

the wheat industry in such manner as the Minister, after consultation with the appropriate Minister of each State, directs.

(5) Any moneys that, immediately before the commencement of this Act, were standing to the credit of the account kept by the Board for the purposes of section eighteen of the *Wheat Industry Stabilization Act 1963* shall be deemed to be moneys to which subsection (1) of this section applies.

PART IV.

MISCELLANEOUS.

Use of funds
by Board.

22 Subject to the Board's paying or making provision for the payment of amounts required to be paid by it under this Act, nothing in this Act shall be deemed to prevent the Board from applying moneys received by it by reason of the exercise of its functions under this Act for the purposes of the Commonwealth Act or an Act of another State relating to the marketing of wheat.

Offences.

23 A person who contravenes or fails to comply with a provision of this Act for which no other penalty is provided is guilty of an offence.

Penalty: Two hundred dollars or six months' imprisonment.

Regulations.

24 The Governor may make regulations for the purposes of this Act and the regulations may make provision for penalties not exceeding a fine of two hundred dollars or six months' imprisonment, or both, for offences against the regulations.

PULPWOOD PRODUCTS INDUSTRY (EASTERN AND CENTRAL TASMANIA).

No. 71 of 1968.

AN ACT to encourage the establishment in the eastern and central parts of the State of an industry for the manufacture of wood chips, woodpulp, paper, and other products of woodpulp, and to provide for matters incidental thereto. [20 December 1968.]

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:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Pulpwood Products Industry* Short title.
(*Eastern and Central Tasmania*) Act 1968.

2—(1) In this Act “the relevant part of the State” means Interpretation
the areas described in Part I and Part II of the first schedule
and—

- (a) the “pulpwood area” means all the Crown lands in the area described in Part I of the first schedule except so much thereof as has been excluded from the operation of this Act; and
- (b) the “reserve area” means all the Crown lands in the area described in Part II of the first schedule except so much thereof as has been excluded from the operation of this Act.

(2) For the purposes of this Act “the industry” comprises all the operations and activities involved in the production in the State, from pulpwood obtained in pursuance of the licence, of wood chips, or of woodpulp, paper, or other products of woodpulp, and includes—

- (a) the production of by-products of the process of manufacturing or producing any such product;
- (b) investigations preliminary to, and in connection with, the manufacture or production of any such product or the supply and preparation of materials therefor; and
- (c) afforestation within the pulpwood area and the reserve area.

(3) For the purposes of this Act “pulp undertaking” means an undertaking for the production of woodpulp, paper, or other products obtained from woodpulp or as by-products in the production of woodpulp, and references in this Act to the extension of a pulp undertaking shall be construed as references to the alteration or extension of the undertaking so as—

- (a) to increase the capacity of the undertaking to produce woodpulp, paper, or any other products referred to in this subsection; or
- (b) to enable paper or any other product referred to in this subsection not being produced by the undertaking to be so produced.

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

- “appointed day” has the meaning assigned to that expression by subsection (3) of section five;
- “appropriate period”, when used in relation to an obligation arising under section fifteen, has the meaning assigned to that expression by subsection (7) of that section;
- “approved extension” means an extension of a pulp undertaking carried out in the discharge of the obligations of the company under Part III;

- “ approved pulp undertaking ” means a pulp undertaking established in discharge of the obligations of the company under Part III ;
- “ approved sawmiller ” means a person who is entitled by virtue of any authority granted to him under the Principal Act, to obtain on, and remove from, the pulpwood area or the reserve area any milling timber ;
- “ Commission ” means the Forestry Commission ;
- “ company ” means Tasmanian Pulp and Forest Holding Proprietary Limited, a company incorporated in this State, and, subject to section twenty-five, includes any person to whom any rights or obligations are assigned under that section ;
- “ continuation right ” means the continuation right referred to in subsection (1) of section six ;
- “ Crown lands ” means Crown lands within the meaning of the Principal Act exclusive of those to which, pursuant to section five of that Act, the Principal Act does not apply ;
- “ initial right ” means the initial right referred to in subsection (1) of section six ;
- “ licence ” means the special licence granted under section five ;
- “ long-term right ” means the long-term right referred to in subsection (1) of section six ;
- “ milling timber ” means logs or parts of trees, whether standing or fallen, that are, in the opinion of the Commission, suitable for use for sawmilling purposes, and includes the lower portion of any regrowth tree that is more than sixteen inches in diameter at a height of four feet three inches from the ground ;
- “ Principal Act ” means the *Forestry Act 1920* ;
- “ pulpwood ” means sound timber other than milling timber ;
- “ regrowth tree ” means a tree the age of which is less than one hundred and ten years ;
- “ silviculture ” includes operations for the protection of trees from fire ;
- “ ton ” means two thousand two hundred and forty pounds avoirdupois ;
- “ working plan ” means the working plan that is referred to in section seventeen, and includes that plan as altered from time to time.

(5) For the purposes of this Act, if a question arises as to whether any timber is or is not pulpwood or milling timber, that question shall be determined by the Commission, and the decision of the Commission on such a question is final.

