

Second
schedule

10 Form VI. in the second schedule to the Principal Act is omitted and the following form substituted therefor:—

“ Form VI.
(Section 77 IA.)

Municipality of

or

Ward of the Municipality of

ELECTOR'S DECLARATION.

I, *A.B.*, do hereby solemnly declare as follows:—

1. That I am the person named in the voters' roll.
2. That I am over twenty-one years of age.
3. That I am not an alien.
4. That I have not already voted at this election.
5. That rates for which I alone am liable have been paid to the 30th day of June last.

Dated this day of , 19 .

Witness

A.B..”

Amendment
of Annual
Values
Assessment
Act 1911.

11 After section forty-eight C of the *Annual Values Assessment Act 1911** the following section is inserted:—

“48D. The provisions of section forty-eight B and section forty-eight C shall apply only to the cities of Hobart and Launceston.

* 2 Geo. V. No. 61. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 187. Subsequently amended by 4 Geo. VI. No. 14 and 8 Geo. VI. No. 14.

NATIONAL PARK AND FLORENTINE VALLEY.

No. 71 of 1950.

AN ACT to alter the Boundaries of Mt. Field National Park for the Purpose of increasing a Concession granted by the *Florentine Valley Paper Industry Act 1935*, to validate the Reservation of that Park, to amend that Act for other purposes and to provide for Matters consequential thereto.

[14 December, 1950.]

PREAMBLE.

WHEREAS an agreement has been made between the Government of Tasmania and the Promoter defined in the *Florentine Valley Paper Industry Act 1935** for confirming to the Promoter rights over certain timber in the Florentine Valley and for the surrender by the Promoter of certain rights over lands elsewhere:

AND WHEREAS doubts have arisen as to the validity of the reservation of the Mount Field National Park by reason of the uncertainty of the boundaries thereof:

* 26 Geo. V. No. 27, amended by 1 Geo. VI. No. 79, 2 & 3 Geo. VI. No. 73, and 9 Geo. VI. No. 17.

AND WHEREAS the National Park consists of certain lands in the Parish of Neena, in the County of Buckingham reserved by three separate proclamations made under the *Scenery Preservation Act 1915*[†] and gazetted the twenty-ninth day of August, 1916, the eighteenth day of February, 1919, and the tenth day of June, 1930, respectively:

AND WHEREAS it is expedient to give effect to this agreement and to resolve these doubts and settle these boundaries and those of the adjoining Concessions created by the *Florentine Valley Paper Industry Act 1935** and at the same time to make certain other amendments to that Act and to settle all consequential claims:

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:—

1 This Act may be cited as the *National Park and Florentine Valley Act 1950*. Short title.

2 In this Act—

“the Florentine Valley Act” means the *Florentine Valley Paper Industry Act 1935** as amended;

“The National Park” means the Mount Field National Park; and

“the Promoter” has the same meaning as in the Florentine Valley Act.

Interpretation.

PART I.

MOUNT FIELD NATIONAL PARK.

3 No objection shall be taken or allowed to the proclamations above recited or to the reservation thereby made on the ground of any uncertainty in the boundaries of the land therein described. Validation of proclamations.

4—(1) The National Park shall be bounded as set out in the first schedule. Redefinition of the National Park.

(2) The whole National Park as hereby defined shall be deemed to have been reserved under the *Scenery Preservation Act 1915*[†], and the proclamations referred to in section three shall have no further force or effect.

(3) Any special board purporting to be constituted by the Governor under section thirteen of the *Scenery Preservation Act 1915*[†] to control the National Park, alone or with other lands shall be deemed duly constituted and vested with the control of the National Park notwithstanding any error or defect in the description of the National Park in the proclamation for those purposes.

* 26 Geo. V. No. 27, amended by 1 Geo. VI. No. 79, 2 & 3 Geo. VI. No. 73, and 9 Geo. VI. No. 17.
[†] 6 Geo. V. No. 15. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 961. Further amended by 2 Geo. VI. No. 30 and 9 & 10 Geo. VI. No. 42.

