



ANNO SEPTIMO

GEORGII V REGIS.

A.D. 1916.

No. 1245.

An Act to regulate the Buying and Selling of Gold, Silver, and Precious Stones, and the Assaying and Smelting of Gold and Silver, and for other purposes.

[Assented to, November 16th, 1916.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Gold Buyers Act, 1916." Short title.

2. This Act shall come into force on a day to be fixed by proclamation. Commencement of Act.

Interpretation.

3. In this Act, except where inconsistent with the context or some other meaning is clearly intended— Interpretation.

"Assayer" means a person who has such qualifications as are prescribed and who assays or smelts gold or silver or both:

"Bank" means any company or firm which is publicly engaged in the said State in the ordinary business of banking, and whose charter, letters patent, or deed of co-partnership and settlement has been registered and deposited in the Supreme Court pursuant to the Banking Companies Act, 1863: No. 25 of 1863.

"Buy" and "purchase" and "sell" include exchange and barter and any dealing with gold, silver, wrought gold, wrought silver, or precious stones: "Chinese

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No. 587 of 1893.

- “Chinese person” means any person having a Chinese father or a Chinese mother:
- “Department of Mines” means the Department of Mines established by the Mining Act, 1893:
- “Entry book” means entry book required by this Act to be kept by a licensee:
- “Gold” or “unwrought gold” means gold, gold alloys, gold bullion, gold amalgam, retorted gold, copper-plates retaining or containing gold, and all earth, quartz, concentrates, and products containing gold in sufficient quantity to pay for treatment, but does not include money or wrought gold:
- “Licence” means a valid and unexpired licence under this Act:
- “Licensee” means the holder of a licence, and, where the licence is granted to a bank, includes the manager, accountant, or officer in charge of gold buying or silver buying for the time being, at the head office and at every branch or agency of such bank named in the licence:
- “Minister” means the Minister of Mines:
- “Licensing authority” means the officer authorised by the Governor to issue, transfer, or renew licences under this Act:
- “Precious stones” means such kinds or classes or qualities of precious stones as the Governor, by notice published in the *Government Gazette*, declares to be precious stones within the meaning of this Act:
- “Registrar” means the Registrar of Mines at the Department of Mines, Adelaide:
- “Seller” includes any person acting, or representing himself to be acting, for a seller:
- “Silver” or “unwrought silver” means silver, silver alloys, silver bullion, silver amalgam, retorted silver, and all earths, ores, concentrates, and products containing silver in sufficient quantity to pay for treatment, but does not include money or wrought silver:
- “Wrought gold” or “wrought silver” means gold or silver (as the case may be) or any alloy of the same which on view has apparently been worked or manufactured for trade purposes.

Buying, Selling, and Assaying or Smelting.

4. Except as otherwise provided by this Act, no person, other than a licensee in that behalf, shall—

(a) buy gold or silver; or

(b) buy

Buyers of unwrought and wrought gold and silver and dealers in precious stones to be licensed.

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(b) buy wrought gold or wrought silver at its metal value to the buyer; or

(c) assay or smelt gold or silver; or

(d) buy or (except to a licensed dealer in precious stones) sell precious stones.

5. (1) No child under fifteen years of age shall sell gold, silver, wrought gold, wrought silver, or precious stones.

No child under fifteen to sell gold, silver, &c.

(2) Any person who buys gold, silver, wrought gold, wrought silver or precious stones from any child apparently under the age of fifteen years shall be guilty of an offence against this Act.

6. Any person, whether licensed under this Act or not, may, subject to the regulations, assay or smelt samples of gold or silver for experimental purposes.

Assay of samples without licence in certain cases.

7. Any manufacturer of jewellery or other manufacturer of gold or silver articles, whether licensed under this Act or not, may, subject to the regulations—

Provisions as to jewellers and other gold or silver manufacturers.

(a) buy from His Majesty's Mint, or any licensee or registered mining company, gold or silver, or buy from any licensee precious stones, for his own manufacturing purposes in the ordinary course of his business, and

(b) in the ordinary course of his business smelt such gold or silver,

and, upon any change of ownership of the business, gold or silver which has been so smelted, and precious stones so bought, may pass with the other assets of the business to his successor.

