

“(3) For the purposes of sub-paragraph (1) of this paragraph, specifications shall be deemed to be reasonable specifications, notwithstanding that they may be sufficient only for the immediate purposes of the proposed logging operations to which they relate, if they are so prepared as to provide for the later development of the road, if required.”.

HUON VALLEY PULP AND PAPER INDUSTRY.

No. 70 of 1959.

AN ACT to encourage the establishment in this State of an industry for the manufacture of wood pulp and paper, and to provide for matters incidental thereto. [9 December 1959.]

WHEREAS Australian Paper Manufacturers Limited, a Preamble. company incorporated in the State of New South Wales and carrying on business in this State, is desirous of establishing in this State the industry of manufacturing wood pulp from pulpwood obtained from forests in the areas described in the first schedule to the *Forestry Act 1954*:

And whereas as the result of investigations made by the Forestry Commission and the company the quantity of pulpwood estimated to be available in those areas is considered to be sufficient for the purposes of the proposed industry:

And whereas in order to establish and develop the proposed industry the company will be involved in considerable expenditure and it is desirous that it be assured that the rights and concessions incidental to the establishment, development, and carrying on of the proposed industry will be conferred on it:

And whereas in the interests of the economic and industrial development of the State it is desirable that the proposed industry be established, developed, and carried on as intended by the company:

And whereas it is expedient that certain rights and concessions be conferred, and that certain obligations be imposed, on the company in connection with the establishment, development, and carrying on of the proposed industry:

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 com-
mencement.

1—(1) This Act may be cited as the *Huon Valley Pulp and Paper Industry Act 1959*.

(2) This Act shall commence on a date to be fixed by proclamation.

(3) The Governor shall not issue a proclamation under this section unless and until he is satisfied, on the certificate of the Attorney-General, that the company has become, whether by direct grant or by assignment or operation of law, the holder of a special licence under section three of the *Forestry Act 1954*.

Interpreta-
tion.

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

“company” means Australian Paper Manufacturers Limited, a company incorporated in the State of New South Wales and carrying on business in this State, and includes any subsidiary thereof and any permitted assignee thereof;

“council” means the council of the municipality of Esperance;

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;

“industry” means the manufacture in this State of wood pulp and paper, or either of them, and products and by-products of wood pulp and paper, and includes—

(a) investigations preliminary to, and in connection with, the manufacture thereof and the supply and preparation of materials therefor; and

(b) afforestation;

“Loan Fund” means the Loan Fund established under the *Public Account Act 1957*;

“permitted assignee” means a person to whom rights, concessions, and obligations are assigned by the company, with the consent of the Minister, pursuant to section sixteen;

“subsidiary”, used in relation to the company, means a company which is a subsidiary of the company within the meaning of subsection (2) of this section.

(2) For the purposes of this Act, a company shall be deemed to be a subsidiary of the company if, but only if, the majority of the shares thereof are beneficially held by the company and—

(a) the amount of the shares so held is more than fifty per cent of the issued share capital of the first-mentioned company or such as to entitle the company to more than fifty per cent of the voting power in the first-mentioned company; or

(b) the company has power (not being power vested in it by virtue only of the provisions of a security or by virtue of shares issued to the company in pursuance of those provisions) directly to nominate or appoint the majority of the directors of the first-mentioned company.

3 Nothing in this Act affects the operation of the *Rivers Savings Pollution Act 1887* or the *Hydro-Electric Commission Act 1944*.

4—(1) For the purposes of the industry and for so long as the industry is carried on, the company, by virtue of this section and without any other authority, may, subject to this section—

(a) take, without charge from the Kermandie River, at such point as the company thinks fit, such water as the company requires for the purposes of the industry, to the extent that it is available at that point (whether by natural flow or by that flow as supplemented from any dam or other works for the storage of water constructed under the authority of this Act), but so that the supply of water required by riparian owners for domestic purposes and the watering of stock is not thereby diminished;

- (b) with the approval of the Governor given upon the recommendation of the Rivers and Water Supply Commission, and upon and subject to such terms and conditions as the Governor may impose, but not otherwise, take, without charge, from the Rivers Huon, Esperance, and Arve, or from any of those Rivers, so much of the waters thereof as the Governor may approve in order to ensure a sufficient supply of water for the purposes of the industry;
- (c) store any water taken pursuant to paragraph (a) or paragraph (b) of this subsection and release it as required into the Kermandie River or any of its tributaries and re-take it therefrom, without charge, for use for the purposes of the industry; and
- (d) take, without charge, from the estuary of the River Huon, at or adjacent to any mill or factory used by the company for the purposes of the industry, so much of the waters of that estuary as the company may consider necessary for those purposes.