(4) For the purposes of the Florentine Valley Act this section shall be deemed to have come into force immediately before the commencement of the Florentine Valley Act: Provided that the Promoter his servants agents and licensees shall be under no liability for anything whatsoever heretofore done by him or them within the National Park as hereby defined.

Redefinition
of a State
forest.

5 The dedication under the *Forestry Act 1920** of 42,060 acres in the Counties of Franklin and Buckingham as a State forest by proclamation gazetted the twenty-seventh day of January, 1925, is revoked from its commencement so far as it affects any land described in the first schedule.

Part of a
State forest
incorporated
in the
National
Park.

6—(1) Notwithstanding anything contained in the *Forestry Act 1920** the dedication of the land described in the second schedule as a State forest is revoked.

(2) Notwithstanding anything contained in the *Forestry Act 1920** all or any forest permits granted thereunder are from the commencement of this Act revoked so far as they affect that land.

(3) That land shall be deemed to be a reserve under the *Scenery Preservation Act 1915†*, and shall from the commencement of this Act be part of the National Park.

PART II.

BOUNDARIES OF TIMBER CONCESSIONS.

Concessions
redefined.

7—(1) The Florentine Valley Act is amended by omitting the third and fourth schedules and substituting therefor the third and fourth schedules to this Act.

(2) This amendment shall be deemed to have been made from the commencement of the Florentine Valley Act: Provided that nothing contained in this section shall affect the rights of His Majesty and of the Promoter and of the Promoter's servants agents and licensees in respect of anything heretofore done on any of the lands comprised in the original third and fourth schedules to the Florentine Valley Act.

PART III.

LOGGING ROAD.

Commence-
ment of
Part.

8 This Part shall be deemed to have commenced on the seventh day of June, 1950.

Interpre-
tation.

9 Section three of the Florentine Valley Act is amended by inserting after the definition of "Industry" the following definition:—

* 11 Geo. V. No. 60. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 260. Subsequently amended by 2 Geo. VI. No. 12, 3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 49, 5 Geo. VI. No. 58, 6 Geo. VI. No. 22, and 10 Geo. VI. No. 42.
† 6 Geo. V. No. 15. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 961. Further amended by 2 Geo. VI. No. 30 and 9 & 10 Geo. VI. No. 42.

“‘Logging road’ means any road prepared or constructed by the Promoter for the haulage or transport of forest products and maintainable by him in accordance with section twenty-one B:”.

10 Section seven of the Florentine Valley Act is amended by inserting after the word “railway” (first occurring) the words “or logging road”.

Rights over lands in fifth schedule contingent.

11 Section fifteen of the Florentine Valley Act is amended by inserting in subsection (2) after the words “Conservator may” the words and symbols “, upon and subject to such conditions as may be prescribed,”.

Promoter to supply milling timber in certain cases.

12—(1) After section twenty-one of the Florentine Valley Act the following sections are inserted:—

New sections 21A and 21B.

“21A.—(1) It shall be lawful for the Promoter, with the consent of the Minister, to make a logging road from some point on the Derwent Valley State railway to the part of the divide between the Russell Falls River and Florentine Valleys called the Gap and to maintain and use it and with the consent aforesaid to re-make, re-align and re-grade it.

Power to construct a logging road outside State forests.

(2) The Promoter may—

- I. Use any lands of the Crown whether or not dedicated reserved or otherwise subject to or for any public or special purpose, any reserve under the *Scenery Preservation Act 1915** always excepted:
- II. Take in accordance with the *Lands Clauses Act 1857*† any other lands: and
- III. Make into logging road any tramway or railway wholly or partly constructed under the provisions of section twenty-one—

that he requires for the construction maintenance and working of this logging road.

(3) The Promoter, whenever required by the Minister so to do, and within three months after being so required, shall deposit with the Minister copies of the survey plans showing the route of this logging road.

