

## TASMANIA.

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 THE KERMANDIE WOOD-PULP AND  
 PAPER INDUSTRY ACT, 1926.
 

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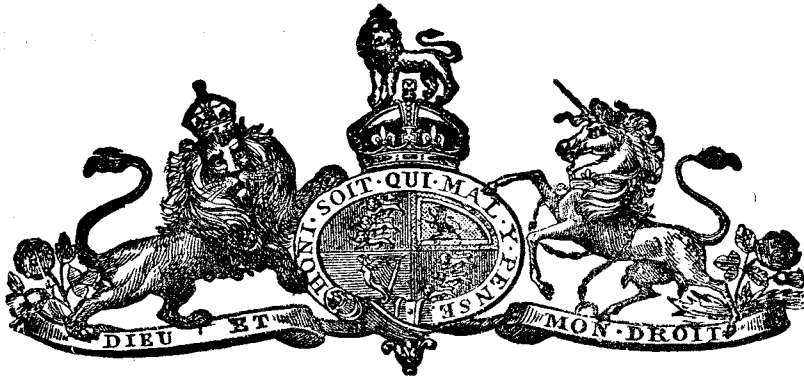
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T A S M A N I A.



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ANNO SEPTIMO DECIMO

GEORGII V. REGIS.

No. 13.



AN ACT to encourage the Manufacture of Wood-pulp and Paper in Tasmania, and to authorise the granting of certain rights and concessions to *David Avery* and his assigns, and for other purposes. [17 September, 1926.]

A.D. 1926.

WHEREAS *David Avery* 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) and (2) to this Act, or upon lands belonging to or which may hereafter be acquired by the said *David Avery* or his assigns for the manufacture of wood-pulp and paper:

PREAMBLE.

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

*Kermandie Wood-pulp and Paper Industry.*

A.D. 1926.

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 Kermandie Wood-pulp and Paper Industry Act, 1926.”

(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 an available capital of not less than Ten thousand Pounds sterling has been formed by the promoter, for the purpose of investigating by experiment in Tasmania the practicability of establishing and carrying on as a profitable industry the manufacture in Tasmania of wood-pulp and paper, or either of them, from timber or forest products to be obtained from the said Crown lands as defined in this Act, or elsewhere in the County of Kent.

(4) No such proclamation shall be issued after the expiration of twelve months from the passing of this Act.

Administration of Act.

**2** Until the Governor shall otherwise direct this Act shall be administered by the Minister administering the State Forestry Department.

Interpretation.

**3**—(1) In this Act, unless a contrary intention appears—

“Conservator” means the Conservator of Forests :

“The said Crown lands” means all lands of the Crown situated within the area described in Schedule (1), with the exceptions therein mentioned :

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

“The Industry” means the manufacture in Tasmania of wood-pulp, paper-pulp, and paper, or any of them, and the investigations in connection with such 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 Tasmania of any manufacture cognate or incidental or subsidiary to such manufacture, including the milling and marketing of timber :

“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, 1917, or under any timber or forestry lease or permit granted by the Crown under any Act :

2 Geo. V. No. 64.

7 Geo. V. No. 62.

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“The Promoter” means the said *David Avery* and his assigns :

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

“Schedule” means schedule to this Act :

“Section” means section of this Act :

“Timber” includes trees of any description, whether alive or dead, and whether standing or otherwise.

(2) Notwithstanding anything herein contained to the contrary—

i. Any land described or referred to in Schedule (1), and which is at the commencement of this Act, held or occupied under any forestry or timber lease, licence, or permit from the Crown, or under any grazing or pastoral lease issued or granted under the Crown Lands Act, 1911 : and

2 Geo. V. No. 64.

ii. Each of the several pieces of land described or referred to in Paragraph iii. of the exceptions mentioned in the said schedule (which said several pieces of land are, at the time of the passing of this Act, subject to applications or negotiations for timber permits under the Forestry Act, 1920)—

11 Geo. V. No. 60.

shall, upon the determination of the lease, licence, or permit in respect thereof, be excluded from the exceptions mentioned in the said schedule, and become subject to the general provisions of this Act respecting the said Crown lands.

Provided, however, that the Minister may, on the recommendation of the Conservator, in any case in which the Minister shall deem it expedient so to do, in order to allow the holder of any such forestry or timber lease or permit to complete the cutting of the timber on the land in respect of which such lease or permit is held, extend the time for the determination of such lease or permit in respect of the whole or any portion of such land, for such period as the Minister shall deem necessary for the purpose aforesaid.

