

TASMANIA.

 THE TASMANIAN PAPER AND TIMBER
MILLS ACT 1946.

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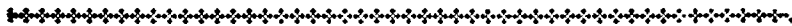


1946.

ANNO NONO ET DECIMO

GEORGII VI. REGIS.

No. 64.



AN ACT to authorise and provide for the granting of certain pulpwood and other timber rights, and certain rights in respect of the use of water and the construction and use of effluent drains and tramways to Tasmanian Paper and Timber Mills Limited.

A.D.
1946.

[23 May, 1946.]

WHEREAS a company known as Tasmanian Paper and Timber Mills Limited (in this Act referred to as "the company") has been formed and registered in this State, in accordance with the provisions of the *Companies Act 1920**, having as its principal object the manufacture in this State of woodpulp, paper, and board: Preamble.

* 11 Geo. V. No. 65. See Reprint of Statutes, Vol. I., p. 545, and 3 & 4 Geo. VI. No. 52, 4 Geo. VI. No. 56, and 8 & 9 Geo. VI. No. 45.

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A.D. 1946. — And whereas it is desirable, in order to encourage the establishment of the said industry in this State, to grant to the company certain rights to cut and remove pulpwood and other timber from the area defined in section three, and certain rights in respect of the use of water and the construction and use of effluent drains and tramways, on and subject to the terms and conditions contained in this Act:

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:—

PART I.

PRELIMINARY.

Short title. **1** This Act may be cited as the *Tasmanian Paper and Timber Mills Act 1946*.

Commencement. **2**—(1) This Act shall commence on a date to be fixed by proclamation.

(2) A proclamation under this section shall not be issued unless and until the Governor is satisfied that the company has, not later than the first day of July, 1947, available for carrying out the object mentioned in the preamble, by way of share capital, not including shares issued or to be issued as fully or partly paid up otherwise than in cash, a sum of not less than £500,000.

Interpretation. **3**—(1) In this Act, unless the contrary intention appears—

“Conservator” means the Conservator of Forests;

“cord” means the quantity of round or split pulpwood or firewood contained in a stack four feet wide, four feet high, and eight feet long;

“milling timber” means logs or parts of trees, whether standing or fallen, which are capable, in the opinion of the Conservator, of yielding a sawn recovery of not less than fifty per centum of merchantable timber, but does not include standing trees less than six feet in girth at breast height;

“pulpwood” means any reasonably straight, sound, and unburnt wood of any eucalypt species of a diameter of not less than four inches, but does not include milling timber;

“the pulpwood area” means all the Crown lands included in the Parishes of Winkleigh, Marland, Wycombe, Parkham, Selborne, Malling, Goodleigh, Bradford, and Budehaven in the County of Devon, excepting thereout—

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(a) any area which is a water reserve under A.D. 1946.
any Act; and

(b) any area situated within a distance of
twelve miles from the railway between
Westbury and Marrawah;

“the reserve area” means all the Crown lands included
in the Parishes of Seaham, Saltwood, Hall, Lewis-
ham, Blandford, Cranbourne, and Lefroy in the
County of Dorset and in so much of the Parishes
of Shaw and Hurst in the said County as is north
of the railway line from Launceston to Herrick;

“timber forest areas” means any areas of land in the
pulpwood area which the Conservator defines as
timber forest areas for the purposes of this Act.

(2) The Conservator may, by notice in the *Gazette*, define
as timber forest areas for the purposes of this Act any areas
of land in the pulpwood area which, in his opinion, carry, or
are capable of producing, crops of merchantable milling
timber:

Provided that—

(a) all areas within the pulpwood area in respect of which
forest permits have been granted under the
*Forestry Act 1920** and are in force at the com-
mencement of this Act shall be timber forest areas
for the purposes of this Act; and

(b) the total area to be so defined as timber forest areas
(in addition to the areas specified in paragraph
(a)) shall not exceed ten thousand acres.