3—(1) Except as otherwise provided in this Act, the powers and duties conferred and imposed on the Commission by this Act are in addition to, and not in derogation of, the powers and duties conferred and imposed on the Commission by or under the Principal Act, and this Act shall be construed accordingly. Savings.

(2) Except as otherwise provided in this Act or so far as may be necessary for the proper enjoyment of the rights conferred on the company by this Act, nothing in this Act affects any rights of a person to obtain forest products from any part of the pulpwood area or the reserve area pursuant to any licence, permit, or other authority granted under the Principal Act.

(3) Nothing in this Act affects the operation of the *Hydro-Electric Commission Act 1944*.

4—(1) Where the Governor, on the recommendation of the Commission, is satisfied that pulpwood is required to be obtained from any part of the pulpwood area or the reserve area for the purposes of the industry he may, by order, dedicate as a State forest that part of that area. Dedication of parts of pulpwood area or reserve area as State forest.

(2) Subsection (1) of this section does not apply to any land already dedicated as a State forest, whether under this Act or the Principal Act.

(3) The dedication of any land under this section as a State forest has, subject to this Act, the like effect as a dedication of that land as a State forest under Part III of the Principal Act.

(4) Section twenty of the Principal Act does not apply to land dedicated as a State forest under this section.

(5) Nothing in this Act prevents the dedication under the Principal Act as a State forest of any land that is not so dedicated under this section, and the exclusion of any part of the pulpwood area or the reserve area from the operation of this Act does not affect the dedication (whether under this Act or the Principal Act) of any land therein as a State forest.

PART II.

THE SPECIAL LICENCE AND ITS GENERAL EFFECT.

5—(1) Notwithstanding anything in the Principal Act, the Commission may grant to the company a special licence conferring on the company exclusive rights, subject to this Act, to obtain pulpwood from the pulpwood area and the reserve area. The special licence.

(2) The licence shall not be granted if it appears to the Commission that the exportation from Australia of wood chips produced from pulpwood obtained in the exercise of the rights conferred by the licence would be prohibited under the *Customs Act 1901-1958* and shall not, in any event, be granted after the thirty-first day of December 1969.

(3) The Commission may, by notice in the *Gazette*, declare a day (being a day not later than the thirtieth day of June 1971) as the day on which the rights of the company under the licence to obtain pulpwood are to commence, and that day is in this Act referred to as the appointed day.

(4) A licence shall be granted subject to—

- (a) the terms and conditions that are specified in the second schedule; and
- (b) such other conditions as may be agreed between the Commission and the company and specified in or endorsed on the licence.

(5) The rights conferred by the licence may only be exercised subject to and in accordance with the provisions and prescriptions of the working plan, and the rights and obligations conferred or imposed on the company by this Act have effect subject to those provisions and prescriptions.

Rights
conferred by
the licence.

6—(1) The rights conferred on the company by the licence are—

- (a) an initial right;
- (b) a long-term right; and
- (c) a continuation right.

(2) The initial right is the right to obtain, during the period of eighteen years commencing on the appointed day, or during such further periods as the Minister may allow—

- (a) from the pulpwood area, seven million five hundred thousand tons of pulpwood; and
- (b) from the reserve area, such pulpwood as is referred to in paragraph (a) or paragraph (b) of subsection (2) of section nine.

(3) The long-term right is the right to obtain, during the period of eighty years commencing on the date on which the right arises, from the pulpwood area and the reserve area, pulpwood that the company is not authorized to obtain under the initial right or the continuation right.

(4) The continuation right is a right to obtain pulpwood—

- (a) from the whole or such part of the pulpwood area or of the reserve area;
- (b) during such periods;
- (c) in such quantities; and
- (d) on compliance with such terms and conditions,

as may be agreed between the Minister and the company.

(5) The rights conferred on the company by the licence do not entitle the company to obtain pulpwood from trees of an exotic softwood species.

Commence-
ment and
termination
of rights.

7—(1) The initial right arises on the appointed day.

(2) The long-term right arises when the company becomes obliged to establish a pulp undertaking but terminates on its notification to the Minister that it refuses to establish that undertaking or fails within the appropriate period to discharge the obligation.

(3) The continuation right cannot arise while the long-term right is subsisting and terminates when the long-term right arises; but, subject to the foregoing provisions of this subsection, the continuation right arises on such date as may be agreed between the Minister and the company, being a date not earlier than fifteen years or later than twenty years from the appointed day.

(4) When the continuation right arises the initial right terminates.

8—(1) The company shall not obtain in any year, in the exercise of the rights conferred by the licence, more than— Rate of harvesting of pulpwood.

- (a) five hundred thousand tons of pulpwood; or
- (b) such quantity of pulpwood as is prescribed in the working plan in that behalf in respect of that year,

whichever is the greater.

(2) The company shall, in the exercise of the initial right, obtain—

- (a) during each of the first two years of the subsistence of that right, at least two hundred and fifty thousand tons of pulpwood;
- (b) during each of the next succeeding thirteen years of the subsistence of that right, at least four hundred thousand tons of pulpwood; and
- (c) during each year following thereafter while the right subsists, at least two hundred and fifty thousand tons of pulpwood.

