

(No. 97.)



1875.

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T A S M A N I A.

H O U S E O F A S S E M B L Y.

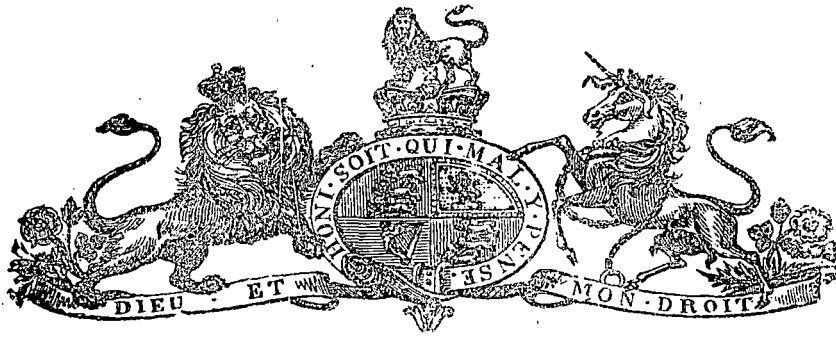
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M I N E R A L L E A S E S B I L L.

P E T I T I O N.

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Presented by Mr. Scott, and ordered by the House to be printed, September 21, 1875.



*To the Honorable the Speaker and Members of the House of Assembly of the Colony of Tasmania, in Parliament assembled.*

The Petition of the undersigned Persons interested in Mineral enterprise in Tasmania.

RESPECTFULLY SHOWETH :

THAT the Bill now under the consideration of your honorable House, entitled "A Bill to make provision for the Leasing and Occupation of the Waste Lands of the Crown in Tasmania for Mineral purposes," is open to many serious and grave objections, and particularly to the following :—

1. That the said Bill contains no definition of the term "Minerals;" and that without a definition, for the purposes of the Act, to restrict the scientific and accepted meaning of the term, no licence to search for Minerals could be granted under the 6th section.
2. That the penalties proposed under the 7th and 8th sections would deter persons from searching for valuable Minerals, and tend to retard the development of the mineral resources of the Colony.
3. That, in the opinion of your Petitioners, the insertion of the words "if he shall think fit so to do," in the 22nd section, after the words "it shall be lawful for the Minister," would give an arbitrary and uncontrolled discretion to the Minister for the time being, instead of imposing a positive and absolute duty to be exercised for the benefit of those interested and entitled to make applications for leases.
4. That the scale of rent proposed to be fixed by the 23rd section is too high for lots containing slate rocks only, which under the existing regulations is fixed at 2s. 6d. per acre.
5. That the 25th section would have the effect of preventing a large amount of capital from being invested in mining in Tasmania; would do great injury to Companies not registered in Tasmania, but which have been carrying on business and expending large sums of money in this Colony in full reliance upon the good faith of the Government and the existing state of the law; and would be a breach of private international law and of the comity prevailing among British Colonies.
6. That the 31st section would introduce an invidious and impolitic distinction between Companies registered in Tasmania and those not so registered, and would have the effect of diminishing the market value of mining property subject to such restrictions.
7. That the restriction upon alienation to be imposed by the 32nd section is contrary to the spirit of English law, which has always favoured the right of the free disposition of property.
8. That if the proposed Bill became law it would have a retrospective operation in several respects, and seriously affect the interests of many persons and companies who have acquired vested rights under the existing law, and thus violate one of the soundest principles of legislation.
9. That, in the opinion of your Petitioners, there is no immediate or pressing necessity for amended legislation on the subject of mineral leases. The existing Act has not been productive of any inconvenience incapable of being cured by regulations issued by the Governor-in-Council. Your Petitioners, therefore, venture to suggest that further time be taken for the consideration of this important question before the existing law is interfered with.

Your Petitioners therefore pray that your honorable House will be pleased to defer the consideration of this Bill until the next Session of Parliament, and in the meantime cause the appointment of a Special Commission to take evidence and to prepare an amended Bill suitable to the growing requirements of the Colony.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 32 Signatures.]

JAMES BARNARD,  
GOVERNMENT PRINTER, TASMANIA.