4 Except as expressly provided by this Act, nothing in
this Act shall affect any rights of any person (whether
acquired before or after the commencement of this Act)
under the *Forestry Act 1920** in respect of the pulpwood
area or the reserve area. Act not to
affect rights
under
Forestry Act,
1920.

5 Notwithstanding anything contained in this Act, any
person who has acquired (whether before or after the
commencement of this Act) any rights under the *Forestry*
*Act 1920**, in respect of the pulpwood area or the reserve
area, shall be entitled to the full and free right of entry to
any area in respect of which such right is acquired, notwith-
standing that any land through which any such right of
entry is required by any such person is included in an annual
plan of operations approved in accordance with section eight. Saving of
rights of
access.

* 11 Geo. V. No. 60. See Reprint of Statutes, Vol. IV., p. 260. and 2 Geo. VI. No. 12,
3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 39, 5 Geo. VI. No. 58, and 6 Geo. VI. No. 22.

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PART II.

PULPWOOD AND TIMBER RIGHTS.

Right to cut
and remove
pulpwood.

6 Subject to this Act, the company shall have the exclusive right to cut and remove pulpwood from the pulpwood area, in accordance with an annual programme of operations approved in accordance with section eight, during the period of thirty years commencing on the date of the commencement of this Act:

Provided that—

- (a) except with the written approval of the Conservator, no pulpwood shall be cut or removed from a timber forest area until the milling timber has, in the opinion of the Conservator, been cut and removed from that area;
- (b) the company shall not remove from any timber forest area any trees which, in the opinion of the Conservator, should be reserved for sawmilling purposes, notwithstanding that such trees may be suitable for pulpwood, and that all milling timber has been cut and removed from that area; and
- (c) the total amount of pulpwood which may be cut under the authority of this Act in any period of twelve months commencing on the first day of July in any year shall not exceed thirty-seven thousand cords.

Right to cut
and remove
milling
timber.

7—(1) Subject to this Act, the company shall have, during the period of thirty years specified in section six, the exclusive right to cut and remove milling timber from the area for the time being included in an annual programme of operations approved in pursuance of section eight.

(2) The cutting and removal of milling timber under this section shall be carried out under the authority of a licence to be issued to the company under the *Forestry Act 1920**, and shall be subject to the provisions of that Act.

(3) The total amount of milling timber which may be cut and removed under this section by the company from the pulpwood area in any period of twelve months commencing on the first day of July in any year shall not be greater than two hundred and fifty thousand superficial feet (Hoppus measure).

Approval of
programme
of opera-
tions.

8—(1) Not less than nine months before commencing to cut or remove pulpwood or milling timber in the pulpwood area under the authority of this Act, the company shall submit to the Conservator, in a form approved by him—

* 11 Geo. V. No. 60. See Reprint of Statutes, Vol. IV., p. 260, and 2 Geo. VI. No. 12, 3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 39, 5 Geo. VI. No. 58, and 6 Geo. VI. No. 22.

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- (a) preliminary estimates of its pulpwood and milling timber requirements for the period of five years commencing on the first day of July next succeeding the date on which the estimate is submitted; A.D. 1946.
- (b) preliminary topographic and stock maps showing the areas within the pulpwood area on which it is proposed to cut timber during such period of five years, and setting out the estimated quantities of pulpwood and milling timber respectively on those areas; and
- (c) complete plans and statements showing in detail, to the satisfaction of the Conservator, its proposed operations in the pulpwood area for the first year of such period, including the following items, namely: the area or areas within the pulpwood area on which it is proposed to cut pulpwood or milling timber during such first year, the estimated quantities of pulpwood and milling timber respectively on those areas, the amount of pulpwood and milling timber which it is proposed to cut or remove from such areas, and all fire protection, road construction, and tramway construction plans in respect thereof, and such other relevant matters as the Conservator may require.

(2) The Conservator shall, within a period of three months after the submission of the plans and statements referred to in paragraph (c) of subsection (1), cause any areas specified therein which have not been inspected by the Forestry Department to be inspected, and shall, within the same period, define as timber forest areas such areas (if any) contained therein as, in his opinion, should be so defined.