**4** 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 such promoter by this Act, to the exclusion of the person making such assignment.

Effect of assignment by promoter.

**5** --(1) If the promoter whenever required by the Governor so to do at any time after the expiration of any of the appropriate periods in this subsection hereinafter mentioned fails to satisfy the Governor that—

Power to terminate Act

i. He has, within one year after the commencement of this Act, expended not less than Ten thousand Pounds in investigating by experiment in Tasmania the practicability of manufacturing, at some place within the County of Kent, wood-

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pulp and paper, or either of them, from timber or forest products obtained from the said Crown lands or elsewhere in the said County: or

ii. Having complied with Paragraph i. of this subsection, he has, within two years after the commencement of this Act, expended not less than Twenty thousand Pounds upon and for the objects and purposes mentioned in such paragraph: or

iii. Having complied with Paragraphs i. and ii. of this subsection, he has, within five years after the commencement of this Act, expended not less than Two hundred and fifty thousand Pounds on such investigations, and in the purchase, construction, installation and erection of buildings, plant, and machinery, for the manufacture in Tasmania, of wood-pulp and paper, or either of them, and in addition has expended thereon, or has an available capital for expenditure in connection with such manufacture of such an amount as, with the amount so previously expended, shall aggregate not less than Five hundred thousand Pounds—

the Governor may, by proclamation, 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:

Provided that the Governor, upon being satisfied that any such expenditure as is mentioned in Paragraphs i., ii., and iii. respectively of this subsection has been delayed through any cause beyond the promoter's control, may extend the time within which the said respective sums shall be expended as aforesaid for a further period of twelve months beyond the said respective periods of one, two, and five years respectively prescribed for the same.

(2) If the promoter, whenever required by the Governor so to do, at any time during the period occurring between the expiration of two years from the commencement of this Act and the expiration of five years from such commencement, fails to satisfy the Governor that he has made, or is making, reasonably substantial progress in connection with the establishment of the industry in Tasmania, the Governor may, by proclamation, 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.

## PART II.

## TIMBER RIGHTS.

6 The said Crown lands are hereby dedicated as a State forest or State forests within the meaning of the Forestry Act, 1920, and the matters and things to be done under this Act shall be deemed to be the working plan in respect thereof prepared by the Conservator and approved by the Governor under the Forestry Act, 1920, and the regulations thereunder, and such working plan shall not be altered without the consent in writing of the promoter.

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

7—(1) Subject to the provisions of this Act, the promoter shall have the full and exclusive right to cut and remove timber and forest products of any description, whether to be used for the purpose of or in connection with the industry, or for sale in the log, from the said Crown lands, and to dispose of such timber and forest products in such manner as the promoter shall think fit.

Rights of pro-  
moter over State  
forest.

(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 shall from time to time give to the Conservator notice in writing of his intended cutting operations, and shall during each year indicate the area or areas within which such operations are to be carried on, and the general plan of such operations. Each such area as aforesaid shall be divided into sections, and each section shall be completely cut out by the promoter to the satisfaction of the Conservator as the work on the area progresses.

(4) The promoter may from time to time erect, construct, alter, remove, dismantle, and re-erect and operate any mills or plants on any portion or portions of the said Crown lands, or of the land described in Schedule (2), for the dressing, treatment, or making marketable or useful, any timber or forest products.

(5) The amount of timber, other than firewood, to be taken from the said Crown lands by the promoter in each year shall not, without the consent of the Conservator, exceed the annual volume increment of timber on such lands, and for the purposes of this subsection such increment shall be deemed to be two hundred thousand cords.

(6) For the purposes of this section a cord shall mean one hundred and twenty-eight cubic feet of timber.

(7) The promoter may use without payment of royalty therefor, any firewood required for the purpose of the industry, except for the purpose of sale.

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Provided, however, that royalty shall be payable by the promoter on firewood used by him for the purpose of generating electrical energy, unless the Minister administering the State Hydro-Electric Department shall, on the recommendation of the Chief Engineer and General Manager of the said Department, consent to such use free from the payment of such royalty.

Royalty on wood-  
pulp timber—  
Basis of  
calculation.

