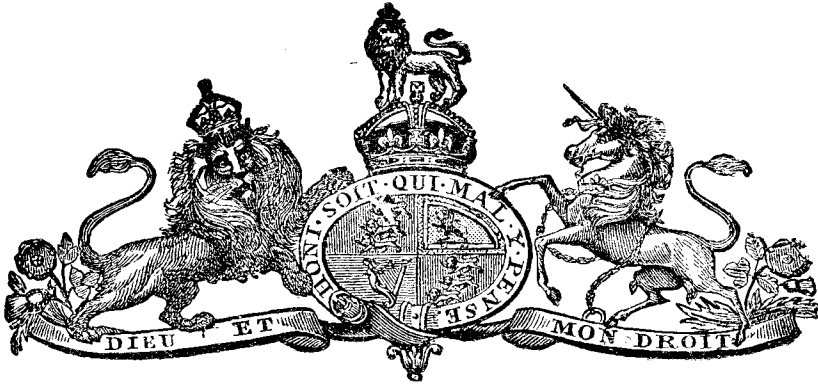


TASMANIA.



1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 99.

ANALYSIS.

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| <p>Preamble.</p> <p>1. Short title.</p> <p>2. Interpretation.</p> <p>3. Application for permit.</p> <p>4. Power to grant permit and effect thereof.</p> <p>5. Revocation of permit.</p> <p>6. Transfer of leases and permits to company.</p> | <p>7. Power to company to construct and work tramways.</p> <p>8. Power to company to construct bridges.</p> <p>9. Reversion and surrender of lands.</p> <p>10. Application of 11 Geo. V. No. 60.</p> <p>11. No compensation payable in respect of the damming of any river.</p> |
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AN ACT to encourage the Timber Industry and Subsidiary Manufacturing Industries in this State, and to authorise the Granting of certain Rights and Concessions to *Roland Hellyer Atkinson* and his Assigns for that purpose. A.D. 1927.

[22 December, 1927.]

WHEREAS *Roland Hellyer Atkinson* proposes to form a company to be called *Tasmanian Timbers Limited*, with a share capital of Six hundred thousand Pounds, having as one of its objects the carrying on of the business of sawmilling in the State of Tasmania, and the establishment of subsidiary industries in conjunction therewith: PREAMBLE.

And whereas it is desirable to authorise the granting to the said *Roland Hellyer Atkinson* and his assigns of the forest permit hereinafter mentioned upon and subject to the conditions hereinafter contained:

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- A.D. 1927. — Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—
- Short title. **1** This Act may be cited as “The Timber Industries Encouragement Act, 1927.”
- Interpretation. **2** In this Act, unless the contrary intention appears—
 “Section” means section of this Act :
 “The company” means the company required to be registered as provided by Section Five :
 “The permit” means the exclusive forest permit authorised by Section Four :
 “The promoter” means the said *Roland Hellyer Atkinson* and his assigns :
 “The said area” means the Crown lands particularly described and delineated in the schedule to this Act, or so much thereof as from time to time may remain subject to the permit—
- 11 Geo.V. No. 60 and all terms and expressions defined by Section Four of the Forestry Act, 1920, shall have, when used in this Act, the respective meanings assigned to them by such definition.
- Application for permit. **3** If within six months after the passing of this Act, the promoter shall apply to the Conservator for an exclusive forest permit in respect of the said area, the Governor may dedicate the lands comprised therein as a State forest within the meaning of the Forestry Act, 1920.
- Power to grant; permit and effect thereof. **4**—(1) Within one month after such dedication as aforesaid, the Minister shall grant to the promoter an exclusive forest permit in respect of the said area.
 (2) Subject to the provisions of this Act, the permit shall be for a term of fifty years from the date thereof, and shall authorise the holder thereof to cut, take, and remove all classes and descriptions of timber and forest products on and from the lands comprised therein, in accordance with working plans to be agreed upon from time to time between the Conservator and such holder and not otherwise, and any such working plan may limit the maximum quantity of timber to be cut in any one year or period of years from the lands comprised in the permit to such quantity as the Conservator may think reasonable.
- 11 Geo.V. No. 60. (3) The permit shall be in the form prescribed under the Forestry Act, 1920, with such modifications and special conditions as shall be rendered necessary by the provisions of this Act, and in particular shall contain the following special provisions—
 1. That the annual fee shall be One Pound for the first year of the permit and thereafter shall be an amount equal to one-half the rental prescribed under the Forestry Act, 1920, in respect of land held under exclusive forest permit :