8. This Act shall not apply to persons or classes of persons who are exempted by the regulations and who comply with the requirements (if any) of the regulations exempting them.

Provision for exemption.

Licences and Registration.

9. (1) The Governor may authorise any officer of the Department of Mines to issue, transfer, or renew licences under this Act.

What licences may be issued.

(2) The officer so authorised, on application as prescribed, may issue—

(a) a licence to buy gold (called in this Act a "gold buyer's licence") authorising the licensee to buy and sell gold;

(b) a licence to assay or smelt gold (called in this Act an "assayer's licence") authorising the licensee to carry on the business of assaying and smelting gold;

(c) a licence to buy wrought gold at its metal value to the buyer, authorising the licensee (called in this Act a "licensed buyer of wrought gold") to buy wrought gold at its value to the buyer according to its carat quality;

(d) a

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(d) a licence to buy and sell precious stones, authorising the licensee (called in this Act a “licensed dealer in precious stones”) to buy and sell precious stones; and

(e) a special licence, as prescribed, for any of the purposes aforesaid.

(3) Subject to this Act—

(a) the holder of a gold buyer’s licence may, without a licence in that behalf, also buy and sell silver;

(b) the holder of an assayer’s licence, may, without a licence in that behalf, also carry on the business of assaying and smelting silver;

(c) a licensed buyer of wrought gold may, without a licence in that behalf, also buy wrought silver at its metal value, that is to say, its value to the buyer according to its standard of fineness.

(4) A temporary licence to the clerk or deputy of a licensed gold buyer may be issued as prescribed and subject to such conditions as are prescribed.

(5) Every licence shall be registered by the Registrar in the Department of Mines, Adelaide.

Provision for smelting by holder of miner’s right.

10. Any holder of a miner’s right under the Mining Act, 1893, who prospects or mines for gold or silver on his own behalf only, may, as prescribed, notwithstanding that he is not a licensee, smelt any gold or silver obtained by himself by gold or silver prospecting or mining.

Registration of appliance for treating gold or silver.

11. (1) No person, except a licensee or a company formed for mining purposes and registered under the Companies Act, 1892, shall have any appliance for the treatment or smelting of gold or silver, whether in use or not, in his possession or under his control or upon any premises used or occupied by him, unless he has registered such appliance in accordance with the regulations.

(2) This section shall not apply to the stocks of vendors or manufacturers of mining appliances held in the ordinary course of trade and not in use.

Annual registration of cyaniders who remove or treat tailings.

12. (1) When so prescribed, every person who has, during any prescribed period, removed any tailings from the surface of any land and treated any tailings so removed, or who intends so to remove or treat tailings, whether under a licence so to do or not, shall, at the time prescribed, with respect to such tailings furnish such particulars and make such returns to the Registrar and permit such samples to be taken and such assays to be made by an officer of the Department of Mines as are prescribed.

(2) If any person fails to comply with the provisions of this section, he shall be liable to a penalty of not less than Two Pounds or more than Ten Pounds.

13. Except

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13. Except so far as is otherwise provided by this Act, a person shall not at the same time hold a gold buyer's licence and also an assayer's licence.

Same person not to hold gold buyer's and assayer's licences.

14. (1) A general gold buyer's or general assayer's licence issued to a bank shall be in the form prescribed, and shall have force with respect to every branch or agency of the bank named therein.

General licences to banks.

(2) An additional branch or branches or agency or agencies of the bank may be added to such licence during its currency on the application in writing of the manager for the State of the bank.

15. A gold buyer's licence or a licence to buy wrought gold or a licence to buy and sell precious stones shall not be issued—

Certain persons not to be licensed.

(a) to any Chinese person; or

(b) to any person who holds any licence under the Licensing Act, 1908.

No. 970 of 1908.

16. (1) Subject to this Act, every licence may be renewed by the licensing authority, and shall, subject to section 20, be in force until the thirty-first day of December in the year in which the same has been issued or renewed.

Renewal of licences.

(2) Applications for the renewal of licences shall be made to the licensing authority in the prescribed form and at the prescribed time and with the prescribed evidence of character and of the necessity for the continuance of the licence.

17. At any time during the currency of any licence the licensing authority may, by indorsement on the licence, transfer the same from the premises specified therein to any other premises within the district for which such licence was issued which appear to the licensing authority to be suitable in accordance with the requirements of this Act, and may, as prescribed, transfer any licence from the holder thereof to any other qualified person.