**8** The promoter shall pay to the Conservator in respect of timber or forest products cut on the said Crown lands, and used in the manufacture of wood-pulp or paper, a royalty which shall be calculated on the output of wood-pulp and paper, manufactured by the promoter from any timber or forest products derived from the said Crown lands. Such royalty shall be paid in respect of the number of cords of timber and forest products so cut and used as aforesaid; and for the purpose of ascertaining the number of such cords, and for the purpose of Section Thirteen, one ton of wood-pulp or of paper shall be deemed to represent one cord of timber or forest products. The rates of such royalty shall be as hereinafter mentioned and provided.

Rate of royalty.

**9—(1)** The rate of royalty to be paid by the promoter under Section Eight shall be Two Shillings per cord.

Provided that 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 Section Eight in respect of such year, shall be increased by Two Pence 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.

(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



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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.

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

(4) The promoter shall, as soon as practicable after the close of each financial year of the promoter, furnish the Conservator with copies of the balance-sheet, and the trading and profit and loss accounts of the promoter in connection with the industry, and all such particulars with respect to such balance-sheet and accounts as the Conservator may require. The Conservator may, if he thinks fit so to do, submit all or any of such balance-sheet and accounts to the Auditor-General for his perusal and examination, and the promoter shall permit the Auditor-General, if he desires so to do for the purpose of verifying the correctness of any such balance-sheet or account, at all reasonable times to inspect all or any of the books of the promoter, or cause the same to be inspected by an officer of the Audit Department.

(5) 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, such difference or dispute shall, at the request of either the promoter or the Conservator, be referred to the determination of the President for the time being of the Australasian Corporation of Public Accountants, or some person to be nominated by him, and the determination given upon such reference shall be final and binding upon the promoter and the Conservator.

**10** The promoter shall pay to the Conservator in respect of all timber cut by him on the said Crown lands, other than timber referred to in Section Eight or firewood exempted from the payment of royalty by or under the provisions of Subsection (7) of Section Seven, the same royalty as shall from time to time be payable under the Forestry Act, 1920, and the regulations thereunder, in respect of the same class of timber.

Royalty on milling timber.

11 Geo. V.  
No. 60.

**11—(1)** The royalty payable under Section Ten shall be paid at the times and in the manner provided by the Forestry Act, 1920, and the regulations thereunder, for the payment of royalties under that Act.

How royalty payable.

(2) All other royalty payable under this Act shall be paid at the times and in the manner prescribed.

(3) All royalties payable under this Act shall be recoverable in the same manner as royalties are recoverable under the Forestry Act, 1920.

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No rental or fees  
to be paid.

**12** No rental or fees other than the royalties prescribed or made payable by this Act shall be payable by the promoter in respect of the said Crown lands or of the timber or forest products obtained therefrom.

Records to be  
kept by, and  
returns to be  
made by,  
promoter.

**13**--(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 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 :
- ii. The quantity of timber and other forest products used in the manufacture of wood-pulp or paper, as represented by the number of tons of the output of such 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 amount 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 furnish the Conservator with returns in respect of all timber such as is referred to in Section Ten, in such form and at such times as shall from time to time be prescribed by the regulations made under the Forestry Act, 1920, in respect of timber cut by the holder of a permit under the lastmentioned Act.

11 Geo. V.  
No. 60.

(3) 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.

Forestry  
improvement.

**14**--(1) The promoter shall, in each and every year after the expiration of twelve months from the commencement of this Act, expend on the said Crown lands for some one or more of the following purposes, namely, fire protection, forest development and improvement, and reforestation, a sum equivalent to One Shilling per cord on the output of wood-pulp and paper, manufactured by the promoter during the immediately preceding year from any timber or forest

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products derived from the said Crown lands. Such sum shall be expended according to a scheme to be submitted by the promoter to, and approved by, the Conservator. In the event of the promoter failing in any year to comply with the foregoing provisions of this section, the Minister may, if he thinks fit so to do, but not otherwise, recover from the promoter, in any court of competent jurisdiction, the aforesaid sum, or so much thereof as shall not have been expended in such year, for the purpose of carrying out the approved scheme, and may himself expend, or cause to be expended, for all or any of the purposes hereinbefore mentioned, the sum so recovered. A.D. 1926.

(2) In addition to the carrying out of his obligations under Sub-section (1) of this section, the promoter may carry out and do on the said Crown lands all such matters and things in the nature of fire protection, forest development and improvement, or reafforestation as he shall think fit.