(2) Nothing in paragraph (a) of subsection (1) of this section affects any right of the council to take water from the Kermandie River and its tributaries for the purposes of the supply of water to the town of Geeveston, or prevents other persons from taking water from that River and its tributaries for irrigation purposes or for the purpose of spraying for the prevention or eradication of plant diseases or plant pests, but, notwithstanding any other law or rule of law to the contrary, during the continuance of this Act—

- (a) the council shall not take from that River or its tributaries, for the purposes of the supply of water to the town of Geeveston, more than eight hundred and fifty thousand gallons a day; and
- (b) persons other than the council shall not take from that River or its tributaries—
 - (i) for the purposes of irrigation, more than three hundred thousand gallons a day in the aggregate; or
 - (ii) for the purposes of spraying for the prevention or eradication of plant diseases or plant pests, more than two hundred thousand gallons a day in the aggregate.

(3) The Rivers and Water Supply Commission shall so exercise its powers under the *Water Act* 1957 (whether by the issue or modification of licences or otherwise) as to prevent the taking, during the continuance of this Act, from the Kermandie River and its tributaries by persons other than the council, for the purposes mentioned in sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) of this section, any water in excess of the quantities respectively specified in those paragraphs.

(4) Where by reason of any works executed, or any other act, matter, or thing done, by the company in pursuance, or for the purposes, of paragraph (a) of subsection (1) of this section the natural flow in Riley's Creek or in the Kermandie River is increased, the company may, subject to this section, withdraw from that River water equivalent in volume to that which, at the relevant time, it is releasing into that Creek and River, after making due allowance for reasonable losses occurring by reason of evaporation and seepage.

(5) For the purposes of subsection (1) of this section, the company may construct, lay down, and maintain upon, over, through, or under any Crown land or private land (including any road or street, whether belonging to or vested in the Crown or not) all such—

(a) dams, weirs, walls, reservoirs, pumping stations, and other like works; and

(b) channels, flumes, drains, pipes, conduits, and other like works,

as the company thinks necessary.

(6) Where any channel, flume, drain, pipe, conduit, or other like work is constructed or laid down upon, over, through, or under any Crown land or any road or street (whether belonging to or vested in the Crown or not) it shall be situated at such a depth below the surface of that land, road, or street as the Minister may approve or direct.

(7) The company shall not exercise any of the powers conferred by this section in relation to—

(a) any land (including a road or street) belonging to or vested in a local authority, without the consent of, or otherwise than in accordance with such reasonable conditions as may be imposed by, the local authority;

(b) any Crown land (not being a State highway or subsidiary road or land reserved or set apart for a public road or street), except under the authority of a lease or licence granted to the company pursuant to the provisions of the *Crown Lands Act 1935*; or

(c) any State highway or subsidiary road, or any Crown land that is reserved or set apart for a public road or street, without the consent of, and subject to such conditions as may be imposed by, the Minister having the administration of the *Roads and Jetties Act 1935*.

5—(1) Until—

(a) the rights and concessions of the company are determined in pursuance of this Act; or

(b) this Act expires or is repealed,

whichever first happens, the company has the exclusive right to the occupation and use of the lands that are respectively described in Parts I and II of the first schedule.

Foreshore and
reclamation
rights.

(2) On the application of the company, the Commissioner of Crown Lands may grant to the company, under the *Crown Lands Act 1935*, leases of such strips of land on or across the foreshore adjacent to, or in the vicinity of, any land on which the industry is carried on as the company may reasonably require for the purposes of the industry of such width, in each case, as the Commissioner may determine.

(3) Notwithstanding anything in the *Crown Lands Act 1935*, any lease granted under the authority of subsection (2) of this section may, so long as the industry is carried on, be extended from time to time, on the application in that behalf of the company, for such term or terms as may be agreed upon between the Commissioner for Crown Lands and the company.

(4) The company may enclose, fill up, and raise above the level of high water, and so reclaim, the whole or any part of the land that is described in Part II of the first schedule.

(5) Upon the Minister for Lands and Works certifying to the Governor that the land referred to in subsection (4) of this section has been reclaimed to that Minister's satisfaction, the Governor may, in the name and on behalf of Her Majesty, by deed of grant, convey and alienate the reclaimed land, together with the land described in Part I of the first schedule, to the company in fee simple, freed and discharged from all claims on the part of the Crown.