(3) Not later than the fifteenth day of December in each year after the submission of the estimates, maps, plans, and statements required by subsection (1), the company shall submit to the Conservator, in a form approved by him—

- (a) revised estimates of its pulpwood and milling timber requirements for the period of five years commencing on the first day of July next succeeding the date on which the revised estimate is submitted;
- (b) revised topographic and stock maps, containing the details specified in paragraph (b) of subsection (1), in respect of such period of five years; and
- (c) complete plans and statements of its proposed operations for the first year of such period of five years, containing the details specified in paragraph (c) of subsection (1).

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(4) The estimates and maps referred to in paragraphs (a) and (b) of subsections (1) and (2) are in this Act respectively referred to as "a five-year plan of operations" and the plans and statements referred to in paragraph (c) of subsection (1) and paragraph (c) of subsection (2) are in this Act respectively referred to as "an annual programme of operations".

(5) Within three months after receiving an annual programme of operations in accordance with this section, the Conservator shall inform the company, by notice in writing, whether he approves thereof, or whether he requires the programme to be amended in any respect.

(6) Within six weeks after receiving a notice under subsection (4) requiring an annual programme of operations to be amended, the company shall notify the Conservator, in writing, whether it agrees to the amendment required by him, or whether it objects thereto.

(7) If the Conservator and the company fail to agree with respect to any amendment to an annual programme of operations required by the Conservator in accordance with subsection (4), the question whether the amendment shall be made to the programme shall be submitted by the Conservator to a person nominated by the Council of the Institute of Foresters of Australia, whose decision shall be final. The costs and expenses of and incidental to a submission under this subsection shall be borne by the company and the Forestry Department in equal shares.

(8) The company shall give effect to any amendment to an annual programme of operations which is required by the Conservator, or by a person nominated by the said Council, in accordance with this section, and a programme as so amended shall be deemed to be a programme approved by the Conservator for the purposes of this section.

(9) The company shall not cut or remove any pulpwood or milling timber from the pulpwood area except in accordance with an annual programme of operations approved in accordance with this section.

Daily penalty: One hundred pounds.

(10) The company shall not use any pulpwood cut or removed from the pulpwood area for any purpose other than the manufacture of wood-pulp.

Penalty: One hundred pounds.

Fire protection.

9—(1) The company shall take all reasonable precautions, in accordance with such directions as may be given to it in writing by the Conservator, for or with respect to the protection from fire of all areas for the time being included in a five-year plan of operations as defined by section eight and also of all areas in the pulpwood area included in the annual programme of operations approved under that section in respect of each of the preceding five years.

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(2) The company shall not fail to comply with any direction of the Conservator under subsection (1). A.D. 1946.

Penalty: One hundred pounds.

(3) Without affecting the provisions of subsection (2), in the event of the company failing to comply with any direction given under subsection (1), the Conservator may at any time enter upon the pulpwood area and carry out in respect thereof any operations comprised in any such direction, and may recover the cost thereof from the company in any court of competent jurisdiction.

10—(1) In addition to compliance with the provisions of the *Forestry Act* 1920* and the *Bush Fires Act* 1935† in respect of all its operations on the pulpwood area, the company shall carry out every annual programme of operations approved in accordance with section eight in conformity with such reasonable directions as may be given to it in writing by the Conservator with respect to—

Forest management, fire protection, prevention of erosion, &c.

- (a) sustained yield forest management;
- (b) the conservation and protection of the forest and the regrowth;
- (c) the reservation of standards;
- (d) the carrying out of thinnings and other silvicultural operations designed to secure the natural regeneration of the forest;
- (e) fire protection; and
- (f) the prevention of erosion.

(2) Before giving any direction to the company under this section the Conservator shall consult with, and take into consideration the views of, the company with respect to the matters specified in subsection (1).

(3) The company shall not fail to comply with any direction of the Conservator given under subsection (1).

Penalty: One hundred pounds.