(3) During each year during which the long-term right subsists the company, in addition to any pulpwood that it is required to obtain under subsection (2) of this section, shall obtain, in the exercise of the long-term right, at least such minimum quantity of pulpwood as, pursuant to subsection (6) of section fifteen, is specified in respect of that year in a direction or agreement referred to therein, or as may be determined in respect of that year in the manner prescribed in such a direction or agreement.

(4) Notwithstanding anything in subsection (2) or subsection (3) of this section failure of the company to obtain, in any year, the quantities of pulpwood that it is required to obtain under those subsections during that year, shall not, if that failure arises from fire, storm, disease, strike, or other similar unforeseen circumstances, or for any other reason of which the Commission approves, be regarded, for the purposes of section twelve, as a contravention of, or a failure to comply with, the provisions of this Act.

Limitation on
exercise of
rights in
respect of
reserve area.

9—(1) The company shall not, in the exercise of the rights conferred by the licence, obtain pulpwood from the reserve area unless it is authorized, in writing, by the Commission so to do.

(2) Except where the Commission authorizes the company to obtain pulpwood from the reserve area pursuant to subsection (3) of this section, the Commission shall not authorize the company to obtain from the reserve area pulpwood, other than—

- (a) the parts, not being milling timber, of trees cut for the purpose of obtaining milling timber under the authority of the Principal Act; or
- (b) pulpwood obtained from areas required by the Commission for silvicultural purposes.

(3) Where the Commission is satisfied —

- (a) that an approved pulp undertaking has been, or is in the process of being, established or an approved extension of such an undertaking has been, or is in the process of being, carried out; and
- (b) that there is, or will be, required for use at that undertaking as so established or extended, as the case may be, pulpwood at the rate of not less than two hundred thousand tons a year,

the Commission shall authorize the company to obtain pulpwood from the reserve area.

Limitations
on use of
pulpwood.

10—(1) No pulpwood obtained in pursuance of the licence shall be used otherwise than for the purposes of the industry.

(2) While the long-term right subsists no pulpwood obtained from the reserve area shall, without the consent of the Commission, be used otherwise than for the purposes of an approved pulp undertaking.

(3) If any pulpwood obtained in pursuance of the licence is used contrary to the provisions of this section, the company shall be deemed to have failed to comply with provisions of this Act applicable to it.

Exclusion of
certain areas
from
operation
of the Act.

11—(1) If—

- (a) the long-term right, having arisen, has terminated; or
- (b) that right is not subsisting at the expiration of a period of fifteen years from the appointed day,

the Governor may, if that right is not subsisting, by order, declare that the whole or any part of the reserve area is excluded from the operation of this Act.

(2) When the continuation right has arisen the Governor may, by order, declare that any part of the pulpwood area or the reserve area from which the company is not entitled under that right to obtain pulpwood is excluded from the operation of this Act.

(3) If while the long-term right is subsisting the company becomes obliged to carry out an extension of the pulp undertaking and it notifies the Minister that it refuses, or it fails within the appropriate period, to discharge that obligation, the Governor may, on receiving from the Minister such a certificate as is referred to in subsection (4) of this section, by order declare that such parts of the pulpwood area or the reserve area as are specified in the order, are excluded from the operation of this Act.

(4) The certificate referred to in subsection (3) of this section is a certificate of the Minister, made on the recommendation of the Commission, specifying the parts of the pulpwood area or the reserve area that are not required by the company for the purpose of exercising its rights under the licence, so far as those rights are subsisting, or for the purpose of continuing to carry on the pulp undertaking referred to in that subsection; and no order shall be made under that subsection that would have the effect of excluding from the operation of this Act any part of the pulpwood area or the reserve area that is not so specified in the certificate.

(5) Where, pursuant to this Act, an area is excluded from the operation of this Act, then, notwithstanding any other provision of this Act, the rights of the company in relation to that area terminate and this Act ceases to apply to that area.

12—(1) If the company contravenes, or fails to comply with—

- (a) any of the provisions of this Act or the working plan that are applicable to the company; or
- (b) any terms or conditions to which the licence or any right thereunder is subject,

Revocation of licence or abridgement of rights in case of contravention of Act.

the Governor may, subject to this section, by order, revoke the licence or abridge the rights conferred thereby.

(2) An order shall not be made under this section in respect of any contravention or failure unless notice is served by the Minister on the company specifying the contravention or failure and stating that it is proposed to exercise the powers conferred by this section in relation thereto.

(3) Within three months after the service of a notice under subsection (2) of this section the company may apply to the Supreme Court for an order quashing the notice and on the hearing of such an application the court, unless it is satisfied that the contravention or failure referred to in the notice did occur, shall, by order, quash the notice.

(4) Where a notice is served under subsection (2) of this section no order shall be made under subsection (1) of this section within three months after the service of the notice or, if an application is made under subsection (3) of this section, until the termination of the proceedings on the application.