Disposal of
effluent.

6—(1) For the purpose of disposing of the effluent resulting from the carrying on of the industry, the company may construct, and, so long as the industry is carried on, may use and maintain, such effluent drains as it may think fit for the discharge of effluent into the tidal waters of the Huon estuary.

(2) An effluent drain that is constructed under the authority of subsection (1) of this section—

(a) shall—

- (i) be constructed of such materials, and according to such design or specifications, as the Minister may approve;
- (ii) be located so that its outlet is below low water mark on the Huon estuary; and
- (iii) where it crosses any Crown land or any road or street (whether belonging to or vested in the Crown or not) be situated at such a depth below the surface of the land, road, or street as the Minister may approve or direct; and

(b) may be constructed upon, over, through, or under any Crown land or any private land.

(3) Nothing in subsection (2) of this section shall be construed as requiring the company to carry the outlet of any effluent drain beyond Whale Point or to a greater distance off-shore than three hundred feet therefrom.

(4) The company shall, at all times, ensure that the effluent discharged from an effluent drain constructed under the authority of this section complies with the prescribed standard of quality, as set forth in the second schedule.

(5) An authorized officer may, at any time, enter upon any land upon, over, through, or under which an effluent drain is constructed under the authority of this section and may examine and take samples of any effluent that is being passed into that drain.

(6) For the purposes of the execution by the company of any works authorized by this section to be executed by it, the company shall be deemed to be a service authority within the meaning of the *Roads and Jetties Act* 1935 and sections twelve, twelve A, and thirteen of that Act apply to and in relation to the company accordingly.

(7) In this section, "authorized officer" means—

(a) the Director of Public Health; and

(b) any officer of the Department of Health Services who is authorized in writing by the Director of Public Health, either generally or in a particular case, to exercise the powers conferred on an authorized officer by subsection (5) of this section.

7—(1) The Minister having the administration of the *Easements. Mining Act* 1929 may, under and in accordance with the provisions of that Act and subject to such limitations, restrictions, and conditions as that Minister may determine, grant to the company such easement licences as, in the opinion of that Minister, are reasonably required by the company for the purposes of the industry.

(2) For the purposes of this section, Part VI and section seventy-six of the *Mining Act* 1929 apply to and in respect of the company and any lands used or occupied by it in connection with the carrying on of the industry as if those lands were lands occupied by the company by virtue of a lease under that Act.

8—(1) Subject to this section, the company may, for *Wharves, &c.* the purposes of the industry, construct, maintain, and use wharves, jetties, dolphins, and other works for or connected with the loading or unloading of vessels in the vicinity of, or on, the foreshore of any land described in Part I or Part II of the first schedule or at any point on any land occupied by the company by virtue of a lease granted to it pursuant to subsection (2) of section five.

(2) The company shall not construct any wharf, jetty, dolphin, or other work referred to in subsection (1) of this section—

- (a) unless it has first submitted to the Marine Board of Hobart plans and specifications thereof and those plans and specifications have been approved by that Board; or
- (b) otherwise than in accordance with such plans and specifications as are approved by that Board, and subject to such conditions (if any) as may be imposed by that Board.

Roads.

9—(1) With the consent of the Minister, the company may, upon and subject to such terms and conditions as the Minister may approve or determine, make, construct, improve, repair, and maintain such roads, along such routes, as the company may think necessary for the purpose of carrying on the industry in the most efficient manner or for the purpose of transporting pulpwood, milling timber, or firewood from any forest (including a forest in either of the areas described in the first schedule to the *Forestry Act* 1954) from which the company obtains it to any public road or to any mill or factory used by the company for the purposes of the industry.

(2) A road that is authorized by this section to be constructed by the company may be constructed—

- (a) over Crown land; or
- (b) over private land,

or partly over Crown land and partly over private land.

(3) For the purposes of this section—

- (a) the company may, in accordance with the provisions of the *Lands Clauses Act* 1857, purchase or take lands (other than Crown lands) and that Act is incorporated with this Act accordingly; and
- (b) the Governor may, notwithstanding anything in the *Crown Lands Act* 1935, sell to the company, by private contract, any Crown land that, in the opinion of the Governor, is reasonably required by the company for the purpose of constructing any road that the company is, by this section, authorized to construct.

(4) For the purposes of the incorporation of the *Lands Clauses Act* 1857 with this Act—

- (a) the company shall be deemed to be the promoters; and
- (b) this Act shall be deemed to be the special Act, within the meaning of that Act.