**15** The Minister shall 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 shall 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. Exemption from Forestry Act, 1924. 15 Geo. V. No. 62.

**16** 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 Crown or the State Hydro-Electric Department in connection with the damming of the Huon River or any of its tributaries, for the purposes of the State Hydro-Electric Works. No compensation to be payable in respect of the damming of the Huon River.

**17** Nothing in this Act shall be deemed to prevent the Conservator from carrying out and doing on the said Crown lands all such matters and things as he shall think fit in the nature of fire protection, forest development and improvement, or reafforestation Conservator's powers.

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## PART III.

## OTHER RIGHTS AND POWERS.

- Water-rights.** **18**—(1) Notwithstanding the provisions of the Forestry Act, 1920, the Minister for Mines, with the consent of the Minister administering the State Hydro-Electric Department, and on the recommendation of the Chief Engineer and General Manager of the said department, may grant to the promoter under and subject to the provisions of the Mining Act, 1917, 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.
- 11 Geo. V. No. 60.
- 7 Geo. V. No. 32.
- (2) No such water-right shall be granted in respect of any river or stream other than the Huon, Kermandie, Esperance, or Lune River, or the tributaries of such rivers, 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, 1917, the carrying on of the industry by the promoter shall be of the same effect as if the promoter were engaged in mining on the lands in respect whereof the rights are sought.
- 7 Geo. V. No 62.**
- Outflow** **19**—(1) For the purposes in this section mentioned, the Commissioner of Crown Lands may from time to time, upon the application of the promoter, 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.
- 2 Geo. V. No. 64.
- (2) The promoter may construct outflow drains, tunnels, or pipe-lines from the lastmentioned land into the sea, or into the tidal waters of any of the rivers, streams, or tributaries aforesaid 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.
- (3) Before proceeding with any such construction the promoter shall submit to the said Commissioner plans and specifications of the proposed work, and shall obtain his approval thereto.
- (4) Every such work shall be completed within twelve months after such approval has been obtained.
- (5) The outlet of every such drain, tunnel, or pipe-line shall be below low-water mark, and the promoter shall discharge all effluent or waste water through the same into the sea, or into one of such rivers, streams, or tributaries as aforesaid.
- (6) Every such lease shall be renewed on the application of the promoter so long as he carries on the industry.

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(7) The provisions of Subsections (2), (3), and (4) of Section One hundred and thirty, and Sections One hundred and thirty-one and One hundred and thirty-two, of the Mining Act, 1917, shall apply to the exercise by the promoter of the powers conferred upon him by Subsection (2) of this section 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 Subsection (1) of Section One hundred and thirty of the lastmentioned Act.

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7 Geo. V. No. 62.

**20** Except with regard to the construction of tramways, Sections One hundred and twenty-seven and One hundred and thirty of the Mining Act, 1917, shall apply to and in respect of the promoter, and the said Crown 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.

Other easements.

**21**—(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 within the County of Kent or in South Bruny Island, and along such route or routes as the promoter may deem necessary from time to time, for the purpose of working the said Crown 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 shall pass, as may be required for the construction, maintenance, and working thereof.

Tramways.

(2) Any tramway constructed within the County of Kent or in South Bruny Island 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.

(3) The promoter shall, whenever required by the Minister so to do, and within three months after being so required, deposit with the Minister copies of the survey plans showing the route of any tramway 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 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 Railway Clauses Consolidation Act, 1901, referred to in Schedule (3), 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.

**22**—(1) The promoter shall be at liberty to construct, maintain, operate and use wharves or jetties in or on the foreshore of the areas described in Schedules (1) and (2).

Wharves.

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(2) Before any wharf or jetty referred to in subsection (1) of this section shall be commenced, proper plans and specifications thereof shall be submitted to the Marine Board of Hobart, and the site and mode of construction of such wharf or jetty shall be approved by the Minister for Lands and Works on the recommendation of the said Board.

Foreshore  
reclamation and  
grant.

**23**—(1) Until the rights and concessions of the promoter under this Act have been determined under the provisions of Part IV. of this Act, or until this Act shall have sooner ceased to have effect, the promoter shall have the exclusive right to the occupation and use of the lands described in Schedule (2).

(2) It shall be lawful for the promoter to enclose with piles, fill up and reclaim, the area of land secondly described in Schedule (2).