(5) An order under this section abridging the rights conferred by the company may—

- (a) exclude from the operation of this Act any part of the pulpwood area or the whole or any part of the reserve area;
- (b) vary the effect of section six by reducing the amount of pulpwood specified in any provision thereof, or the length of any period so specified;
- (c) vary the continuation right in respect of any of the matters agreed to pursuant to subsection (4) of that section;
- (d) vary any of the terms or conditions subject to which the licence is granted; or
- (e) vary the effect of section eight in relation to the quantities of pulpwood referred to therein.

(6) Where pursuant to this section, any right, terms, or conditions, is or are varied that right, or those terms or conditions, has or have effect as so varied, and this Act has effect subject to the provisions of any order made under this section.

(7) This section does not apply to the refusal or failure of the company to comply with any requirement made under section fourteen, or any direction given, or agreement entered into, under section fifteen.

Exclusion
of certain
pulpwood
from rights
of company.

13—(1) The pulpwood to which this section applies is pulpwood obtainable—

- (a) from operations carried out by the Commission for the clearing of any part of the pulpwood area or the reserve area for the purposes of silviculture; or
- (b) from the cutting of milling timber in any part of the pulpwood area or the reserve area.

(2) Where the Commission is satisfied that the company cannot reasonably be expected to take any pulpwood to which this section applies as part of the pulpwood that it is entitled to obtain under the rights conferred by the licence the Commission may notify the company that its rights under the licence do not extend to the obtaining of that pulpwood.

(3) Where the company is notified under this section that its rights under the licence do not extend to the obtaining of the pulpwood specified in the notice that pulpwood may be dealt with or disposed of as if this Act had not been enacted, and, if it is so disposed of to the company, the company shall be deemed not to have obtained that pulpwood in pursuance of the exercise of its rights under the licence.

PART III.

OBLIGATIONS IN RELATION TO PULP UNDERTAKING.

14—(1) Where the Minister requires the company to carry out an evaluation of the feasibility of establishing a pulp undertaking in the relevant part of the State of such a nature as is specified in the requirement or of the carrying out an extension of a pulp undertaking of such a nature as may be so specified, the company shall cause an evaluation to be made in accordance with the requirement, and shall submit a report thereon to the Minister within such time as may be specified in the requirement or within such further time as the Minister may allow.

Evaluation of
feasibility of
pulp
undertaking.
&c.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section the nature of an undertaking or an extension thereof may be specified by reference to all or any of the following matters, that is to say:—

- (a) The nature of the products to be produced or manufactured in the carrying on of the undertaking, or in the carrying on of the undertaking when the extension has been carried out, as the case may be;
- (b) The quantities of those products, or any of them, that will be capable of being so produced or manufactured; or
- (c) The quantities of pulpwood or other raw materials that will be capable of being used in the carrying on of the undertaking, or in the carrying on of the undertaking when the extension has been carried out, as the case may be.

(3) A requirement under subsection (1) of this section may specify the manner in which the evaluation is to be carried out.

(4) No requirement shall be made under subsection (1) of this section within the period of five years commencing on the appointed day or, thereafter, within three years of the submission of a report to the Minister under this section of an evaluation made thereunder.

(5) Where the Minister is satisfied—

- (a) that the company has failed to comply with any requirement made by him under subsection (1) of this section in respect of an evaluation; or
- (b) that an evaluation required to be made under that subsection has not been properly carried out, or is not being expeditiously or properly carried out,

he may, himself, after serving notice on the company of his intention so to do, cause the evaluation to be carried out or completed, or again carried out (as the case may be) and a report to be submitted to him on the evaluation.

(6) A notice under subsection (5) of this section shall specify the grounds on which the Minister intends to exercise the powers conferred by that subsection.

(7) The expenses incurred in the exercise by the Minister of the powers conferred on him by subsection (5) of this section may be recovered from the company as a debt due to the Crown.

(8) The company shall furnish to the Minister such information as he may reasonably require for the purposes of an evaluation carried out under subsection (5) of this section.

Direction to establish or extend pulp undertaking.

15—(1) Where a report is made to the Minister under section fourteen and the Minister is satisfied, after consideration of that report and any other relevant information he may have, that it is reasonably practicable for a pulp undertaking to be established in the relevant part of the State or for such an undertaking to be extended he may direct the company to establish such pulp undertaking, or carry out such extension of a pulp undertaking, as is specified in the direction.

(2) Where the Minister gives a direction under subsection (1) of this section he shall, on being requested so to do by the company, furnish the company with the other relevant information referred to in that subsection on which the direction was based.

(3) The Minister and the company may, at any time, enter into an agreement for the establishment by the company of a pulp undertaking specified in the agreement or for the carrying out of such an extension of the pulp undertaking as is so specified.

(4) Where a direction is given under subsection (1) of this section, or an agreement is entered into under subsection (3) of this section, in respect of the establishment or extension of a pulp undertaking, the company shall, for the purposes of this Act, be deemed to have become, on such date as may be specified in that behalf in the direction or agreement, obliged to establish that undertaking or carry out that extension, as the case may be.