(5) When required by the Minister so to do the company shall deposit with the Minister, within three months after being so required, copies of all survey plans, designs, and specifications prepared by or on behalf of the company in relation to any road constructed or proposed to be constructed by the company under the authority of this section.

10—(1) In the construction, execution, laying down, and maintenance of any works to which this section relates, the company—

General provisions relating to works constructed by the company.

- (a) shall not unnecessarily interfere with traffic on any road or street; and
- (b) shall, after the completion of the construction, execution, or laying down of the works, or of any works in connection with the maintenance thereof, fill up, reinstate, and make good the surface of the ground disturbed thereby and replace, reinstate, and make good all drains or other things opened or affected thereby to the satisfaction of the Minister or of the local authority having the control of those drains or things.

(2) In this section, “works to which this section relates” means—

- (a) any dam, weir, wall, reservoir, pumping station, or other like work, and any channel, flume, drain, pipe, conduit, or other like work, constructed or laid down by the company under the authority of subsection (5) of section four; and
- (b) any effluent drain constructed by the company under the authority of section six.

11—(1) In the exercise of the powers conferred on it by this Act, the company shall do all such acts and things as may reasonably be necessary so to regulate the artificial flow of any river or stream below any dam or other like work constructed or executed under the authority of this Act (being a river or stream from which water is taken by the company or the water of which is impounded by the company) as to prevent the erosion of the bed or banks of any such river or stream, damage to bridges or culverts, and flooding of riparian tenements.

Duty of company to prevent damage, &c.

(2) If by reason of any work constructed or executed, or any other act, matter, or thing done, by the company—

- (a) erosion of the bed or bank of a river or stream;
- (b) damage to a bridge or culvert; or
- (c) flooding of a riparian tenement,

occurs, the company shall execute such works and do all such other acts and things as may be necessary for the purpose of restoring or repairing (so far as it is possible so to do) the bed or banks of the river or stream and preventing further erosion thereof, or for the purpose of repairing the damage to the bridge or culvert and preventing further damage thereto, or for the purpose of preventing further flooding of the riparian tenement, as the case may be, in default whereof the company is liable to make compensation as provided in section twelve.

(3) For the purposes of this section the company may, at all reasonable times, enter upon and pass over or across any Crown land or private land with men, vehicles, horses, machinery, and equipment and execute such works, and do all such other acts and things, as may be necessary to enable the company to perform the duty imposed on it by subsection (2) of this section or to prevent the occurrence of any of the things that are mentioned in paragraphs (a) to (c) of that subsection.

(4) Before exercising the powers conferred on it by subsection (3) of this section, the company shall—

- (a) in the case of private land, give reasonable notice in writing of its intention so to do to the occupier of the land; or
- (b) in the case of Crown land, give the like notice to the Minister.

(5) In the exercise of its powers and the performance of its duties under this section, the company shall do as little damage as possible.

Compensation.

12—(1) The company shall make compensation to any person having a lawful interest in any land that is injuriously affected by any works constructed or executed, or any other act, matter, or thing done, by the company in pursuance of this Act, for any damage to that land arising by reason of the execution of that work or the doing of that act, matter, or thing.

(2) A person who claims compensation under this section shall prefer his claim by notice in writing specifying—

- (a) the place of abode of the claimant;
- (b) the particular act occasioning the damage for which compensation is claimed;
- (c) the nature and amount of the damage; and
- (d) the nature of the title or interest of the claimant in or to the land in respect of which the claim is made.

(3) If the company, by notice served upon any person, requires him to make a claim for compensation for any damage occasioned by the exercise, before the service thereof, of any of the powers conferred on the company by this Act, that person is not entitled to compensation for any damage sustained by reason of the exercise of any such powers before the service of the notice unless he prefers his claim, in accordance with this section, within six months after the service on him of the notice.

(4) If the claimant and the company do not agree upon the amount of the compensation, the claim for compensation shall be determined by arbitration as provided in the *Lands Clauses Act 1857* as if it were a claim made under that Act in respect of a disputed amount of compensation, and that Act, with the necessary modifications and adaptations, applies accordingly to and in respect of the determination of the claim.

13—(1) A notice authorized or required to be given or served under this Act by the company shall be signed by the secretary of the company or by some other officer of the company authorized by the company in writing.

Authentica-
tion and
service of
notices.

(2) A notice required or authorized under this Act to be served on the company may be served personally or by registered post or certified mail on the secretary of the company or on the company's agent or other proper officer in this State.

