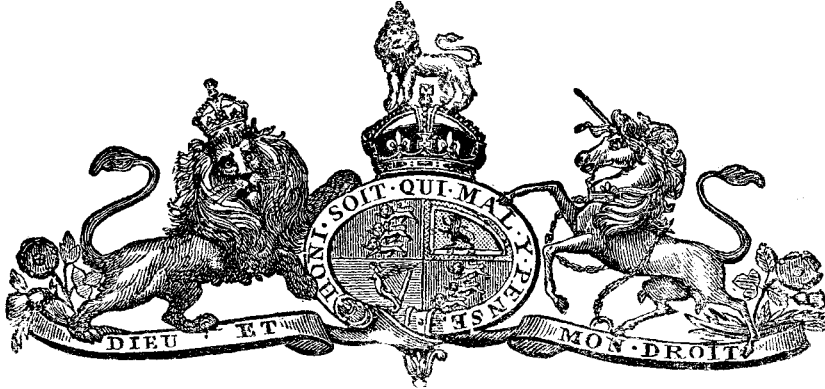


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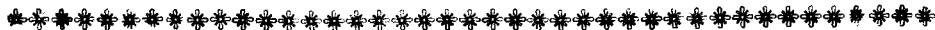
ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 82.

ANALYSIS.

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AN ACT to encourage the Manufacture of Wood-pulp and Paper in Tasmania and to authorise the granting to *Gerald Mussen* and his Assigns of certain Rights and Concessions for that purpose. [9 April, 1926.]

A.D. 1926.

WHEREAS *Gerald Mussen* proposes to form a company having as one of its objects the erection of a factory and works upon the lands described in Schedule (1) to this Act, for the manufacture of wood-pulp and paper :

PREAMBLE

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

*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 :—

Short title and commencement.

**1**—(1) This Act may be cited as “The Wood-pulp and Paper Industry Encouragement Act, 1926.”

(2) Except as to Section Two thereof which shall take effect from its passing, 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 Seven hundred and fifty thousand Pounds sterling, exclusive of the amount mentioned in Subsection (3) of Section Twelve of this Act, has been formed and is in a position to establish and carry on the manufacture of wood-pulp and paper, or either of them, on the lands mentioned in Schedule (1) hereto.

Repeal of 15 Geo.V. No. 21.

**2** The Wood-pulp and Paper Industry Encouragement Act, 1924, is hereby repealed.

Administration of Act.

**3** Until the Governor shall otherwise direct, this Act shall be administered by the Minister administering the State Hydro-Electric Department.

Interpretation.

**4** In this Act, unless a contrary intention appears—

“Crown Land” means all land of the Crown situated within fifteen miles on each side of the route of the railway from Burnie to Zeehan, known as the Emu Bay Railway, and not being less than ten miles north of the town of Zeehan, except—

- i. Lands held under contract of sale from the Crown :
- ii. Lands subject to any lease or licence for mining purposes, or held under any miner’s right, consolidated miner’s right, or prospector’s licence :
- iii. Lands held or occupied under occupation licence, residence licence, or business licence :
- iv. Lands for the time being occupied, set apart, reserved, or dedicated for any of the public purposes specified in Section Eleven of the Crown Lands Act, 1911 : or
- v. Lands occupied or held under forest lease or forest permit under the Forestry Act, 1920 :

2 Geo. V. No. 64.

11 Geo.V. No. 60.

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

“The Industry” means the manufacture of wood-pulp, paper-pulp, and paper, or any of them, and the supply and preparation of materials therefor, and the carrying on of processes and businesses incidental to such manufacture, and the carrying on of any manufacture cognate or incidental or subsidiary to such manufacture :

*Wood-pulp and Paper Industry.*

“The Promoter” means the said *Gerald Mussen* and his assigns : A.D. 1926.

“Wood pulp Timber” means any timber or trees of all species having a girth not exceeding six feet at a height of three feet from the ground.

5—(1) The Minister for Mines may grant to the Promoter, under and subject to the provisions of the Mining Act, 1917, such water rights and dam sites as the Promoter may require for the purposes of the industry other than the generation of power. Water rights. 7 Geo. V. No. 62.

(2) No such water right shall be granted in respect of any river or stream except the Emu, Cam, and Blythe Rivers, or any tributary thereof, or some stream approved by the Minister.

(3) For the purposes of this section and of the application thereto of the provisions of the said Act, the carrying on by the Promoter of the industry shall be of the same effect as if he were engaged in mining on the lands described in Schedule (1) hereto.

6—(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 of a strip or strips of land not exceeding in each case one chain in width upon and across the foreshore of Emu Bay, opposite the lands described in Schedule (1) or lying to the eastward of the mouth of the Emu River at such point as the Commissioner may approve. Outflow. 2 Geo. V. No. 64.