(5) If, at the expiration of the appropriate period, the company has failed to establish a pulp undertaking, or carry out an extension of a pulp undertaking, that it has become obliged to establish or carry out under this section, or to establish such other pulp undertaking or carry out such other extension as the Minister approves as being sufficient to discharge that obligation, it shall be deemed, for the purposes of this Act, to have failed to discharge that obligation.

(6) A direction given under subsection (1) of this section, or an agreement entered into under subsection (3) of this section, may specify, in respect of any year after the date referred to in subsection (4) of this section, the minimum

quantity of pulpwood that the company is required to obtain during that year in the exercise of the long-term right, or may prescribe the manner in which that minimum is to be determined.

(7) For the purposes of this Act "the appropriate period" means—

- (a) when used in relation to an obligation to establish a pulp undertaking, or to carry out an extension of a pulp undertaking, arising from a direction under subsection (1) of this section, a period of four years commencing on the date on which the company becomes obliged to establish that undertaking or carry out that extension, as the case may be, or such longer period as the Minister may allow; or
- (b) when used in relation to an obligation to establish a pulp undertaking, or to carry out an extension of a pulp undertaking, arising from an agreement under subsection (3) of this section, such period as may be specified in the agreement or such longer period as the Minister may allow.

16 No requirement shall be made under subsection (1) of section fourteen and no direction shall be given under subsection (1) of section fifteen if the reserve area has been excluded from the operation of this Act and, on the reserve area being so excluded, the company ceases to be bound by any such requirement that has not then been carried out or by any obligation arising under such a direction that has not then been discharged.

*Limitation
of Part III
in certain
circumstances.*

PART IV.

SUPPLEMENTARY PROVISIONS AS TO TIMBER GETTING IN PULPWOOD AREA AND RESERVE AREA.

17—(1) The Commission shall prepare a working plan in accordance with the provisions of the Principal Act in relation to the taking of timber from the pulpwood area and the reserve area for the purposes of the industry, notwithstanding that lands that are not State forests are comprised within those areas, or either of them. *Working plan.*

(2) The provisions of the Principal Act apply to and in relation to the preparation, approval, and alteration of the working plan in the same manner and to the same extent, in all respects, as if the whole of the lands comprised within the pulpwood area and the reserve area were lands within a State forest, and those provisions shall be construed accordingly.

(3) The working plan shall contain provisions for the settlement of disputes between the company and the Commission with respect to the expenditure required to be incurred by the company pursuant to, or by reason of the operation of, any provision of the working plan, in relation to—

- (a) the construction or maintenance of roads;

- (b) silviculture;
- (c) the prevention or suppression of bush fires; and
- (d) research.

(4) Notwithstanding anything in the Principal Act, the provisions of the working plan relating to—

- (a) the basic principles prescribed therein for the full period of the working plan in respect of—
 - (i) overcutting of permissible annual cuts;
 - (ii) under-demand by an industry for milling timber or pulpwood; and
 - (iii) the quality and kinds of pulpwood available;
- (b) specifications for pulpwood in respect of defects and dimensions;
- (c) the respective quantities of pulpwood required to be obtained by the company during any period from regrowth trees and from trees other than regrowth trees; and
- (d) the settlement of disputes with respect to any matter referred to in subsection (3) of this section,

as respectively set forth in the working plan, shall not be altered except by agreement between the Commission and the company.

Directions of Commission with respect to cutting and supply of timber.

18—(1) Notwithstanding anything in the Principal Act or in Part II of this Act, the Commission may at any time, by notice in writing, require the company or an approved sawmiller, for such period as is specified in the notice—

- (a) to—
 - (i) cut, in accordance with the requirements specified in the notice, both pulpwood and milling timber on land within the pulpwood area or the reserve area on which the company is entitled to obtain it by virtue of the company's special licence under this Act, or the sawmiller is entitled to obtain it by virtue of his licence, permit, or other authority under the Principal Act, as the case may be; and
 - (ii) remove from that land any pulpwood or milling timber cut in pursuance of the notice; and
- (b) on a roadside or at such other place as is specified in the notice, to separate pulpwood so cut from milling timber so cut.

(2) Where, pursuant to a notice under this section—

- (a) an approved sawmiller cuts pulpwood, he shall, subject to this section, sell that pulpwood to the company at a roadside or other place approved by the Commission; or

(b) the company cuts milling timber, it shall, subject to this section, sell that milling timber at a roadside or other place approved by the Commission to such sawmiller as the Commission may, by notice in writing, specify.

(3) The Commission shall not exercise the power conferred on it by subsection (1) of this section—

(a) unless it is satisfied that the exercise of that power is necessary in order to prevent the carrying out of the working plan being affected or prejudiced by reason of a failure by the company and an approved sawmiller to reach agreement with respect to the proper co-ordination of logging operations within the pulpwood area or the reserve area, or both those areas; or

(b) so as to require the company or an approved sawmiller to cut or remove timber from any land other than land on which, at the time of the giving of the notice under that subsection, the company or sawmiller is carrying out, or, in accordance with any working plan or logging plan applicable to its or his operations, is entitled to carry out, operations pursuant to the company's special licence under this Act or, the sawmiller's licence, permit, or other authority under the Principal Act, as the case may be.