(3) A notice required or authorized under this Act to be served on or given to any person other than the company may be so served or given—

(a) by delivering it to him personally; or

(b) by sending it by registered post or certified mail addressed to him at his usual or last known place of abode or business.

(4) References in this section to the service of a notice by certified mail shall be construed as references to the transmission of that notice by post as certified mail as provided by the postal regulations for the time being in force.

14—(1) The Premier, on behalf of the State, and the Hydro-Electric Commission, may jointly enter into an agreement with the company providing for the construction by, or under the supervision of, the Commission of a storage dam in Riley's Creek in the municipality of Esperance at a total cost not exceeding £150,000.

Construc-
tion of
storage
dam.

(2) The agreement under this section—

(a) may provide that the Commission shall design and construct the dam, or arrange for and supervise, the design and construction thereof;

(b) may prescribe the method of determining the total cost, for the purposes of this section, of the construction of the dam, and the matters to be included in the calculation of that cost;

(c) shall provide for the payment by the company to the State, for or in respect of the storage of water in the dam and the supply of water to the company by means of the dam, of an amount equal to the total cost of construction of the dam, together with interest thereon and payments equal to the amount of the costs of maintenance and operation of the dam, by such half-yearly instalments during such period (not exceeding twenty-five years), as may be specified in the agreement; and

(d) may contain such other incidental or supplementary terms, conditions, and provisions as may be agreed upon between the parties thereto.

(3) The company is entitled to obtain from the dam to which the agreement under this section relates, free of any charge, fee, or payment other than such payments as the company is required to make by virtue of the agreement such quantity of water as it may require for the purposes of the industry and as is stored by the dam, and may convey or cause to flow along Riley's Creek and the Kermandie River to the point of abstraction by the company any water so taken.

(4) Notwithstanding anything in the *Hydro-Electric Commission Act 1944*, the Hydro-Electric Commission shall be deemed to have power to enter into such an agreement as is mentioned in this section, and to design and construct, or arrange for the design and construction of, the dam, and to do all such other acts and things as may be necessary for carrying out and giving effect to the provisions of the agreement on the part of the Commission.

(5) The Treasurer, on the requisition of the Commission, shall advance to the Commission out of the Loan Fund (which, to the necessary extent, is appropriated accordingly) such sums of money (not exceeding, in the whole, the sum of £150,000) as the Commission may require for or in connection with the design and construction of the dam.

(6) A sum of money that is advanced to the Commission under subsection (4) of this section shall be credited by the Commission to a special account in the books of the Commission, and does not form part of the principal loan or additional loans within the meaning of the *Hydro-Electric Commission Act 1944*.

(7) The Treasurer may, for the purposes of this section, arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of any sums of money not exceeding £150,000.

(8) The Minister may, in accordance with the provisions of the *Lands Resumption Act 1957*, acquire such lands as may be required for or in connection with the construction of the dam to which the agreement under this section relates.

Forfeiture
of rights.

15—(1) If at any time during the continuance of this Act—

(a) the company enters into liquidation (other than a voluntary liquidation for the purpose of reconstruction and the assignment of rights, concessions, and obligations under this Act or the *Forestry Act 1954*); or

(b) a special licence held by the company under the *Forestry Act 1954* is surrendered by it or is revoked in pursuance of the provisions of that Act,

the company's rights and concessions under this Act shall be deemed to be forfeited.

(2) If the company—

(a) contravenes or fails to comply with any of the provisions of this Act that are applicable to it; or

(b) delays the commencement of commercial production beyond the period of four years commencing on the first day of January next after the commencement of this Act,

the Attorney-General may apply to a judge for a summons requiring the company to show cause, on a day specified in the summons, why the rights and concessions of the company under this Act should not be forfeited.

(3) If on the hearing of a summons under this section the company fails to prove to the satisfaction of the judge that the contravention, failure, or delay was due to inadvertence or circumstances beyond the control of the company or that there was otherwise a reasonable cause therefor and that, in all the circumstances, it should reasonably be excused, the judge may, by order, declare the rights and concessions of the company under this Act, to be forfeited.

(4) Evidence in support of, or in opposition to, an application under this section may be given by affidavit or, if the judge so directs, may be given orally, or partly by affidavit and partly orally.

(5) Subject to subsection (4) of this section, the procedure on the hearing of an application under this section shall be as the judge may direct.

(6) On the determination of an application under this section the judge may make such order as to the costs thereof as he may think just.