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- ii. That the royalty on all timber or forest products cut, taken or removed shall be fixed by the Minister from time to time, and shall not be less than the rates from time to time prescribed by any general regulations under the Forestry Act, 1920, or if in respect of any class of timber a general rate of royalty is not in force, shall be less, in respect of that class of timber, than the average rate payable in the North-western and Western Districts of the State under that Act : A.D. 1927.
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11 Geo.V. No. 60.
- iii. That operations in connection with the said lands shall be commenced within twelve months, and the actual working thereof entered upon to the satisfaction of the Minister within a period of two years after the granting of the permit :
- iv. That no general forest permit shall be issued in respect of any portion of the land comprised in the permit until notice of the intention to issue the same has been given to the promoter, and the promoter has been allowed to place before the Minister his objections, if any, to the same being issued :
- v. That the promoter shall pay to the Department, in addition to the royalties payable by him, a special fire-protection fee of One Shilling and Sixpence for each one thousand super feet of log timber of all species cut, felled, or removed from the said land, in lieu of the fees prescribed in that behalf under the Forestry Act, 1920, and not less than four-fifths of all moneys so paid shall be expended by the Conservator upon or in relation to the said area for reafforestation, fire protection, or otherwise, in such manner as the Conservator may deem best : 11 Geo.V. No. 60.
- vi. That except with the approval in writing of the Minister no blackwood shall be removed from the said area unless the same has been milled to marketable sizes.

5 The Minister may revoke the permit at any time if the promoter shall fail to effect or procure within six months after the granting thereof the registration of a company which shall comply with and fulfil all the requirements of Paragraphs i. to vi. hereof inclusive ; or if such company at any time shall fail to comply with any condition imposed by this section, that is to say—

Revocation of permit.

- i. The nominal capital of the company shall be not less than Six hundred thousand Pounds, divided into six hundred thousand preference or ordinary shares of One Pound each:
- ii. The head office of the company shall be situate in this State:
- iii. The company shall be registered as a limited liability company, under and in accordance with the provisions of the Companies Act, 1920 :
- iv. The memorandum of association of the company shall set out as one of the company's objects the establishment and

11 Geo.V. No. 66.

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- carrying on in this State of a sawmilling industry in respect of the lands comprised in the permit and of secondary industries subsidiary thereto and the provisions of this Act shall also be set out in full in such memorandum :
- v. The name of the company when so registered shall be "Tasmanian Timbers Limited," or some name of similar import which shall include the word "Tasmanian" :
 - vi. The permit shall be transferred by the promoter to the company in manner prescribed under the Forestry Act, 1920, immediately after the registration of the company :
 - vii. The company shall purchase from any person carrying on the business of sawmilling within the Municipality of Circular Head who within three months after the passing of this Act signifies to the promoter or the company his desire to sell the same, his said business of sawmilling and all the assets thereto belonging or appertaining upon the same terms and subject to the same conditions as apply to any other such business which has been, or within six months after the granting of the permit shall be, purchased by the company or held by it under agreement for purchase :
 - viii. Within one year from the granting of the permit, at least eighty thousand shares in the company, shall have been allotted and fully paid up in cash or have been underwritten to the satisfaction of the Minister :
 - ix. The company within three years after the granting of the permit shall purchase, erect, construct, or install in this State a furniture factory, at a cost to the company therefor of not less than Eight thousand Pounds, and shall at all times during the currency of the permit carry on in good faith the manufacture and preparation of furniture therein, and shall regularly employ and keep employed in such manufacture not less than forty persons :
 - x. That the company at all times during the currency of the permit shall keep and maintain within this State its principal factories and works for or in connection with the manufacture of furniture or any kindred subsidiary industry, and any such factories or works of the company elsewhere shall be ancillary only to its industry in this State :
 - xi. The company, so long as the permit remains in force, shall observe and comply with all the provisions of this Act which may be applicable to it, and upon the publication of any such revocation as aforesaid in the Gazette, the permit shall forthwith cease and determine and be of no further force or effect.

Transfer of
leases and
permits to
company.

