the Sketch Map B attached hereto.

(5)

THE RAILWAYS CLAUSES CONSOLIDATION ACT, 1901.

INCORPORATED SECTIONS.

Section 3.—But "road" shall also include any esplanade or Crown reservation along the banks of any river, lake, or lagoon, or along the sea-shore.

Part I.—Sections 9 to 18 inclusive, Sections 20 to 22 inclusive, and Section 25.

Part II.

Part III.—Sections 36 and 43.

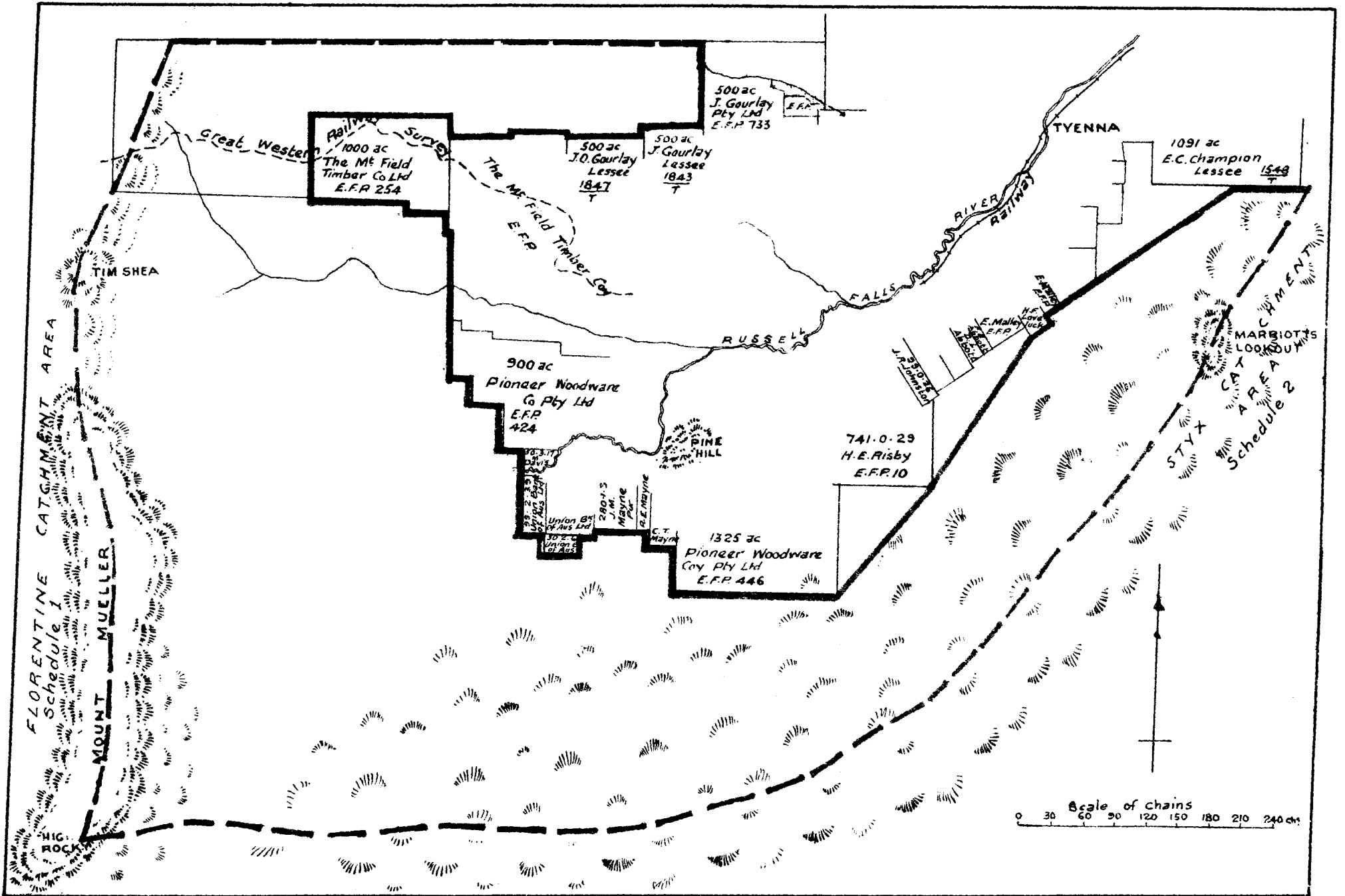
Part IV.