21B.—(1) The Promoter shall maintain to the satisfaction of the Conservator every road prepared or constructed by him within the said lands or under the powers contained in section twenty-one A for the haulage or transport of forest products.

Maintenance of logging roads.

(2) If the Conservator is of opinion that any such road needs maintenance he may by letter require the Promoter to do such work on it as he may specify within a time thereby limited and if the Promoter fails to do the work specified or equivalent or better work within the time the Conservator may himself do the work, or so much as has not then been done, and recover the cost thereof from the Promoter.

⁶ Geo. V. No. 15. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 961. Further amended by 2 Geo. VI. No. 30 and 9 & 10 Geo. VI. No. 42.

* 21 Vict. No. 11. For this Act, as amended, see Reprint of Statutes, Vol. VI., p. 34.

(3) The Promoter may object to any work he is so required to do or to the time limited therefor, and if the Conservator and the Promoter fail to agree the question whether or in what time the work shall be done shall be determined by arbitration.

(4) The Promoter shall not be required to put any such road in any better condition than is reasonable for the purposes of the industry.

(5) The Promoter may relieve himself of the obligation to maintain any such road by notice in writing to the Conservator, and thereafter—

(a) in the case of a road within the said lands and not constructed under the powers contained in section twenty-one A, the Promoter shall have no right to use the road within the next fifteen years except by leave of the Conservator and upon undertaking to maintain it for such a period as the Conservator thinks fit;

(b) in the case of the road constructed under the powers contained in section twenty-one A, the road and any rights of the Promoter in the land where it then is shall vest in His Majesty subject to the *Roads and Jetties Act 1935**: Provided that no such rights in land subject to the *Real Property Act 1862†* shall so vest until a memorandum to that effect has been duly registered by the Recorder of Titles.”.

(2) Anything already done by the Promoter to make a logging road as provided in section twenty-one A of the Florentine Valley Act as inserted by this section shall be deemed to have been done under the powers thereby granted.

New sections
22A and 22B.

13 After section twenty-two of the Florentine Valley Act the following sections are inserted:—

Logging
road traffic.

“22A.—(1) The Promoter may upon any logging road carry passengers and goods for reward subject to the *Traffic Act 1925‡* and shall be deemed to be licensed so to do under that Act upon the terms and conditions contained in this Act.

(2) The Promoter may allow such persons as he thinks fit with such vehicles as he approves to use any logging road.

(3) The Conservator may authorise, and the Promoter shall suffer, the grantee of an exclusive forest permit, including one granted under the provisions of section fifteen,

* 26 Geo. V. No. 82. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 463. Subsequently amended by 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, 8 Geo. VI. No. 4, 9 Geo. VI. No. 27, and 11 Geo. VI. No. 74.

† 25 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1002. Subsequently amended by 11 & 12 Geo. VI. No. 83.

‡ 16 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28 and 11 Geo. VI. No. 54.

to use such logging roads as the Conservator shall specify, with such vehicles as the Conservator shall specify, for the purpose of obtaining the timber he has authority to obtain thereunder.

(4) Every person using a logging road pursuant to subsections (2) and (3) shall be liable to tolls as provided in section twenty-two B, and subject to the rules in force thereunder: Provided that no toll shall be payable in respect of vehicles of the Hydro-Electric Commission engaged on survey, exploratory, or inspection work.

(5) Notwithstanding anything contained in the *Traffic Act 1925** the Promoter shall not be bound to carry passengers carried under the authority of this section in any better conditions than he carries his own workmen.

22B.—(1) The Promoter may prepare schedules setting forth— Logging
road charges.

I. Scales of tolls to be paid upon vehicles using any logging road together with the rules to be observed in respect of such vehicles, which rules may prescribe, *inter alia*, types of vehicles, wheel and axle loadings, times of use and speeds, generally or for any particular sections of a logging road, and may require compliance with any system of safe working established by the Promoter for a logging road: and

II. Scales of charges for the carriage of passengers and goods by the Promoter over any logging road together with the terms and conditions upon and subject to which he is prepared to accept passengers and goods for such carriage.