(2) The Promoter may construct outflow drains, tunnels, or pipelines from the lands described in Schedule (1) into the sea, or into the Emu River, upon and over or under—

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

(3) Before proceeding with any such construction, the Promoter shall submit to the Minister plans and specifications of the proposed work, and shall obtain the Minister's approval thereof.

(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 watermark, and the Promoter shall discharge all effluent or waste water through the same into the sea or the Emu River.

(6) Every such lease shall be renewed on the application of the Promoter so long as he carries on the industry on the lands described in Schedule (1).

(7) The provisions of Sections One hundred and thirty to One hundred and thirty-two, inclusive, of the Mining Act, 1917, shall apply to the exercise by the Promoter of the power conferred upon him by Subsection (2) hereof in respect of private lands in the same manner as if he were engaged in mining operations. 7 Geo. V. No. 62.

*Wood-pulp and Paper Industry.*

A.D. 1926.

Timber rights.

**7**—(1) Subject to the provisions of this section, the Promoter shall have the exclusive right to cut and remove wood-pulp timber, to be used for the purpose of, or in connection with, the industry, from any lands which at the time of such cutting or removal are Crown lands within the meaning of this Act.

7 Geo. V. No. 62.

(2) Nothing in this section shall prejudice or affect the rights conferred by the Mining Act, 1917, upon persons engaged in mining, or take away from any person the right to cut firewood on any land within five miles from any town.

11 Geo. V. No. 60.

(3) 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, the use of steam locomotives and spark arrestors, and the returns of timber cut and removed, and also with any regulation which may be made under the said Act prohibiting or regulating the cutting of blackwood or any indigenous pine trees.

(4) The Promoter shall have full right and liberty to cut and remove from any such lands as aforesaid any timber other than wood-pulp timber.

(5) Before proceeding to cut or remove any wood-pulp timber under the authority conferred by this section, the Promoter shall give notice to the Conservator of Forests of his intention so to do, and shall indicate in such notice the approximate area within which it is intended to carry on his cutting operations.

(6) The rights conferred by this section shall not empower the Promoter to cut or remove timber from any land planted or used as a plantation or nursery under the control of the Conservator of Forests, or from that portion of a State forest which has, under the working plan made therefor as hereinafter provided, been set apart for purely local requirements.

(7) Not more than sixty thousand acres of the Crown land as defined in Section Four hereof shall be dedicated as a State forest or State forests.

(8) If at any time any part of the land affected by this section is dedicated as a State forest, the Promoter shall, in respect of such part, be subject to the provisions of Section Twenty-two of the Forestry Act, 1920, as herein modified, and to the regulations for the time being in force thereunder.

(9) Before any working plan is prepared under the section last-mentioned in respect of such part as aforesaid, or any new regulation is made affecting the Promoter's operations thereon, three months' notice shall be given to him by the Conservator of Forests of the proposed plan or regulation, as the case may be, and the Promoter may, within such period of three months, present his objections (if any) thereto to the Minister administering the said Act, who shall thereupon determine whether such plan or regulation shall be made.

11 Geo. V. No. 60.

(10) The Conservator of Forests may at any time issue timber licences, under the provisions of the Forestry Act, 1920, in respect of any area of Crown land, as defined in Section Four of this Act, in respect of which the Promoter has not, at the time of the issuing of such licence, given the notice mentioned in Subsection (5) hereof.

*Wood pulp and Paper Industry.*

**8**—(1) The Promoter shall pay to the Conservator of Forests a royalty at the rate of One Shilling for every cord of wood-pulping timber cut and removed by him under the provisions of Section Seven hereof. A.D. 1926.  
Royalties.

(2) Wherever for any year the audited accounts of the Promoter show a net profit exceeding Eight Pounds per centum per annum (computed with half-yearly rests on the thirtieth day of June and the thirty-first day of December), 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 royalty payable in respect of wood-pulp timber used by the Promoter during such year shall be increased by Five Pounds per centum for every One Pound or fraction of One Pound per centum by which such profits exceed Eight Pounds per centum, but such royalty shall not in any case exceed Two Shillings and Sixpence per cord.

(3) 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 days aforesaid from the respective dates upon which the expenditure thereof was incurred up to the beginning of the financial year in which the net profits amounted to Eight Pounds per centum, and the Promoter shall deduct from such total amount all net profits earned by him during such period.

(4) In computing its 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. Amortisation at the rate of Five Pounds per centum :
- iv. All usual and proper administration and other outlays, charges, and expenses : and
- v. All moneys paid for Federal and State taxes.

(5) The Promoter shall pay to the Conservator of Forests in respect of all timber, other than wood-pulp timber, cut and removed by him the royalty from time to time payable under the Forestry Act, 1920, in respect of the same class of timber. 11 Geo. V. No. 60

(6) The royalties payable under this section shall be paid at the times and in the manner provided under the Forestry Act, 1920, for payment of royalties.