(3) When, and so soon as the said area of land has been so reclaimed to the satisfaction of the Minister for Lands and Works, the Governor is hereby authorised, in the name and on behalf of His Majesty the King, to convey and alienate the lands firstly and secondly described in Schedule (2) to the promoter in fee simple.

Income tax  
deduction.  
1 Geo. V. No.  
47.

**24**—(1) In the calculation of the income of the promoter for the purpose of the Land and Income Taxation Act, 1910, or any other Act for the time being in force imposing a tax upon incomes, the promoter shall be allowed a deduction in respect of so much of his gross income as is set aside or paid as or to a fund to provide benefits, pensions, or retiring allowances, for the employees of the promoter.

(2) Such deduction as aforesaid shall not be allowed unless the Commissioner of Taxes is satisfied that the fund has been established, or the payment made, in such a manner that the rights of the employees to receive benefits, pensions, or retiring allowances have been fully secured.

Surrender of  
rights.

**25**—(1) The promoter may at any time, by deed poll, surrender to the Crown all his rights under this Act in respect of any portion or portions, to be particularly described in such deed poll, of the said Crown lands, and, upon such surrender such portion or portions shall be freed from all the rights conferred upon the promoter by this Act in respect thereof.

(2) The promoter shall from time to time, if, and whenever required by the Minister so to do, by deed poll, surrender to the Crown without compensation therefor all his rights under this Act in respect of such and so many blocks of land forming portions of the said Crown lands, and containing in the aggregate not more than twenty-five thousand acres, as the Minister on the recommendation of the Conservator shall select at any time within two years after the commencement of this Act: Provided that of the land to be so selected not less than ten thousand acres shall be situate on South Bruny Island.

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## PART IV.

## FORFEITURE OF RIGHTS.

**26** If at any time the Governor is of opinion that during any period of three years occurring after the expiration of fifteen years from the passing of this Act, the promoter has failed to manufacture in Tasmania an average of not less than Ten thousand tons per annum of wood-pulp or paper from timber or forest products obtained from the said Crown lands, the Attorney-General may apply to a judge of the Supreme Court for an order calling upon the promoter to show cause on a day to be mentioned therein, why—

Application for forfeiture.

- i. The rights and concessions of the promoter under this Act, so far as the same have not then been exercised or taken advantage of, should not be determined: or
- ii. Such rights and concessions should not be thereafter exercised or taken advantage of, only in respect of some portion or portions of the said lands less than the whole area thereof.

**27—(1)** If on the hearing of any such order as aforesaid, the promoter fails to prove to the satisfaction of the judge that such failure as aforesaid has not occurred, or has not occurred without reasonable cause therefor, the judge may by order under his hand—

Procedure on application.

- i. Declare that such rights and concessions as aforesaid shall, so far as the same have not then been exercised or taken advantage of, be determined, and thereupon the same shall be determined accordingly; or
- ii. Direct that such rights and concessions shall thereafter be exercised or taken advantage of only in respect of some portion or portions of the said lands (less than the whole area thereof) to be described or otherwise indicated in the order, and thereupon such rights and concessions shall be restricted accordingly.

(2) In making any order under Paragraph ii. of the immediately preceding subsection, the judge shall take into consideration the amount of timber required by the promoter for the operations then being carried on by him in connection with the making of wood pulp and paper, or either of them.

(3) Evidence in support of, or in opposition to, the application to show cause may be given by affidavit, or, if the judge so directs, may be given orally, or partly by affidavit and partly orally, and in all other respects the procedure on and in connection with such application shall be such as the judge shall direct.

(4) The judge may make such order as to the costs of the proceedings as he shall think fit.

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## PART V.

## REGULATIONS.

Regulations.

**28** The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

## PART VI.

## DURATION OF RIGHTS.

Period during  
which rights may  
be exercised.

**29** Notwithstanding anything contained in this Act to the contrary the period during which the rights and concessions conferred upon the promoter by this Act shall be exercisable or taken advantage of, shall in no case exceed ninety-nine years from the commencement of this Act.

Provided, however, that it shall be lawful for the Governor, on the application of the promoter and on a resolution of both Houses of Parliament, to extend the said period for such further term as shall be determined by such resolution, and upon such conditions as shall be so determined as to—

- I. The rate or rates of royalty to be paid by the promoter in respect of timber to be cut by him under the provisions of this Act:
- II. The area or areas in respect of which the rights and concessions of the promoter under this Act shall continue to be exercisable or operative: and
- III. Any other matter whatsoever.