6—(1) In the event of the company purchasing the business of any person holding timber leases or forest permits, the Minister, upon satisfying himself that any such purchase has been, or is to be, made in good faith and at a reasonable price, and that the provisions and

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conditions of such lease or permit, as the case may be, have been reasonably carried out up to the time of such purchase, shall consent to such lease or permit being transferred to the company.

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(2) Any person selling any such lease or forest permit to the company if the company so requires shall accept not less than six-tenths of the purchase price in shares in the company.

7—(1) It shall be lawful for the company from time to time, with the consent of the Minister and upon such terms and conditions as the Minister deems fit, to make, use, construct, repair, improve, and maintain such lines of tramway, either within the said area or extending from the said area to Trowutta, and from the said area to any other point which the Minister may approve in writing as the company may deem necessary.

Power to company to construct and work tramways.

(2) Such Crown land as in the opinion of the Minister may be necessary for giving effect to the powers conferred by this section upon the company may be leased to the company for that purpose upon such terms and conditions as the Minister may deem necessary.

(3) Within three months after being required by the Minister so to do, the company shall deposit with the Minister copies of the survey plans showing the route of any tramway proposed to be constructed by the company under the authority of this section.

(4) The company shall be at liberty to use steam, electricity; or other motive power for the traction of carriages or vehicles over the said tramways, or any of them.

(5) The Minister shall have the right to purchase and acquire any tramways constructed by the company at a sum not exceeding the cost thereof.

(6) So far as the same are applicable, the provisions of the Railway Clauses Consolidation Act, 1901, as herein modified, shall apply to all such tramways as aforesaid, and are hereby incorporated with this Act.

1 Ed. VII No. 60.

8 The company, with the consent of the Minister and upon such conditions as he may impose, shall be at liberty to construct, maintain, operate, and use any bridge or aerial tramway over the Arthur River or over any other rivers or streams passing through or adjacent to the said area at such points as the Minister may approve.

Power to company to construct bridges.

9—(1) When and so soon as the company has completed the cutting and removal of the timber upon any block of land comprised in the said area and described or delineated in any working plan prepared and agreed upon as provided by Section Four, the land comprised in such block, unless otherwise agreed between the Minister and the company, shall revert to His Majesty freed and discharged from all rights and obligations conferred or imposed upon the promoter by this Act or by the permit except as provided by Subsection (2) hereof.

Reversion and surrender of lands.

(2) Upon application being duly made therefor by the company the Minister shall grant to the company upon or in respect of any such block of land as aforesaid, such mill-sites, easements and licences, if any, as the Minister may deem necessary for the proper and convenient carrying on of the company's operations on the said area.

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(3) The company at any time by deed poll may surrender to the Crown all its rights under this Act, in respect of any portion or portions to be particularly described in such deed poll of any lands held by the company under lease or permit, and, upon such surrender, such portion or portions shall be freed from all the rights and obligations, if any, conferred upon the company or the promoter by this Act in respect thereof.

(4) If at any time during the currency of the permit the Minister is satisfied that there is within the land comprised in the permit any block of land of such area and quality as to render it suitable for settlement the Minister may give notice in writing to the company to surrender the same, and thereupon the company shall surrender such block as provided by Subsection (3) hereof.

Application of
11 Geo.V. No. 60.

10 The provisions of the Forestry Act, 1920, and the regulations thereunder, shall apply to the said area or areas and the timber and forest produce thereon, except in so far as they are altered or modified by this Act.

No compensation
payable in respect
of the damming
of any river.

11 Nothing in this Act or in the permit shall entitle the promoter to any compensation in respect of any deprivation or diminution of his rights under this Act, or any loss of, or injury to, any property resulting from any works or operations executed or carried out by or on behalf of the Government of this State or any department thereof in connection with the damming, conservation, or diversion of the waters of any river upon or adjoining the said area for the purposes of the State Hydro-Electric Works.

SCHEDULE.

