

REPORT ON LAND HELD IN TASMANIA WITHOUT  
RESERVATION OF MINERALS AND PROPOSED LEGISLATION  
TO INCLUDE IT IN THE OPERATION OF THE MINING ACT.

Introduction

The object of this report is to briefly discuss the application of the present Mining Act (1917) to the lands of Tasmania. Provision is made for mining on Crown Land, and portion of the private land, but no provision is made for mining on other private land. Proposed legislation is submitted to overcome this difficulty and is discussed from various aspects.

Land Statistics in Tasmania

	<u>Acres</u>
Area of Tasmania	16,778,000
Area alienated for process of alienation	
Prior to 14th November, 1893	4,780,572 )
Since 14th November, 1893	1,426,663 ) 6,207,235
Area of Crown Land leased for Closer and Soldier Settlement	296,072 )
Area of Crown Land leased for pastoral timber getting etc.	1,993,725 )
for Mining purposes	49,823 ) 2,339,620
Area reserved for public purposes whether occupied or not	118,823
Area unreserved and unoccupied	8,113,145

Lands which come within the provision of the Mining Act.

(1) Crown Land

Provision is made in the Mining Act, 1917, for the carrying out of mining operations on Crown Land which is defined as follows:

"Crown Lands or "Crown Land" means all land of the Crown in Tasmania, except:-

- I. Reserves as defined by this Section.
- II. Land subject to any lease or licence for mining purposes or relating to mining granted under this or any former Act, or lands held by virtue of a miner's right, consolidated miner's right, or prospector's licence.
- III. Any "authorised holding" as defined by this Act, i.e., any street or road, or any lands which are for the time being set apart, reserved or dedicated for any public purpose, and any land which for the time being is excepted from occupation for mining purposes under the provisions of this Act or otherwise.

The total area of such land is 10,106,870 acres made up as follows:-

Crown land unoccupied and unreserved	8,113,145 acs.
Crown land leased for pastoral & timber getting	1,993,725 "

to which should be added 49,823 acres already leased so that the total area of Crown Land which can be dealt with under the Mining Act is 10,156,690 acres or 60.5% the area of Tasmania.

(2) Private Land

Provision is made in the Mining Act, 1917 for

permit of any operations whatsoever on their land, while others insist on terms so extortionate as to prevent any arrangement being made.

Disadvantages of Present System.

This system of arrangement with the owner of the land and of the mineral rights to test or work a mineral deposit is a great disadvantage to the State. As already stated, some owners absolutely refuse to allow any prospecting or mining on their land and thus the development of portion of the State's mineral resources is prevented. Also, other owners insist on terms so extortionate that successful mining operations could not be carried out and such are not attempted so that development of the deposits is hindered as in the above case.

In addition there is the general disinclination of prospectors, miners and mining men generally, particularly of the former, to approach private owners to arrange to work on their land. This may not seem of any great moment, but experience amongst prospectors etc. proves that it is widespread and definite and that it often proves an obstacle to the prospecting of deposits. Owners in many cases are holding to lands (unfit for agriculture or pastoral purposes) in order to derive advantage therefrom because of the minerals they contain. They will not develop the deposits nor allow others to develop them. This has prevented the establishment of important industries.

Present Position in other States.

A similar position to that which exists in Tasmania has existed in other States of the Commonwealth.

In New South Wales in particular an analogue position existed, but in 1918 legislation was passed to bring land without reservation of minerals under the operations of the Mining Act. The result is strikingly evident as shown in the annual report of the Mines Department.

Proposed Legislation.

The proposed legislation to bring such lands on which no reservation of minerals for the Crown has been made under the operations of the Mining Act is attached herewith. It is based on the New South Wales legislation and is adapted to the existing legislation (the Mining Act, 1917 and amendments) in Tasmania.

It is proposed to issue permits to enter and search, and to grant leases as is already done on private land which comes under the operations of the Act. Provision is made for compensation for surface damage, and assessment of such by the Warden.

As compensation the owner of the mineral rights is to receive 5% of the net annual profit resulting from mining operations, which sum is to be collected by the Minister and paid (less 1% of the actual sum) to the owner.

Provision is made to protect these holders of mineral rights who are themselves, or by arrangement, working

mining on private land which is defined as follows:-

"Private Land" means any land not being Crown Land (as defined above). The term does not include a reserve. So far as related to minerals which have not been reserved or do not belong to the Crown the term does not include land alienated in fee-simple from the Crown before the Fourteenth day of November, One thousand eight hundred and ninety-three.

The area of such land is as follows:-

Alienated since 1893	1,426,663 acres
Leased for Soldier & Closer Settlement	296,072 "

or the total of 1,722,735 acres representing 10.2% of the area of Tasmania.

Lands which do not come within the provision of the Mining Act.

From the above it will be seen that the lands which do not come within the provision of the Act are:-

- (1) Reserves
- (2) Authorised holdings
- (3) Land alienated prior to 14th November, 1893.

The area of land reserved for public purposes amounts to 118,823 acres, and that of the authorised holdings is exceedingly small. The area of land alienated prior to 1893 amounts to 4,780,572 acres representing 28.5% of the area of Tasmania, and forms the greatest portion of that which does not come within the provision of the Mining Act, 1917.

Mineral Deposits on Land Alienated prior to 1893.

On this land only ores of gold and silver are reserved to the Crown and the owners hold the mineral rights of any other minerals or ores occurring on it.

In such a large proportion (28.5%) of the State it is unlikely that no large mineral deposits occur. As a matter of fact such deposits do occur as will be seen from the following examples.

Alluvial tin ore occurs on private property in many parts of the Ringarooma Valley and also along the St. Paul's River. Coal is found on private property in many of the East Coast Coalfields.

Practically all the limestone deposits of northern and north-western Tasmania are on private land. Iron ore occurs on private property on the North West Coast. Silver-lead, and tin ore deposits are known on the V.D.L. Company's property in the Hampshire District, and on other private holdings in north-western districts. Coal and shale deposits occur on private property in the Latrobe, Railton, Nook, Beulah, Quamby Brook and Kimberly districts.

Present Position with regard to the Development of such Deposits.

The only way that these deposits can be developed at the present time is either by the owner working them himself or else by arrangement with the owners to do so. The owners are actually working some in a small way. This refers particularly to limestone which is quarried or burnt for lime. In other cases, arrangements have been made by companies or individuals with the owners to work or test the deposits. In still other cases the owners will not

and deposits. Such protection to continue while bona fide mining operations are being carried out, no lease being granted in this period. A distinction is made between the owner of the land and the owner of the mineral rights in such case where the land has been sold without the mineral rights. The 5% royalty is to be paid to the owner of the mineral rights, while compensation for surface damage etc. is payable to the owner of the land.

#### Advantages of proposed Legislation to the State

The proposed legislation would in many ways be beneficial to the development of the State's mineral deposits on land held without reservation of the minerals:

It would bring a large proportion (28.5% of the land of the State into line with the remaining portions as being under the provisions of the Mining Act, 1917.

Prospectors and miners would take advantage of this and the mineral deposits would be prospected in a more vigorous manner.

The prevention of the prospecting and mining of the deposits either by absolute refusal of permission or demand of extortionate terms would be eliminated.

The results from every view point would be better development of the mineral resources and the resulting increased production and prosperity of the State.

#### Advantages of proposed Legislation to Owners

The proposed legislation would cause no loss in any way to the owners. Compensation would be paid for surface damage, and a royalty for the extraction of minerals. Deposits now lying idle would be tested and worked and the owners would receive royalty instead of nothing as at the present time.

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Hobart,

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