(4) Without affecting the provisions of subsection (3), in the event of the company failing to comply with any direction given under subsection (1), the Conservator may at any time enter upon the pulpwood area and carry out in respect thereof any operations comprised in any such direction, and may recover the cost thereof from the company in any court of competent jurisdiction.

11—(1) Subject to this Act, the company shall pay royalties on all pulpwood and milling timber cut or removed by it under the authority of this Act—

Royalty rates.

* 11 Geo. V. No. 60. See Reprint of Statutes, Vol. IV., p. 260, and 2 Geo. VI. No. 12, 3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 39, 5 Geo. VI. No. 58, and 6 Geo. VI. No. 22.
 † 26 Geo. V. No. 35. See Reprint of Statutes, Vol. IV., p. 281, and 1 Geo. VI. No. 10, 3 & 4 Geo. VI. No. 38, 4 Geo. VI. No. 54, 7 Geo. VI. No. 9, and 7 & 8 Geo. VI. No. 75.

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(a) during the period of five years commencing on the date of the commencement of this Act, at the following rates—

(i) on pulpwood, at the rate of five shillings per cord;

(ii) on milling timber, at the rate of twelve shillings and sixpence for every thousand superficial feet (Hoppus measure);

(b) during each subsequent period of three years, at such rates as may be agreed on between the company and the Conservator, or, in default of agreement, as may be determined by the Governor.

(2) If the company is dissatisfied with any determination of the Governor under paragraph (b) of subsection (1) it may appeal, as prescribed, to a judge, who shall fix the rates of royalty for the period and whose decision shall be final.

Minimum amount of royalty.

12 Notwithstanding anything contained in section eleven, after the expiration of a period of four years after the commencement of this Act the minimum amount of royalty which shall be payable by the company under this Act in any year shall be the royalty payable in respect of the cutting or removal of eight thousand cords of pulpwood.

Firewood.

13 The company may cut and remove firewood from the pulpwood area during the period specified in section six on the following conditions:—

(a) the firewood shall be cut and removed from areas approved by the Conservator;

(b) no wood suitable for use as pulpwood shall be used as firewood;

(c) the rate of royalty payable by the company in respect of firewood cut and removed under this section shall be two shillings per cord or the rate of royalty prescribed in respect of firewood under the *Forestry Act 1920**, whichever is the greater;

(d) the total quantity of firewood which may be cut and removed under this section in any year shall not exceed fifteen thousand cords;

(e) the firewood cut and removed under this section shall be used solely by the company in course of its operations, and shall not be sold or disposed of to any other person.

Penalty: One hundred pounds.

* 11 Geo. V. No. 60. See Reprint of Statutes, Vol. IV., p. 260, and 2 Geo. VI. No. 12, 3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 39, 5 Geo. VI. No. 58, and 6 Geo. VI. No. 22.

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14—(1) Notwithstanding anything contained in this Act, but subject to this section, the Conservator may issue licences, in accordance with the *Forestry Act 1920**, to cut and remove timber, other than pulpwood, from any part of the pulpwood area. A.D. 1946.
Right to
issue cer-
tain licences.

(2) No such licence shall be issued in respect of any area included in an annual programme of operations approved in accordance with section eight, other than a licence to be issued under subsection (2) of section seven.

(3) Any such licence shall be subject to such conditions as the Conservator thinks necessary to ensure that the operations of the company under the authority of this Act are not unduly affected.

15—(1) No forest permit or licence under the *Forestry Act 1920** to cut or remove pulpwood shall be granted in respect of any land in the reserve area, and no person shall cut or remove pulpwood from that area, during the period of fifteen years commencing on the date of the commencement of this Act: Provided that this section shall not prevent the carrying out by the Forestry Department of silvicultural operations in the reserve area. Provisions as
to reserve
area.

(2) If at any time during the period of fifteen years referred to in subsection (1) the Conservator, on the application of the company, is satisfied that the company is unable to obtain thirty-seven thousand cords of pulpwood per annum from the pulpwood area, he may, by notice published in the *Gazette*, declare that the whole or such part of the reserve area as is specified in the notice shall be added to, and form part of, the pulpwood area, for the purpose of enabling the company to obtain the maximum amount of pulpwood which it is authorised to obtain under this Act.

