

**THOMAS OWEN AND Co. (AUSTRALIA)  
LIMITED.**

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No. 67 of 1948.

AN ACT to confer certain rights to take water from the River Emu and certain rights with respect to effluent drains and other matters on *Thomas Owen and Co. (Australia) Limited.*

[15 December, 1948.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**Short title.**

**1** This Act may be cited as the *Thomas Owen and Co. (Australia) Limited Act 1948.*

**Interpretation.**

**2** In this Act, unless the contrary intention appears—

“the associated company” means Associated Pulp and Paper Mills Limited and its assigns;

“the company” means Thomas Owen and Co. (Australia) Limited and its assigns;

“the industry” means the manufacture by the company of wood-pulp, paper-pulp, and paper, or any of them, including investigations in connection therewith, and the carrying on of processes and businesses incidental to such manufacture, and the supply and preparation of materials therefor, and the carrying on of any manufacture cognate, incidental, or subsidiary thereto.

**Power to company to construct and maintain effluent drains.**

**3—(1)** The effluent from the company’s factory at South Burnie shall be carried therefrom by an effluent drain, together, as the company may from time to time require, with other effluent drains, each of which the company may construct, and, whilst it carries on the industry at South Burnie, shall maintain, and such effluent shall be discharged either—

(a) directly into the sea; or

(b) with the consent in writing of the associated company, and subject to such terms and conditions as the associated company may require,

into the effluent drain constructed by the associated company in accordance with the provisions of section seven of the *Associated Pulp and Paper Mills Act 1936\**, and thence into the sea,

below low-water mark, at or east of, and as near as practicable to, the low rocky headland on the eastern bank of the River Emu at its mouth.

(2) The drains to be constructed under the authority of this section shall be of such type and materials, and shall follow such practicable course, as the Minister approves in writing, and if any such drain crosses the River Emu, it shall be carried across that river by a bridge of a type and in a place approved by the Minister.

**4**—(1) For the purposes of the industry, and so long as the industry is carried on at South Burnie, the company shall, subject to this Act, be entitled without charge to take for use by the company from the River Emu, at such point or points below the pumping station of the Council of the Municipality of Burnie on that river as the company thinks fit, so much of the waters of that river as the company requires for such purposes, but so that—

Company  
empowered  
to take  
water from  
River Emu  
and construct  
necessary  
works.

- (a) none of such waters shall be so taken at any point above, or, except with the consent in writing of the associated company, within a distance of twenty-five yards from, the associated company's pumping station established under the authority of section eight of *Associated Pulp and Paper Mills Act 1936\**;
- (b) the company shall not divert any of the waters of the river past the associated company's said pumping station;
- (c) none of the waters so taken shall be used for the generation of hydro-electric energy;
- (d) neither the company nor the associated company shall be obliged to return any water so taken into its original channel.

(2) For the purposes of this section, the company shall, subject to this Act, have power to construct and maintain such dams, walls, weirs, pumping stations, channels, fluming, drains, pipes, conduits, and works as the company find necessary.

(3) Notwithstanding anything contained in the *Associated Pulp and Paper Mills Act 1936\**, but subject to this Act, the associated company may enter into an agreement with the company for the supply to the company at its factory at South Burnie of—

- (a) water taken by the associated company from the River Emu pursuant to section eight of the said Act; and

\* 1 Edw. VIII. No. 35, as amended by 1 Geo. VI. No. 8.

- (b) materials (including pulp) and services (including water, steam, and power),

and may, for the purposes of any such agreement, exercise any of the powers conferred on it by section eight of the said Act, and may construct and maintain such dams, walls, weirs, pumping stations, channels, fluming, drains, pipes, conduits, cables, conveyors, skyways and works as the associated company may find necessary for any of the purposes of any such agreement.

Ancillary provisions.

**5**—(1) Any part of any effluent drain or any works constructed under the authority of this Act may be constructed so as to lie wholly or partly within the boundaries of—

- (a) any Crown land (including Crown reservations and esplanades);  
 (b) any land vested in the Minister for Railways; or  
 (c) any public street or road.

(2) No part of any drain and no such work shall be constructed within the boundaries of any Crown land, or of any land vested in the Minister for Railways, or of any State highway or subsidiary road, unless proper plans and specifications of the proposed work are, before the commencement of the construction thereof, approved by the Minister.

(3) No part of any effluent drain and no such work shall be constructed within the boundaries of any land, street, or road belonging to or under the jurisdiction or control of the Marine Board of Burnie or the Council of the Municipality of Burnie unless the consent of the Board or Council, as the case may be, has first been obtained.

(4) In the construction of any drain or work under the authority of this Act, the company or the associated company, as the case requires—

- (a) shall comply with and observe all directions given by the Transport Commission and the superintendent of police for the North-Western police district with respect to the control, direction, and safety of traffic passing over any railway or road during the construction of any drain or work within the boundaries of such railway or road; and  
 (b) shall, after the completion of the construction of the drain or work, or any works in connection with the construction or maintenance thereof, fill up, reinstate, and make good the surface of the ground disturbed by the work to the satisfaction of the Minister, Marine Board, or Council, as the case may be, having jurisdiction in respect of the land or road on which the works are constructed.