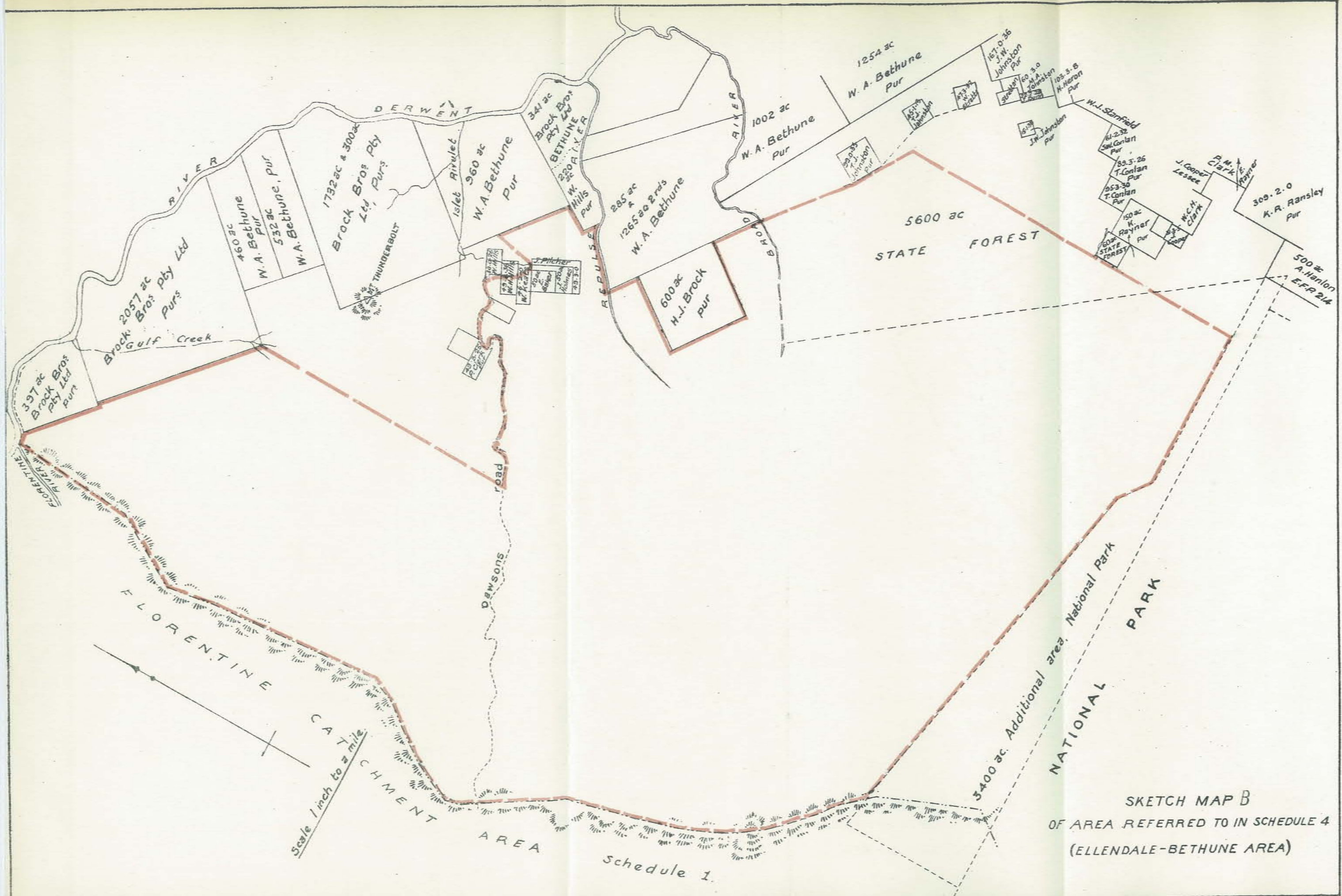
Part VI.

Part XII.—Sections 92 to 96, inclusive, and Section 100.

A

SKETCH MAP OF AREA REFERRED TO IN SCHEDULE 3. (RUSSELL FALLS RIVER AREA)





SKETCH MAP B
 OF AREA REFERRED TO IN SCHEDULE 4
 (ELLENDALE-BETHUNE AREA)