(2) All such schedules shall be transmitted to the Transport Commission and, if and when approved by it, may be published by the Promoter, and shall be binding on all the parties concerned.

(3) If the Transport Commission withholds its approval of any such schedules the matter in dispute shall be referred to arbitration.

(4) The Conservator may, at any time, request the Promoter to amend any tolls, or charges fixed as hereinbefore provided, or any of the rules terms or conditions referred to in subsection (1), and the Promoter shall thereupon prepare new schedules setting forth the proposed amendment of such tolls or charges, or, as the case may be, of such rules terms or conditions, and shall submit the same to the Transport Commission for approval.

(5) If the Promoter is unwilling to comply with any request made by the Conservator under subsection (4) or if the Transport Commission withholds its approval of any new schedules prepared by the Promoter in pursuance of that subsection, either the Conservator or the Promoter may refer the matter to arbitration.

* 16 Geo. VI. No. 38. For this Act as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28, 11 Geo. VI. No. 54, and No. 69 of 1949.

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

- I. In the case of tolls the expenses and outgoing of and incidental to the maintenance of the logging roads and the Promoter's vehicles running thereon, and interest on and depreciation of the logging roads and all overhead expenses and management charges properly applicable to such maintenance:
- II. In the case of charges, the expenses and outgoings of and incidental to the carriage and handling of the passengers or goods concerned and the interest on and depreciation of the logging roads and vehicles and all overhead expenses and management charges properly applicable to such carriage and handling—

and may allow to the Promoter a profit not exceeding seven per cent after making allowance for all such matters as aforesaid.

(7) In the determination of any such dispute in respect of any rules to be observed in respect of vehicles using a logging road, the arbitrator shall be bound not to interfere materially with the Promoter's obtaining forest products for the purposes of the industry.

(8) Except as provided by subsection (4) no amendment shall be made by the Promoter to any tolls or charges fixed as hereinbefore provided or any of the rules, terms, and conditions referred to in subsection (1) without the approval of the Transport Commission.

(9) Where in any such schedule approved by the Transport Commission and published by the Promoter there are rules for compliance with some system of safe working established by the Promoter for a logging road, every person using that logging road shall, except when necessary for keeping the peace, saving life or limb, fighting a bushfire or other like cause, comply with those rules and any such person who acts in contravention of or fails to comply with them shall be liable to a fine not exceeding twenty pounds, in addition to any other liability civil or criminal.

(10) All penalties recovered for offences against this section shall be paid as to one-half to the Promoter and as to the other half into the Consolidated Revenue Fund.

(11) Nothing in this section shall limit the effect of regulations made for the purposes of section fifteen.”.

Amendment
of eighth
schedule.

14 The eighth schedule to the Florentine Valley Act is amended by inserting in clause (3) before the word “approved” the words “or on a State railway”.

PART IV.

MISCELLANEOUS.

15 After section twenty-six of the Florentine Valley Act the following section is inserted:—

“26A. The *Arbitration Act 1892** shall apply to every arbitration pursuant to this Act as if there were a written agreement to submit the difference to arbitration.”

*Application of
Arbitration
Act 1892.*

16 Within twelve months of the commencement of this Act the boundaries of the National Park with the lands comprised in the first, third, and fourth schedules of the Florentine Valley Act as amended by this Act shall be marked on the ground to the satisfaction of the Surveyor-General and half the cost of any field work reasonably done for the purpose shall be borne by the Promoter and half shall be paid out of moneys to be provided by Parliament for the purpose.

Survey.

* 56 Vict. No. 8. For this Act, as amended, see Reprint of Statutes, Vol. I., p. 150.

THE FIRST SCHEDULE.

MOUNT FIELD NATIONAL PARK.

39,190 ACRES OR THEREABOUTS.