(4) Where a notice under subsection (1) of this section is given to the company or to an approved sawmiller, the company or approved sawmiller shall do all such things as may be necessary to ensure that it or he is in a position to obtain from the relevant land, during the period specified in the notice, such quantity of timber, in addition to that obtained by it or him for its or his own use, as it or he may be required, by virtue of the notice, to obtain.

(5) Subject to subsection (6) of this section, if the company or an approved sawmiller fails to comply with any of the provisions of this section or with any requirements of a notice under this section, the company or sawmiller, as the case may be, is guilty of an offence.

Penalty: Two hundred dollars.

(6) Notwithstanding any other provision of this section—

(a) the company is not obliged to sell milling timber to an approved sawmiller pursuant to a notice under this section unless and until the sawmiller has made arrangements, to the satisfaction of the Commission, for payment therefor; and

(b) an approved sawmiller is not obliged to sell pulpwood to the company pursuant to a notice under this section unless and until the company has made arrangements, to the satisfaction of the Commission, for payment therefor.

(7) If the company or an approved sawmiller fails, for a period of two months or more, to comply with the requirements of a notice under this section, the Commission may itself do all such acts and things as it may consider necessary and practicable to ensure the continuity of supplies of pulpwood and milling timber from the land to which the notice relates.

(8) Nothing in subsection (7) of this section relieves the company or an approved sawmiller from any penalty to which it or he may be liable by reason of its or his failure to comply with a notice under this section.

Charges for
timber
supplied
pursuant to
section 18.

19—(1) If the company and an approved sawmiller fail to agree as to the price to be charged for any pulpwood or milling timber required pursuant to a notice under section eighteen to be sold to the company or sawmiller, the Commission shall, on the application of the company or sawmiller, determine the price to be charged therefor, and shall also determine what, in the opinion of the Commission, would be the fair market price for the pulpwood or milling timber (as the case may be) obtained for its or his own use by the company or sawmiller from the land to which the notice relates.

(2) The price determined by the Commission pursuant to subsection (1) of this section shall comprise the total of—

- (a) the amount of the costs incurred in felling, snigging, barking, cross-cutting, splitting, and transporting pulpwood or milling timber, together with such amount in respect of the use or hire of any plant or machinery used for the purpose of obtaining the pulpwood or milling timber, and for supervision, camp charges, and other overheads, and also such amount (if any) by way of a toll for the use of any road constructed by the person by whom the pulpwood or milling timber is sold and used for the purposes of the carriage of that pulpwood or milling timber to the point of delivery, as the Commission may approve;
- (b) the royalty payable in respect of that pulpwood or milling timber; and
- (c) such amount as the Commission may approve, being an amount equal to not less than five per cent of the amount specified in paragraph (a) of this subsection.

(3) Subject to subsection (1) of section twenty, a determination by the Commission under this section is final and binding on all persons concerned.

(4) In determining, for the purposes of paragraph (a) of subsection (2) of this section, the amount of the toll to be charged for the use of a road, the Commission shall have regard to the costs of construction and maintenance of the

road, and the amount of the toll so determined shall be an amount that bears the same proportion to those costs as the quantity of pulpwood or milling timber in respect of which the determination is made bears to the sum of—

- (a) the total quantity of pulpwood and milling timber that, on and after the commencement of this Act, has been taken from the area from which the firstmentioned pulpwood or milling timber was taken; and
- (b) the total quantity of pulpwood and milling timber of commercial value that is estimated by the Commission, as at the date of the determination, to be still available for cutting in that area.

(5) For the purpose of enabling the Commission to make a determination under this section, the Commission may, by notice in writing, require a person concerned in the dispute to produce to the Commission or to an officer of the Commission appointed by the Commission for the purpose, all relevant books of account in the possession of that person or to furnish to the Commission or that officer such audited statements and other information as the Commission may require.

(6) If a notice under subsection (5) of this section is given to the company or to any other person, the company or that person shall comply in all respects with the requirements of the notice within such time as the Commission may allow in that behalf, in default whereof the company or that person, as the case may be, is guilty of an offence against this Act.

Penalty: One hundred dollars.

20—(1) Notwithstanding anything in section nineteen, if a person (including the company) to whom any pulpwood or milling timber is required to be sold pursuant to a notice under section eighteen is dissatisfied with the price determined by the Commission, pursuant to subsection (1) of section nineteen, in respect of the sale thereof and that person satisfies the Commission that he is able, for a period of not less than two years, to obtain both pulpwood and milling timber himself from the area specified in the notice, at prices at least five per cent lower, in each case, than the prices respectively determined by the Commission pursuant to subsection (1) of section nineteen, the Commission may authorize that person to enter on that area, or such part thereof as the Commission may determine, and obtain therefrom such quantities of pulpwood and milling timber as the Commission may determine.