(7) If at any time any royalty in respect of bark shall be imposed or made payable under the provisions of the Forestry Act, 1920, such royalties shall be payable by the Promoter in respect of all bark taken or used by him under the authority of Section Seven hereof.

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

**9** The Promoter shall be entitled to exercise the powers conferred by Sections One hundred and twenty-seven and One hundred and thirty of the Mining Act, 1917, in the same manner and to the same extent as if the lands described in Schedules (1) and (2) were occupied by him for mining purposes. Easements.

*Wood-pulp and Paper Industry.*

A. D. 1926.

Land tax.

**10**—(1, For and in respect of the calendar year one thousand nine hundred and twenty-six, and every year thereafter during which the Promoter shall continue to carry on the industry on the lands described in Schedule (1) hereto, graduated land tax, imposed by and payable to this State in respect of all lands owned, occupied, and used by him solely for the purposes of the industry, shall be at the rate of Two Pence for every One Pound sterling of the unimproved capital value thereof and no more.

(2) If the Promoter shall at any time own any land not occupied and used solely for such purposes as aforesaid, he shall pay in respect thereof the land tax at the rate payable by other land-owners and such rates shall be determined by the total unimproved capital value of all lands of the Promoter in this State.

Income tax deduction.

**11**—(1) In the calculation of the income of the Promoter for the purposes 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 the benefits, pensions, or retiring allowances have been fully secured.

Power to Treasurer to guarantee interest on certain debentures.

**12**—(1) It shall be lawful for the Treasurer, on behalf of the State, to guarantee the payment, during such period not exceeding fifteen years as the Treasurer may determine, of interest upon debentures issued by the Promoter for the purpose of raising capital for the establishment or carrying on of the industry, or for purposes incidental thereto, upon such terms and conditions as the Treasurer, subject to the provisions of this section, may impose.

(2) The interest so to be guaranteed as aforesaid shall be at a rate not exceeding the rate offered by the Treasurer in respect of local inscribed stock when such debentures are placed upon the market

(3) The total amount of debenture capital in respect of which the payment of interest is guaranteed as aforesaid shall not exceed Two hundred and fifty thousand Pounds.

(4) Such debentures as aforesaid shall be, and be expressed to be, a first charge upon all the assets of the Promoter in relation to the industry, and shall take priority over all other charges thereon.

(5) The Promoter shall pay to the Treasurer annually, on the first day of January in each year, by way of sinking fund, an annual sum amounting to not less than Two Pounds per centum of the amount of debentures in respect of which a guarantee is given under this Act, the first of such payments to be made on the first day of January next after the giving of such guarantee.

*Wood-pulp and Paper Industry.*

(6) All moneys received by the Treasurer in respect of such sinking fund shall be paid to the Commissioners of the Public Debts Sinking Fund, and shall be invested by them in manner prescribed by the Public Debts Sinking Fund Act, 1881.

A.D. 1926.

45 Vict. No. 15.

(7) Upon the redemption by the Promoter of all debentures in respect of which such guarantee as aforesaid has been given, all moneys in the hands of the said Commissioners to the credit of such sinking fund as aforesaid shall be paid to the Promoter.

(8) If at any time a receiver shall be appointed by the Treasurer under the provisions of Section Thirteen hereof, all such moneys as last aforesaid shall, if and when the Treasurer so directs, be paid to such receiver to be applied as assets of the Promoter under that section.

(9) Nothing herein contained shall debar the Promoter from redeeming such debentures as aforesaid at any time during the currency thereof.

(10) No guarantee shall be given under this section unless nor until the Promoter is the owner in fee simple free from all encumbrances of the lands described in the schedules to this Act.

**13**—(1) All moneys at any time owing by the Promoter to the State in respect of any such guarantee as aforesaid shall constitute a charge upon all the assets of the Promoter in connection with the industry, and shall take priority over all claims whatsoever against the Promoter in relation to the industry, and over all charges upon such assets other than the debentures in respect of which interest is guaranteed as aforesaid.

Remedy in case of default in payment of interest.

(2) If at any time—

- i. The Treasurer shall be required to pay, in pursuance of any such guarantee as aforesaid, any moneys in respect of the interest as guaranteed :
- ii. Any distress or execution is enforced or levied upon any property or chattels of the Promoter in connection with the industry :
- iii. An order shall be made, or an effective resolution passed, for the winding up of the Company formed to carry on the industry : or
- iv. Any person entitled by law so to do shall proceed to appoint a receiver of any property of the Promoter in connection with the industry or by any means seek to enforce any claim against such property—

the Treasurer may appoint a receiver to take possession of all and every or any assets of the Promoter in connection with the industry.