(3) Successive notices may be given by the Conservator in pursuance of subsection (2) in respect of different parts of the reserve area.

(4) If the company is dissatisfied with any refusal of the Conservator to grant any application under subsection (2) in respect of the reserve area, it may appeal to the Minister, whose decision shall be final.

(5) Upon the publication of any notice under subsection (2), the part of the reserve area specified in the notice shall, for the purposes of this Act, be deemed to be part of the pulpwood area.

(6) Notwithstanding anything contained in this section, the Conservator may, in the manner prescribed by section three, define any area of land in the reserve area to be a timber forest

* 11 Geo. V. No. 60. See Reprint of Statutes, Vol. IV., p. 260, and 2 Geo. VI. No. 12, 3 & 4 Geo. VI. No. 47, 4 Geo. VI. No. 39, 5 Geo. VI. No. 58, and 6 Geo. VI. No. 22.

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A.D. 1946. area, and the provisions of this Act relating to timber forest areas shall apply to any area so defined as if it were situated in the pulpwood area.

(7) Any areas defined in pursuance of subsection (6) shall be in addition to areas defined in pursuance of subsection (2) of section three, but the total area to be so defined under subsection (6) shall not exceed fifteen thousand acres.

(8) At any time during the said period of fifteen years, the company shall have the right to purchase from the Forestry Department all pulpwood resulting from silvicultural or fire protection operations in the reserve area.

PART III.

WATER RIGHTS, EFFLUENT DRAINS, AND TRAMWAYS.

Interpretation.

16 In this Part, unless the contrary intention appears—

“the industry” means the manufacture by the company in the State of woodpulp, paper, and board, or any of them, including investigations in connection therewith, and the carrying on of processes and businesses incidental to such manufacture, the supply and preparation of materials therefor, and the carrying on of any manufacture incidental or subsidiary thereto, including the cutting, cartage, treatment, and storage of timber;

“the mill” means the woodpulp, paper, and board mill, and the wood kilns, sawmills, and timber plant erected or to be erected by the company in connection with the industry at Killafaddy, near Hobler’s Bridge, Launceston; and includes the pipe-lines, effluent drains, roads, and tram-lines in connection therewith, and the plant and equipment therefor, and any extension thereof.

Power of company to take and use waters of North Esk River.

17—(1) The company, for the purposes of the industry and not otherwise, and so long as the industry is carried on, shall be entitled—

(a) without charge, to take from the North Esk River, at such point or points below the bridge on the road leading from Penquite Road to the St. Leonards Railway Station as the company may think fit, so much of the waters of the said river as the company may find necessary for the purposes of the industry, but so as not to diminish the supply of water required by any local authority, by *J. C. Hutton* Proprietary Limited for the purpose of its existing factory adjacent

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to the said river, or by riparian owners or occupiers for domestic purposes or watering stock, and so that the water so taken shall not be used by the company for the generation of electric energy;

(b) for the purposes of paragraph (a), to—

(i) construct and maintain upon any Crown land or any private land, all such dams, walls, weirs, pumping stations, and other works; and

(ii) construct and lay down, and to maintain upon, over, through, or under any Crown land or any private land or any road all such channels, flumings, drains, pipes, and other like works and conduits,

as the company may find necessary and as may be approved by the Hydro-Electric Commission.

(2) Where any powers conferred upon the company by subsection (1) are required to be exercised in respect of any land or road belonging to or under the jurisdiction or control of the Council of the Municipality of St. Leonards or the Launceston City Council, the consent of that Council shall be obtained before such powers are exercised.

(3) This section and section sixteen shall not affect the operation of the *Rivers Pollution Act 1887**, the *Water, Sewerage, and Drainage Board Act 1944†*, or the *Marine Act 1921‡*.

18—(1) For the purpose of disposing of its effluent, the company may construct and, so long as the industry is carried on, maintain such effluent drains as it requires, which shall be of such type and material as the Minister approves, and which may discharge the effluent from the mill into the North Esk River below the discharge of the existing drain from the Launceston Abattoirs.