Authority
to obtain
pulpwood
and milling
timber in
certain cases.

(2) An authority under subsection (1) of this section shall be in the form of a licence or permit under the Principal Act, according as the Commission may think most appropriate in the circumstances, and, notwithstanding anything in that Act—

- (a) shall be subject to the observance of such terms and conditions (either in lieu of, or in addition to, the terms and conditions prescribed by or under that Act) as the Commission, in its absolute discretion, may impose; and
- (b) shall continue in force for such period as may be specified therein.

Determination
of amounts
to be paid
by way of
tolls.

21 If a dispute arises between a sawmiller and the company (otherwise than in a case in which section nineteen applies) with respect to the amount to be paid by the company to an approved sawmiller for the use of a road constructed by the sawmiller or as to the amount to be paid to the company by an approved sawmiller or by any other person who is authorized under the Principal Act to obtain any forest products from a State forest or timber reserve for the use of a road constructed by the company, the Commission shall determine the amount to be paid on an equitable basis, having regard to the costs of the construction and maintenance of the road and the quantity of milling timber, pulpwood, or other forest products carried, or estimated by the Commission to be likely to be carried, over the road during such period as the Commission may think relevant.

PART V.

MISCELLANEOUS.

Easements.

22—(1) The Minister having the administration of the *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.

(3) Notwithstanding anything in the *Mining Act* 1929, any easement licence that is granted to the company pursuant to this section may be granted so as to continue in force so long as the rights conferred on the company pursuant to the special licence granted under section five, or any of them, subsist, and the provisions of that Act shall be construed accordingly.

23—(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 timber from the place from which it is obtained to any public road or to any mill or factory used by the company for the purposes of the industry. Roads.

(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) 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.

(4) Where the company constructs a road under this section over land that is not Crown land, the company shall, in accordance with this section pay compensation to any person having an interest in that land or in any land injuriously affected by the construction of the road.

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

- (a) the name and 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.

(6) 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.

(7) 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.

Acquisition
of land.

24—(1) The Commissioner of Crown Lands may, on such terms and conditions as the Surveyor-General may determine or, in case of dispute, as may be determined by arbitration, sell to the company any Crown land required by the company for purposes of the industry.

(2) The Governor may, by an order made on the recommendation of the Minister, authorize the company to acquire any land (other than Crown land) that is required by the company for—

- (a) the purposes of the construction, extension, or alteration of any mill, factory, or plant required for the purposes of the industry or for the holding, processing, or storing of materials in connection with the operation of any such mill, factory, or plant; or
- (b) the purposes of section twenty-three.

(3) Where the company is empowered to acquire land under this section it may acquire that land in accordance with the *Lands Clauses Act 1857*, and that Act is incorporated with this Act accordingly.

(4) For the purposes of the *Lands Clauses Act 1857* as it is incorporated 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.

Assignment.

25—(1) The company may, with the consent in writing of the Minister but not otherwise, assign to some person all or any of the rights and obligations under this Act.

(2) Upon an assignment by the company under subsection (1) of this section of any rights or obligations to any person, that person becomes, to the exclusion of the company, entitled to exercise those rights or bound by those obligations, as the case may be, in like manner as the company would be so entitled or so bound; but, subject to the foregoing provisions of this subsection, the assignment does not prejudice or affect the operation of this Act in relation to those rights or obligations.

(3) The consent of the Minister to an assignment under subsection (1) 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.

26 Notwithstanding anything in the Principal Act there shall be paid out of the fund referred to in section thirty-nine of that Act and placed to the credit of the State Highways Trust Fund such sums as may be agreed between the Minister and the Commission, being sums not exceeding, in the aggregate, eight cents for every ton of pulpwood obtained by the company in the exercise of its rights under the licence.

Contributions
to State
Highways
Trust Fund.

27—(1) A notice that is 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.

Authentic-
ation and
service of
notices.

(2) A notice that is authorized or required 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 that is authorized or required 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.

28 If the company or any other body corporate is convicted of an offence against this Act, by reason of any contravention by the company or that other body corporate of, or any failure by it to comply with, any of the provisions of this Act, every director or member of the governing body of the company or of that body corporate who authorized, directed, or consented to the contravention or failure shall be deemed to be guilty of that offence.

Offences.

THE FIRST SCHEDULE.

(Section 2 (1).)

Preliminary.

In this schedule—

“Florentine Valley area” means “the said lands” within the meaning of the *Florentine Valley Paper Industry Act 1935*;

“Huon Valley reserve area” means the part of the State described in Part II of the first schedule to the *Forestry Act 1954*;

“Wesley Vale pulpwood area” means the part of the State described in Part I of the first schedule to the *Wesley Vale Pulp and Paper Industry Act 1961*;

“Wesley Vale reserve area” means the part of the State described in Part II of the first schedule to the *Wesley Vale Pulp and Paper Industry Act 1961*,

and reference in the foregoing provisions of this schedule to an Act shall be construed as references to that Act as it has effect immediately before the commencement of this Act.

Part I—The pulpwood area.