(3) Such receiver shall have full power and authority to enter into possession of such assets as aforesaid and to sell or otherwise dispose of the same or any part thereof in such manner as the Treasurer may direct.

*Wood-pulp and Paper Industry.*

A.D. 1926.

(4) The proceeds of any such sale or disposal as aforesaid shall be paid to the Treasurer and shall be applied by him—

First in payment of all costs, charges, and expenses of and incidental to such sale or disposal, including the remuneration of such receiver:

Secondly in payment of all moneys secured upon such debentures as aforesaid :

Thirdly in liquidation of the moneys owing by the Promoter to the State :

Fourthly in payment of the claim of any creditor of the Promoter legally entitled to priority in respect thereof—

and the balance, if any, then remaining shall be paid to the Promoter or as he may request.

(5) Upon payment as aforesaid of any moneys secured upon such debentures as aforesaid, interest shall be payable by the Treasurer as from the date of such payment on the balance only, if any, of such moneys remaining unpaid.

(6) Every receiver appointed under this section before entering on his duties shall give such security for the faithful execution thereof as the Treasurer shall direct.

Obligations of the Promoter.

**14** - (1) The Promoter shall within twelve months after the commencement of this Act commence in good faith the construction and installation, on the lands described in Schedule (1) hereto, of the buildings, plant, and machinery necessary for the proper and adequate carrying on of the industry, and shall complete the same without unnecessary or avoidable delay.

(2) The Promoter shall expend a sum of not less than Two hundred thousand Pounds on the carrying out of such construction and installation as aforesaid within a period of two years from the commencement thereof as aforesaid, and a further sum of not less than Three hundred thousand Pounds within three years after the expiration of the said period of two years.

(3) The Governor, upon being satisfied that such completion as aforesaid has been delayed through any cause beyond the Promoter's control, may extend the time within which the said sum of Two hundred thousand Pounds must be expended as aforesaid beyond the said period of two years.

(4) If the Promoter shall fail to carry out or comply with any of the provisions of this section, any guarantee given under the provisions of this Act shall become void and of no further effect as from the expiration of the time herein limited for the carrying out of the provision in respect of which such failure occurs, or any extension thereof as the case may be.

Remedy in case of default in payment to sinking fund.

**15** If in any year the amount payable by the Promoter by way of sinking fund in respect of such debentures as aforesaid or any part thereof shall be in arrear and unpaid for the space of thirty days after the same becomes due, the Treasurer may recover the amount so in arrear by action against the Promoter in the Supreme Court.



*Wood-pulp and Paper Industry.***SCHEDULES.**

A.D. 1926.

## (1)

**BURNIE BLOCK.**

All those lands in the vicinity of Burnie, being portion of the Emu Bay Block granted to the Van Diemen's Land Company, as follows:—

Firstly, Section No. 83 on the Company's plan of Emu Bay, and known as Quirk's Paddock, and containing 18 acres 0 roods 36 perches (more or less).

Secondly, Section No. 83A on the Company's plan of Emu Bay, known as Clarke's Paddock, containing 13 acres 0 roods 26 perches (more or less).

Thirdly, Section No. 83B on the Company's plan of Emu Bay, known as Jacob's Paddock, containing 19 acres 1 rood 28 perches (more or less).

Fourthly, Section No. 84c on the Company's plan of Emu Bay, lying to the east of Section 84B, containing 18 acres 3 roods 22 perches (more or less).

Fifthly, Section No. 84D, lying between Section No. 84c and high-water mark, and separated from Section No. 84c by the main road from Burnie to Wivenhoe.

Sixthly, Section No. 84E, with cottage and appurtenances thereon—bounded on the north by the main road from Wivenhoe to Burnie on the west by the Old Surrey Hills Road on the south by the Tasmanian Government Railway and on the east by Emu River.

Seventhly, Section No. 83c—bounded on the north by the Tasmanian Government Railway on the west by Old Surrey Hills Road on the south by land the property of the Tasmanian Government and on the east by Emu River.

Eighthly, Section No. 45 on the Company's plan of Emu Bay, and known as Upper and Lower Valley Paddocks, containing 88 acres 1 rood 2 perches (more or less).

## (2)

**SURREY HILLS BLOCK**

All that block or tract of land containing 125,280 acres or thereabouts, being portion of the Surrey Hills Block granted to the Van Diemen's Land Company—bounded on the north by a due east line of 5 miles commencing at the apex of Valentine's Peak on the east by a due south line of 13 miles and one-half of a mile on the south by a due west line of 14 miles and one-half of a mile on the west by a due north line of 13 miles and one-half of a mile again on the north by a due east line of 9 miles and one-half of a mile to the point of commencement.

Excluding therefrom such portions of the said block or tract of land as have prior to the passing of this Act been sold by the Van Diemen's Land Company to any person other than the Promoter.