Company
to construct
effluent
drains.

(2) For the purposes of subsection (1) the company may construct and maintain effluent drains upon, over, through, or under any Crown land or any private land, or under any road.

(3) Where any powers conferred upon the company by subsections (1) and (2) hereof are required to be exercised in respect of any land or road belonging to or under the jurisdiction or control of the Launceston City Council, the consent of that Council shall be obtained before any such power is exercised.

* 45 Vict. No. 17. See Reprint of Statutes, Vol. VI., p. 454.

† 7 & 8 Geo. VI. No. 96, as amended by 9 Geo. VI. No. 13.

‡ 12 Geo. V. No. 60. See Reprint of Statutes, Vol. VI., p. 553, and 5 Geo. VI. No. 52, 7 Geo. VI. No. 69, 8 & 9 Geo. VI. No. 34, and 9 Geo. VI. No. 5.

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A.D. 1946. (4) In the construction and maintenance of any effluent drain, the company—

(a) shall not unnecessarily interfere with any traffic on any road or railway; and

(b) shall, after the completion of the construction of the drain, or of any works in connection with the construction or maintenance thereof, fill up and reinstate the surface of the ground disturbed by the work and make good the surface and replace, reinstate, and make good all drains or other works opened by it, to the satisfaction of the Transport Commission or local authority having control thereof.

Company deemed to be a service authority for purposes of *Roads and Jetties Act 1935*.

19 In the execution of any works authorised by section seventeen or by section eighteen, the company shall be deemed to be a service authority for the purposes of sections twelve and thirteen of the *Roads and Jetties Act 1935**, and shall be subject to and shall comply with the provisions of those sections.

Compensation.

20—(1) In any case in which the interests of any person are injuriously affected by the company exercising any of the powers conferred on it by sections seventeen or eighteen, compensation shall be paid by the company as determined under subsection (2).

(2) For the purposes of this Part, the compensation payable by the company in respect of the exercise of its powers under sections seventeen and eighteen shall be settled by arbitration in the manner provided by the *Lands Clauses Act 1857†* in cases of disputed compensation.

Power to construct tramways.

21—(1) The company may, with the consent of the Governor and upon such terms and conditions as the Governor approves, make, use, construct, repair, improve, and maintain such lines of tramway along such route or routes as the company thinks necessary, and as occasion may require, for the purpose of carrying on the industry in the pulpwood area, or for the purpose of transporting pulpwood, milling timber, and firewood from the pulpwood area to any public road or any railway, and for that purpose may take and use so much of the Crown lands and private lands, and of the roads and reserves, both public and private, through or along which any such tramway shall pass, as may be required for the construction, maintenance, and working thereof.

(2) The company shall whenever required by the Minister so to do, and within three months after being so required, deposit with the Minister copies of the survey plan showing the route of any tramway constructed or to be constructed by the company under the authority of this section.

* 26 Geo. V. No. 82. See Reprint of Statutes, Vol. VI., p. 463, and 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, 8 Geo. VI. No. 4, and 9 Geo. VI. No. 27.

† 21 Vict. No. 11. See Reprint of Statutes, Vol. VI., p. 34.

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(3) The company may, subject to the provisions of the *Bush Fires Act 1935**, use steam, electricity, or other motive or automotive-power for the traction of carriages or vehicles over any such tramway or for working any mill or machinery in connection with the industry. A.D. 1946

(4) The parts and sections of the *Railways Clauses Consolidation Act 1901†*, specified in the schedule, with the modifications therein mentioned, are incorporated with this Act and for the purposes of that Act as so incorporated this section shall be deemed to be the special Act, and the company shall be deemed to be the promoters of the undertaking.

(5) Notwithstanding anything contained in this section, the company shall not exercise any of the powers conferred on it by this section on or in respect of any State highway or subsidiary road (as defined by the *Roads and Jetties Act 1931‡*) except with the approval, in writing, of the Transport Commission and subject to such conditions as that Commission thinks necessary.