In this description all directions are magnetic and the line AB means the straight line passing through points A and B, point A being ten chains west of the summit of Mount Lord point B being the junction at the Gap of the Adamsfield Track and a pack track running northwards, point X means the point on the line AB 93 chains southerly from point A, and point Y means the point 275 chains northerly from point B.

Commencing at the north-western angle of 1000 acres surveyed and shown in Volume 109 Folio 22 Buckingham deposited in the office of the Surveyor-General thence east 132 chains 40 links south 16 chains 45 links east 57 chains 10 links north 7 chains 30 links east 47 chains 15 links south 5 chains 50 links east 74 chains 10 links north 10 chains 93 links east 53 chains 60 links north 74 chains 20 links and east 114 chains or thereabouts to the western boundary of 1500 acres surveyed and shown in Volume 108 Folio 17 Buckingham deposited in the office of the Surveyor-General thence north 35 chains or thereabouts to the north-western angle of that land thence by a north-easterly straight line to a point distant 114 chains west from the north-western angle of 315 acres formerly leased to D. Marriott thence east by a straight line continued along the northern boundary of the 315 acres aforesaid to the western boundary of 100 acres purchased by H. F. Holloway thence north 15 chains along that land thence east to the south-western angle of 98a. 2r. 30p. purchased by H. E. Dawes by the western and north-western boundaries of that land to the Lady Barron Creek thence by that creek to the Russell Falls River thence by that river to the south-western angle of 25a. 1r. 34p. purchased by L. M. Shoobridge by the southern boundary of that land by the eastern and northern boundaries of 300 acres Falls Reserve thence by a straight line to the south-eastern angle of 150 acres surveyed and shown in Volume 120 Folio 9 Buckingham deposited in the office of the Surveyor-General thence by the southern boundary of that land

the southern boundary of 52a. 0r. 18p. purchased by C. E. Ransley and by a continued straight line to the south-western angle of 447 acres formerly leased to J. Bradley and shown in Volume 118 Folio 9 Buckingham thence by a straight line to the south-eastern angle of 60a. 0r. 9p. purchased by M. B. Quinn thence by the southern boundary of that land and the southern boundary of 500 acres leased to Risby Bros. Ltd. to the south-eastern angle of 3400 acres shown in Volume 129 Folio 30 Buckingham deposited in the office of the Surveyor-General and thence by the eastern and northern boundaries of that land to the Broad River thence crossing that river and by a continued straight line on the last bearing run by C. E. Radcliff as shown on the Folio last aforesaid to the line AB thence southerly by that line to point X thence by a straight line bearing right 17 degrees to a point from which point Y bears left 38 degrees 50 minutes thence by a straight line to point Y thence southerly by the line AB to a point due west of the point of commencement and thence by a straight line to the point of commencement.

THE SECOND SCHEDULE.

RESERVE UNDER THE SCENERY PRESERVATION ACT 1915.

All the land in the County of Buckingham, Parish of Neena, comprising 650 acres or thereabouts being portion of 17,650 acres State forest and bounded as follows:—

Commencing at the north-eastern angle of 500 acres (surveyed and shown in Volume 109 Folio 25 in the office of the Surveyor-General) thence west 74 chains 10 links north 5 chains 50 links west 47 chains 15 links south 7 chains 30 links west 24 chains along the National Park described in the first schedule thence south to the Adamsfield Track and by a continued straight line south for 10 chains thence in a general south-easterly direction parallel to and distant 10 chains from the Adamsfield Track aforesaid to a point distant 10 chains south from the south-western angle of the said 500 acres thence north to that angle thence by a straight line bearing $22\frac{1}{2}$ degrees for 60 chains thence by a straight line north-easterly for 54 chains or thereabouts to the point of commencement.

All directions magnetic.

THE THIRD SCHEDULE.

RUSSELL FALLS RIVER AREA.