And provided further that any such application as aforesaid shall be made not sooner than ten years, nor later than eight years, before the expiration of the said period of ninety-nine years from the commencement of this Act.

## SCHEDULES.

(1)

Sections 3 and 22.

All Crown lands contained in the area bounded on the north by Huon River, on the west by a north and south line (magnetic bearing), passing through the trigonometrical station on Mount Picton, and extending from Huon River to the line next hereinafter mentioned; on the south by an east and west line passing through the trigonometrical station on Mount La Perouse, and extending from the aforesaid line through the said station on Mount Picton, to the said station on Mount La Perouse; on the south-east by a straight line from the said station on Mount La Perouse towards the trigonometrical station on Adamson Peak, until such line cuts Lune River; on the south by Lune River and Southport to D'Entrecasteaux Channel; on the east by D'Entrecasteaux Channel and Huon River; and also all Crown lands in South Bruny Island: excepting thereout—

- I. All lands which at the commencement of this Act are—
  - (a) Held under contract of sale from the Crown; or



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- (b) Held or occupied under any lease or licence for mining purposes, or under any miner's right, consolidated miner's right, or prospector's licence issued under the Mining Act, 1917; or
- (c) Held or occupied under any forestry or timber lease, licence or permit from the Crown, or under any grazing or pastoral lease issued or granted under the Crown Lands Act, 1911; or
- (d) Reserved for any of the public purposes specified in Section Eleven of the Crown Lands Act, 1911.

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7 Geo. V. No. 62.

2 Geo. V. No. 62.

and

ii. The lands next hereunder mentioned, namely—

Area.			Parish.	Description or Particulars.
A.	R.	P.		
98	3	0	Garrett	Lot 15,394, formerly The Huon Timber Company Limited
188	3	0	Garrett	Lot 15,392, formerly The Huon Timber Company Limited
100	0	0	Garrett	Lot 7697, formerly The Huon Timber Company Limited
100	0	0	Garrett	Lot 8913, formerly The Huon Timber Company Limited
48	1	35	Garrett	Formerly J. Ribbon
99	3	16	Garrett	Formerly J. L. Ribbon

and

iii. The lands next hereunder mentioned, namely :—

Area.			Parish.	Description or Particulars.
A.	R.	P.		
500	0	0	Honeywood	West and adjoining E. H. Bennett's, 789 acres 2 roods held under exclusive Forest Permit No. 317.
700	0	0	Honeywood	West and adjoining private lands in the names of Henry Diers, A. E. Burrill, S. D. O'Riley, the Huon Timber Company Limited, and E. J. Curtain, and extending westward to the western boundary of 29 acres 3 roods 28 perches in the name of C. Exter, continued southerly, and bounded on the south by private lands in the names of T. Hopkins, jun., T. Geeves, and W. R. Brittain.
250	0	0	Honeywood	Fronting on the Kermandie River, and situated in the eastern corner of 3100 acres (26/13) lately held under Timber Lease in the names of Forrest, Murray, and Kidston.
5000	0	0	Price	Originally held in the name of H. Jones and Company Limited, under Timber Lease No. 657.

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(2)

Sections 22 and 23.

1. The area forming the Crown reservation along the foreshore of the land now or recently occupied as a mill site by the Huon Timber Company, and situated at the mouth of the Kermandie River, such Crown reservation extending from and including the jetty site near the eastern end of the said land to and including the railway bridge over Kermandie River, near the western end of the land, which said area is now held under licence from the Crown by the said Huon Timber Company, and is delineated in a plan signed by the President of the Legislative Council, and the Speaker of the House of Assembly, and intended to be deposited with the Minister for Lands and Works, and in the said plan surrounded by red boundary lines, excepting thereout a strip of land fifty feet wide and distant approximately five chains north of the aforesaid railway bridge, upon which said strip of land a road has been constructed across the said Crown reservation.

2. The area adjacent to portion of the abovementioned Crown reservation, and situate at or near the head of Hospital Bay, as such area is delineated in the plan above referred to, and therein surrounded by green boundary lines.

(3)

## RAILWAYS CLAUSES CONSOLIDATION ACT, 1901.

## INCORPORATED SECTIONS.

Section 21.

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 26 and 43.

Part IV.

Part VI.

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