Commencing at a point on the high water mark on the coast of Tasmania on the Tasman Sea at latitude 41°00' south and bounded on the north by that parallel of latitude westerly to its intersection with an eastern boundary of the Wesley Vale reserve area and bounded by part of the east and south-east boundaries of that area to latitude 41°45' south at its intersection with the highway from St. Marys to Conara thence south-westerly along that highway to the St. Pauls River thence by a south-westerly line to a Trigonometrical Station situated at Australian National Grid Co-ordinates east 548507 yards and north 841685 yards thence southerly to the Trigonometrical Station on Fadden Tier thence south-westerly to the Trigonometrical Station on Mount Seymour thence southerly to the Coal River thence by that river to Pitt Water thence in a general south-easterly direction by the high water mark along Pitt Water aforesaid Frederick Henry Bay and Norfolk Bay to the northern boundary of the Huon Valley reserve area thence easterly by that boundary to the high water mark on the Tasman Sea aforesaid thence by that high water mark in a general northerly direction to the point of commencement;

But excluding therefrom three areas of land (containing in all 50,800 acres or thereabouts) in the land district of Pembroke referred to in an instrument dated the fourteenth day of May 1968 and executed by Sir Charles Gairdner, as and being the Governor of the State, and Clement John O'Sullivan on behalf of the Commonwealth for the leasing of those lands for army training purposes.

Part II—The reserve area.

Commencing at a point on the highway from St. Marys to Conara at its intersection with parallel of latitude 41°45' south and bounded on the north westerly along the Wesley Vale reserve area to the eastern boundary of the Wesley Vale pulpwood area at longitude 147°07' east thence southerly westerly and north-westerly in several bearings along the Wesley Vale pulpwood area to its intersection with the line next hereinafter mentioned thence south westerly by a straight line passing through the Trigonometrical Station on Wild Dog Tier and the summit of Mount Oana and extending from the Wesley Vale pulpwood area aforesaid to the boundary of Cradle Mountain Lake St. Clair National Park thence by that boundary south-easterly south-westerly north-westerly and again south-westerly to the Trigonometrical Station on Mount Rufus thence in a general southerly direction by the watershed of the Navarre and Franklin Rivers to King William Saddle on the Lyell Highway thence south-easterly to the summit of Mount Pitt thence in a general south-easterly direction along the summit of the King William Range to Mount King William III thence by the watershed of the Gordon and Denison Rivers to a point defined by the Australian National Grid Co-ordinates as east 421000 yards or thereabouts and north 778000 yards or thereabouts thence by a southerly line to the Gell River by that river to a point defined as Australian National Grid Co-ordinates east 419700 yards or thereabouts and north 768200 yards or thereabouts thence south-east to the Pokana River by that river to its junction with the Gordon River by that River to its junction with the Wedge River by that River to its source thence by the watershed of the Boyd and Huon Rivers to the boundary of the Florentine Valley area thence by that boundary in a general northerly easterly south-easterly and south-westerly direction to the northern boundary of the Huon Valley reserve area thence easterly by that boundary to the high water mark on Frederick Henry Bay by that high water mark along Frederick Henry Bay aforesaid and along Pitt Water in a general north-westerly direction to the boundary of the area described in Part I of this schedule on the Coal River thence in a general northerly and north-easterly direction by that boundary to the point of commencement.

THE SECOND SCHEDULE.

(Section 5 (4).)

Terms and conditions to which the special licence is subject.

1. Where, in the opinion of the Commission, part of the pulpwood area or of the reserve area is required for use—

- (a) for any public purpose under the Principal Act; or
- (b) except in the case of a part of either of those areas that is a State forest, for any public purpose under any other Act,

the Commission may, by notice in the *Gazette*, exclude that part of that area from the operation of the licence, either indefinitely or for a specified period, and, while a notice under this paragraph is in force, the company has no rights over the part of the pulpwood area or of the reserve area, as the case may be, to which the notice relates.

2. All operations carried out by the company shall be carried out in conformity with the working plan.

3. The company shall, on its own initiative, take prompt action to suppress any fire occurring within, or threatening, any area on which the company is directly responsible for carrying out any logging operations.

4. The company shall, at all times, comply with such of the provisions of the *Rural Fires Act 1967* as are applicable to it.

5.—(1) The company, before the expiration of two years from the appointed day shall expend, to the satisfaction of the Commission, not less than \$1,000,000 in or in connection with the establishment of the industry.

(2) Any moneys expended by the company before the appointed day (whether expended before or after the commencement of this Act) for any purpose to which sub-paragraph (1) of this paragraph relates shall be deemed to be moneys expended by the company for the purposes of, and in compliance with, the provisions of that sub-paragraph.

6.—(1) The company shall submit to the Commission for its approval reasonable specifications of any logging roads proposed to be constructed by the company within the pulpwood area or the reserve area.

(2) The company shall not construct any logging road within the pulpwood area or the reserve area unless the specifications thereof have been approved by the Commission.

(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.

7. The company shall take all reasonable precautions to prevent the release of noxious fluids into any creek, river, waterway, or the sea.