Commencing at the north-western angle of 1000 acres surveyed and shown in Volume 109 Folio 22 Buckingham deposited in the office of the Surveyor-General thence south 75 chains 95 links east 90 chains 30 links south 10 chains 50 links east 35 chains 80 links south 18 chains 50 links east 5 chains 45 links south 136 chains 40 links east 18 chains 80 links south 23 chains 10 links east 27 chains 75 links south 28 chains 50 links east 11 chains 14 links to the north-western angle of 50a. 3r. 17p. purchased by M. Davis thence by the western boundary of that land and by a straight line to the north-western angle of 256a. 1r. 38p. purchased by the Union Bank of Australia Limited thence by the boundaries of that land and the southern boundaries of 280a. 1r. 23p. and 62a. 2r. 35p. purchased by J. M. and R. E. Mayne respectively and by part of the western and by the southern boundaries of 49a. 3r. 15p. Crown land shown in Volume 105 Folio 28 deposited in the office of the Surveyor-General thence south 40 chains 46 links east 154 chains 10 links thence by a straight line to the south-eastern angle of 741a. 0r. 29p. shown in Volume 120 Folio 26 deposited in the office of the Surveyor-General thence by a straight line to the southern angle

of 49a. 3r. 36p. purchased by M. E. E. Loveluck thence by the south-eastern and part of the north-eastern boundaries of that land to the southern angle of 101a. 3r. 20p. shown in Volume 157 Folio 29 Buckingham deposited in the office of the Surveyor-General thence by the south-eastern boundary of that land and by a continued straight line north-east along Crown land to the southern boundary of 1091 acres formerly leased by E. C. Champion thence by a straight line east to the watershed between the catchments of the Russell Falls River and the Styx River thence by that watershed to the boundary of the Florentine Area described in the first schedule and thence by that boundary to the boundary of the National Park thence by the southern boundary of the Park to the point of commencement.

All directions magnetic.

THE FOURTH SCHEDULE.

THE ELLENDALE-BETHUNE AREA.

All the Crown lands comprised in an area bounded as follows:—

Commencing at a point on the River Derwent opposite the western angle of Lot 24,861 (397 acres) purchased by Brock Brothers Proprietary Limited and bounded by a south-easterly line along a Crown reservation to the western angle of Lot 24,861 aforesaid by the south-western and part of the south-eastern boundary of that Lot by the south-western and part of the south-eastern boundary of Lot 24,318 (2057 acres) also purchased by Brock Brothers Proprietary Limited thence by the south-western boundaries of Lots 627 and 628 (460 acres and 532 acres respectively) purchased by W. A. Bethune thence by part of the north-western the south-western and part of the south-eastern boundaries of Lot 24,319 (1732 acres) purchased by Brock Brothers Proprietary Limited thence by the south-western boundary of Lot 2228 (960 acres) purchased by Walter Angus Bethune to a point on the north-western boundary of the Town Reserve of Bethune by part of the north-western and by the south-western boundary of that town reserve and by a continued straight line south-easterly along a Crown reservation to the Repulse River thence by that river in a general south-westerly direction to a point opposite the western angle of Lot 2230A (285 acres and 1265 acres) purchased by Walter Angus Bethune aforesaid by a straight line south-easterly to that angle (after crossing the Repulse River) thence by part of the south-western boundary of Lot 2230A aforesaid by the north-western south-western and south-eastern boundary of 600 acres purchased by H. J. Brock again by part of the south-western boundary of Lot 2230A aforesaid to a point on the Broad River and by a continued straight line south-easterly (after crossing the Broad River) to the western angle of 99a. 0r. 33p. purchased by T. J. Johnston thence by the south-western boundary of that land and by a straight line south-east for 23 chains thence southerly by a straight line to the north-western angle of 60 acres State forest thence by the western boundary of that forest and south by a continued straight line to a point on the northern boundaries of the National Park thence by those boundaries westerly to the eastern boundary of the Florentine Area described in the first schedule to this Act thence by that boundary to the junction of the Florentine River and the River Derwent and thence by the River Derwent to the point of commencement.

All directions magnetic.