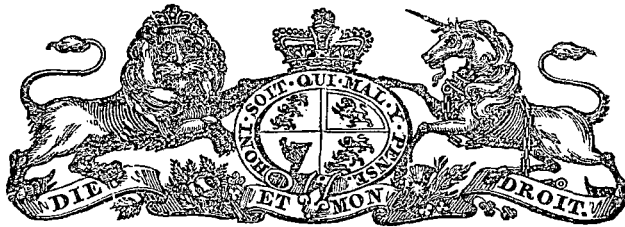


(No. 37.)



1868.

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T A S M A N I A.

LEGISLATIVE COUNCIL.

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**PROPERTY VALUATION ACT AMENDMENT  
BILL.**

PETITION AGAINST PASSING.

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Presented by Mr. Sherwin, August 11 ; and ordered by the Council to be printed,  
August 12, 1868.



*To the Honorable the Legislative Council, in Parliament assembled.*

The Memorial of Aldermen, Magistrates, Landholders, and Householders of Launceston and its vicinity, assembled in Public Meeting duly convened.

RESPECTFULLY SHOWTH :

THAT your Petitioners, so far from considering the "Bill to amend the Property Valuation Act," now before Parliament, as an amendment upon the existing laws under which Properties have hitherto been valued, are of opinion that it is unconstitutional in principle, tyrannical, inquisitorial, and vexatious in its operation, and in its whole character insulting to the Municipal Bodies and Magistracy of the Colony.

"It is unconstitutional," because it subjects the valuations of all Properties initiated and revised under the existing laws by the Municipal Bodies elected by the people, and by the Magistracy appointed by the Crown, and through the medium of a Court of Appeal finally determined, to be enquired into and reported upon by a Commissioner appointed by the Governor,—or in other words, by a paid nominee of the Government of the day; and also empowers such Commissioner *solely* to make a fresh valuation of such Properties, and to require all Municipal representatives of the people, Magistrates, and others who have been charged with the duty of assessing Property to appear before him personally, and to be examined by him upon oath as to the mode in which they have performed such duty. It is unconstitutional, because, whilst the Municipal Bodies and Magistrates are, from their superior local knowledge, and in every other respect, better qualified to make a fair and equitable valuation of all Properties in their respective districts than any such Commissioner can possibly be,—and the laws now in force distinctly declare that the valuation of every Property so made by the Municipal Bodies and Magistrates shall be taken to be the value of such Property for the purposes of any assessment to be made, or any rate or tax which may at any time be imposed,—the interference of any Commissioner or nominee of the Government in such valuations is opposed to every constitutional principle, and on every consideration to be deprecated.

It is "tyrannical, inquisitorial, and vexatious in its operation," because it requires, under heavy penalties, all property holders, the valuation of whose properties has been so finally made and determined, to forward to such Commissioner, on the receipt of a notice to that effect, a detailed statement in writing of every particular he may choose to demand relative to such property, in the shape of answers to any number of questions of the most inquisitorial nature he may have inserted in such notice; and because it, moreover, empowers such Commissioner to require, under heavy penalties, every Municipal Councillor and Magistrate, and other persons who may have been engaged in the assessment of any property, and also every proprietor or reputed proprietor, or tenant, or occupier of any property within the District, personally to appear before him "when, where, and as often within such District as such Commissioner may think fit;" "to produce all assessments, maps, tracings, leases, and other documents relating to said property;" to be examined on oath and answer such questions as the said Commissioner may put to him touching any such matters; and to leave all such documents in the possession of such Commissioner for such time as he may deem reasonable—requirements which, in the opinion of your Petitioners, invade the rights and liberties of the Colonists, and to which no free British Subject should be expected to submit.

It is "in its whole character insulting to the Municipal Bodies and Magistracy of the Colony," because, after they have performed the important duties confided to them by the Legislature by so making and finally determining the values of all properties in the respective Districts, it empowers a Commissioner to enquire into and report whether they have performed such duties to his satisfaction, and, if he thinks fit, to make a fresh valuation himself.

That your Petitioners consider the appointment of such Commissioner not only highly objectionable but altogether unnecessary, as, under the existing laws providing for the valuation of property, whenever the Governor in Council is of opinion that the Valuation Roll so made up for any District is not a fair standard of the value of property in such District, he may, without the report or aid of any such Commissioner, by notice in the *Gazette*, require the Justices of such District, within one month after the publication of such notice, to make up a new valuation of property in the same, and the said Bill gives no further power whatever to the Governor in the matter.

Your Petitioners therefore humbly pray that your Honorable House will withhold your assent to the said "Bill to amend *The Property Valuation Act*."

And your Petitioners will ever pray, &c.

WILLIAM HART, *Acting Mayor of Launceston,*  
*Chairman of Meeting held at Launceston on 7th August, 1868.*