PART IV.

MISCELLANEOUS.

22 The rights of the company under this Act shall not be capable of being assigned or transferred to any person, except with the approval of both Houses of Parliament signified by resolution. Rights not assignable.

23 If the company is twice convicted within three years of an offence against section eight, the Governor may, by proclamation, declare that all the rights of the company under this Act in respect of the cutting and removal of pulpwood, milling timber, and firewood shall cease and determine, and thereupon the provisions of this Act in respect thereof shall cease to have effect but without prejudice to the enforcement against the company of any obligation or liability previously incurred by it under this Act. Termination of rights of company after conviction under section eight.

24—(1) The company may at any time, by giving not less than six months notice in writing to the Conservator, surrender any of its rights under this Act in respect of the cutting and removal of pulpwood, milling timber, and firewood, and on the expiration of the period of notice the provisions of Surrender of rights

* 26 Geo. V. No. 26. See Reprint of Statutes, Vol. IV., p. 281, and 1 Geo. VI. No. 10, 3 & 4 Geo. VI. No. 38, 4 Geo. VI. No. 54, 7 Geo. VI. No. 9, and 7 & 8 Geo. VI. No. 75.

† 1 Edw. VII. No. 14. See Reprint of Statutes, Vol. VI., p. 392.

‡ 26 Geo. V. No. 82. See Reprint of Statutes, Vol. VI., p. 463, and 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, 8 Geo. VI. No. 4, and 9 Geo. VI. No. 27.

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A.D. 1946. this Act in respect thereof shall cease to have effect, without prejudice to the enforcement against the company of any obligation or liability previously incurred by it under this Act.

(2) If notice of surrender is given by the company under this section at any time before the expiration of the period specified in section twelve the company shall pay to the Conservator the sum of five thousand pounds.

(3) A notice of surrender under this section shall be published in the *Gazette*.

Power to Governor to terminate Act in certain cases.

25 If the Governor is satisfied, upon the report of the Conservator, that the company has failed—

(a) to commence the cutting or removal of pulpwood from the pulpwood area before the expiration of the period of seven years commencing on the date of the commencement of this Act; or

(b) to cut or remove pulpwood during any continuous period of two years after the expiration of the period specified in paragraph (a),

he may, by proclamation, declare that all the rights of the company under this Act in respect of the cutting and removal of pulpwood, milling timber, and firewood shall cease and determine, and thereupon the provisions of this Act in respect thereof shall cease to have effect, but without prejudice to the enforcement against the company of any obligation or liability previously incurred by it under this Act.

Act not to affect operation of *Hydro-Electric Commission Act 1944*.

26 This Act shall not affect the operation of the *Hydro-Electric Commission Act 1944**.

Responsibility of company for certain damage.

27 The company shall be responsible to any person suffering loss or damage by reason of—

(a) any damage to any fences in the pulpwood area caused by; or

(b) any failure to close gates in the pulpwood area by, any employee of the company or any person carrying out any operations on behalf of the company or any employee of any such person.

Power to company to enter on pulpwood area.

28 Notwithstanding anything contained in this Act, the company may, at any time after the commencement of this Act, with the approval in writing of the Conservator, by such surveyors, employees, and other persons as it thinks necessary, enter upon and inspect any part of the pulpwood area and the reserve area for the purpose of preparing any estimates, maps, plans and statements required under section eight or generally for the purposes of this Act.

Tasmanian Paper and Timber Mills.

29 The Governor may make regulations, not inconsistent A.D. 1946. with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out and giving effect to the provisions of this Act. Regulations.

THE SCHEDULE.

Section 18.

RAILWAYS CLAUSES CONSOLIDATION ACT 1901.

Section 3.—But “road” shall also include any esplanade or Crown reservation along the banks of any river, lake, or lagoon, or along the sea-shore.

Part I.—Sections 9 to 18, sections 20 to 22, and section 25.

Part II.

Part III.—Sections 36 and 43.

Part IV.

Part VI.

Part XII.—Sections 92 to 96, and section 100.