The lands comprised in the said area shall be—

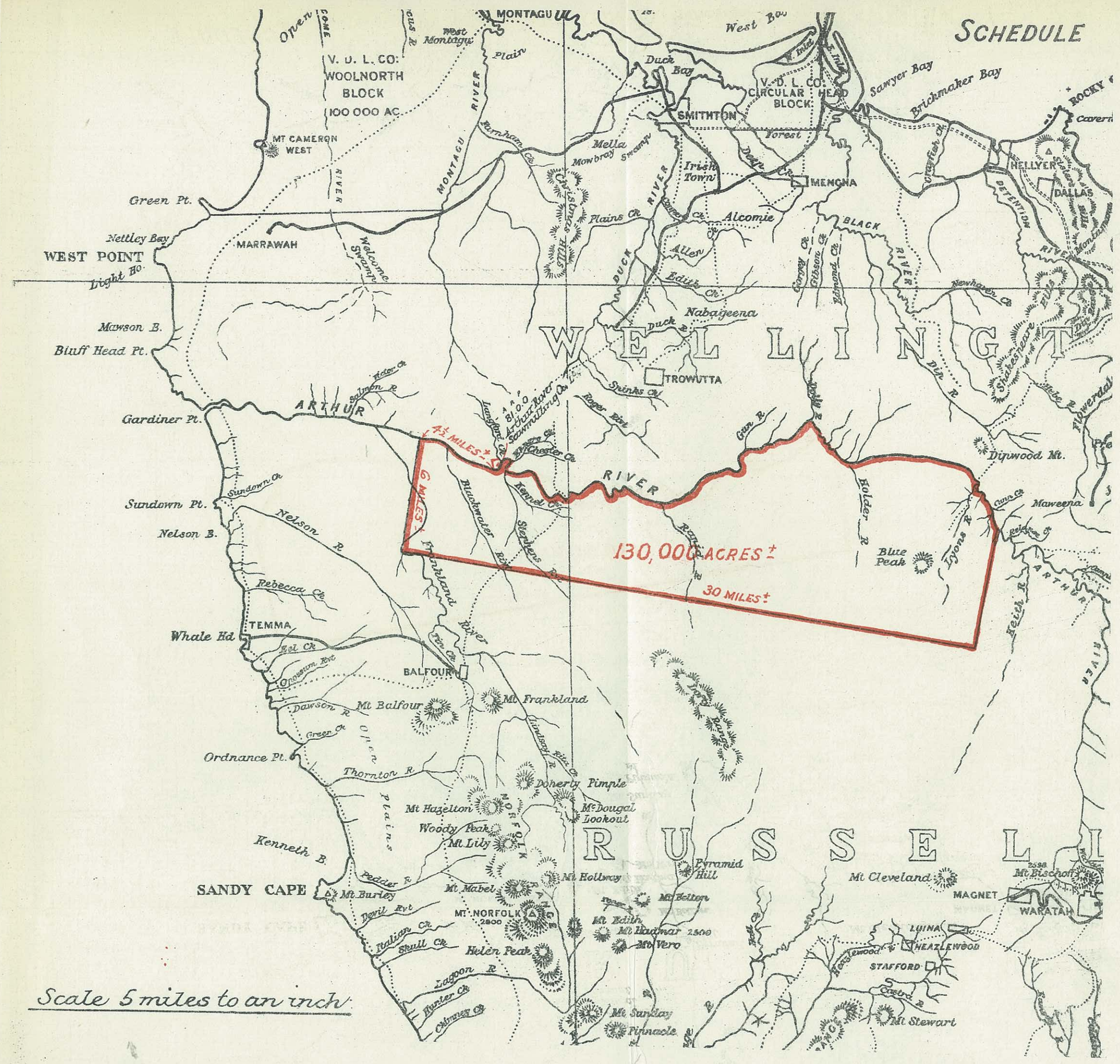
ALL THOSE One hundred and thirty thousand acres more or less of land situate in the County of Russell, in Tasmania, and bounded as follows :—

On the west by a southerly line commencing at a point on the southern bank of the Arthur River distant four and one-half miles north-westerly from the south-west angle of eighty-one acres of land leased to the Arthur River Sawmilling Co. Limited and extending for a distance of 6 miles or thereabouts thence on the south by an easterly line for a distance of 30 miles or thereabouts thence on the east by a northerly line to the Arthur River aforesaid and thence on the north by that river to the point of commencement.

EXCEPTING THEREOUT all those two parcels of land within the said boundaries containing respectively fifty-five acres and eleven perches and seventy-four acres one rood and nineteen perches purchased from the Crown by T. R. Kenny and W.

R. respectively. As the said area is approximately delineated in the diagram appended hereto and therein surrounded by red boundary lines.

SCHEDULE



Scale 5 miles to an inch.