(7) If by virtue of the operation of this section or of any order under this section the rights and concessions of the company under this Act are or become forfeited, the Governor may, by proclamation, repeal this Act.

(8) In this section, "commercial production" means production of wood pulp or paper, or both, at a rate of not less than twenty thousand tons a year continued for a period of at least one month.

16—(1) The company may assign all or any of its rights, concessions, and obligations under this Act or under any agreement under this Act to any subsidiary of the company. Assignment of rights, &c.

(2) The company may, at any time, procure the incorporation of a subsidiary for the purpose of assigning to that subsidiary all or any of the rights, concessions, and obligations of the company under this Act or under any agreement under this Act.

(3) Upon an assignment by the company to a subsidiary, the subsidiary is, by virtue of the assignment and this Act, subject to all the obligations and conditions imposed upon the company by this Act so far as they remain in force and are capable of taking effect, and the company remains responsible to the Minister for the performance of all its obligations under this Act as if no subsidiary had been formed and no assignment made.

(4) The company may assign all of its rights, concessions, and obligations under the *Forestry Act 1954* or under any special licence under that Act, to any subsidiary of the company.

(5) The company may, with the consent in writing of the Minister but not otherwise, assign to some person other than a subsidiary of the company—

- (a) all or any of its rights, concessions, and obligations under this Act or under any agreement under this Act; or
- (b) all its rights, concessions, and obligations under the *Forestry Act 1954* or under any special licence under that Act.

(6) Upon an assignment by the company pursuant to subsection (1) of this section, the person to whom the rights, concessions, and obligations are assigned is subject to all the obligations and conditions imposed upon the company by this Act, to the exclusion of the company.

(7) The consent of the Minister to an assignment under subsection (5) of this section shall not be unreasonably withheld, but the Minister may refuse to grant his consent to any such assignment if the company fails to furnish proof to his satisfaction with respect to—

- (a) the fitness and suitability of the proposed assignee;
- (b) the solvency of the proposed assignee;
- (c) the capacity of the proposed assignee to maintain production at a satisfactory level;
- (d) the question whether the proposed assignee intends to develop the industry, in good faith, in substantial conformity with the working plan; and
- (e) such other matters as, in the public interest, the Minister thinks necessary.

Expiry
of Act.

17—(1) This Act shall expire at the expiration of the period of eighty years commencing on the appointed day.

(2) In this section, “appointed day” means such day as the Governor may, by proclamation, declare to be the appointed day for the purposes of this section.

THE FIRST SCHEDULE.

PART I.

COUNTY OF KENT.

PARISH OF PRICE.

Commencing at the northern angle of 52 acres purchased by D. Carson on the Crown reservation on the Huon River and bounded by the Crown reservation fronting lands purchased by R. E. Macnaghten, J. W. Studley, J. Fitzpatrick, R. Travers, F. A. Downing and R. Ford respectively to a creek by that creek to the high-water mark on the Kermandie River by that high-water mark to the high-water mark on the Huon River aforesaid and by that high-water mark to a point opposite the prolongation of the north-western boundary of 52 acres purchased by D. Carson aforesaid thence across that Crown reservation to the point of commencement.

PART II.

COUNTY OF KENT.

44 ACRES OR THEREABOUTS.

Commencing at a point on the high water-mark on the Kermandie River opposite the northern angle of 105 acres purchased by F. A. Downing in the Parish of Price and bounded on the north-west by a line bearing 35 degrees or thereabouts for a distance of 15 chains or thereabouts by a line bearing 75 degrees 30 minutes or thereabouts for a distance of 20 chains or thereabouts by a line bearing 172 degrees 45 minutes or thereabouts south-easterly for a distance of 26 chains 80 links or thereabouts to the high-water mark on Hospital Bay and thence by that high-water mark to the point of commencement as the same is shown on Plan No. 43 Kent filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

THE SECOND SCHEDULE.

(Section 6 (4).)

1. Effluent shall be deemed to comply with the prescribed standard of quality if—

- (a) its 5-day bio-chemical oxygen demand, measured at twenty degrees Centigrade in accordance with the prescribed method, does not exceed 3000 pounds weight per hour; and
- (b) the proportion of suspended organic fibrous material therein, determined in accordance with such method as is agreed on between the Director of Public Health and the company, does not exceed 150 parts per million by weight in volume.

2. For the purposes of sub-paragraph (a) of paragraph 1 of this schedule, "prescribed method" means the method set out in the American Public Health Association's publication "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" (Tenth edition) at pages 250 to 267.