Transfer of licences.

18. Before the issue or grant of any licence or the renewal thereof, the licensing authority may consider any matters brought forward by any person, whether on written petition or otherwise, against the issue or grant or renewal of the licence.

Consideration of matters brought forward against issue of licence.

19. (1) If complaint is made to the Minister—

Power to revoke licence.

(a) that a licensee has been guilty of such a contravention of any of the provisions of this Act as renders him unfit to hold a licence, or that he is in any other respect unfit to hold a licence; or

(b) that the premises of a licensee are unsuitable; or

(c) that the licence is no longer required for the locality, the Minister may cause inquiry to be made into such complaint by a Special Magistrate, who shall hold the inquiry in open court and shall

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shall have, for the purposes of the inquiry, all the powers of a court of summary jurisdiction under the Ordinance No. 6 of 1850.

(2) The Minister shall, not less than two days before the inquiry, furnish to the licensee concerned a statement of the case on which the inquiry is to be held.

(3) The licensee may attend the inquiry by himself, or by his counsel, solicitor, or agent, and shall have the same rights and privileges thereat as if the complaint in question had been a complaint laid against him under the Ordinance No. 6 of 1850 and was to be dealt with thereunder.

(4) The Special Magistrate may, whether the licensee appears before him or not, if satisfied that the complaint has been proved, suspend or revoke the licence. Notice of any such suspension or revocation shall be given to the Registrar by the clerk of the court.

(5) At the inquiry the licensee shall, if so ordered by the Special Magistrate, deliver up his licence to the clerk of the court, and the licence, if revoked, shall be cancelled by the Special Magistrate. If the licensee fails or omits to deliver up his licence in accordance with such order, he shall be guilty of an offence against this Act, but any suspension or revocation of the licence shall be effectual notwithstanding such failure or omission.

(6) Notwithstanding anything in this section, any licence, special licence, or temporary licence may at any time be called in, revoked, and cancelled in accordance with the regulations relating to that licence without such inquiry as contemplated by this section.

Effect of revocation
or cancellation.

20. Any licence, or special or temporary licence or other document revoked, delivered up, called in, or cancelled shall thereafter have no force or effect.

Provisions for
licences lost, &c.

21. The licensing authority may, upon due proof having been given of the loss or accidental destruction of any licence, special licence, or other document, issue in manner prescribed a new licence, special licence, or other document in lieu thereof.

Fees.

Fee for licences, &c

22. (1) For every licence, special licence, temporary licence, or other document granted or issued under this Act, and for every renewal thereof, and for every new licence issued in lieu of a lost or destroyed licence, and for every transfer of a licence to another person or to other premises, there shall be paid before the issue thereof the fees specified in that behalf in the Schedule to this Act: Provided that an assayer's licence under this Act may be issued without payment of any fee to any member of the teaching staff of the University of Adelaide or of any School of Mines or of any college or school maintained by the Government of the State: Provided that the licensee while acting under such licence is acting exclusively in the capacity of such member.

(2) Where

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(2) Where any licence, special licence, or other document is granted or issued under any provision of this Act after the last day of March in any year, the fee to be paid therefor shall not be the fee prescribed for a whole year if such prescribed fee is more than Five Shillings, but shall be a fee *pro rata* for the unexpired period of the licence, special licence, or other document calculated from the beginning of the quarter in which the same is granted or issued, but such *pro rata* fee shall not be less than Five Shillings: Provided that this section shall not apply to the renewal of any such licence, special licence, or other document.

Duties of Licensees and other Persons.

23. A licensee shall not buy gold or silver, or wrought gold or wrought silver, or buy or sell precious stones, or assay or smelt gold or silver, except at his registered premises.

Licensee not to buy gold or silver, &c., or to assay, &c., except at his registered premises.

24. No licensee shall buy, sell, receive, deliver, assay, or smelt gold, silver, wrought gold, or wrought silver, or buy or sell precious stones—

Hours of buying or receiving gold or silver.

(a) on any Sunday or public holiday; or

(b) on any week day (other than a Saturday) at any time not being between the hours of nine o'clock in the forenoon and six o'clock in the evening; or on any Saturday at any time not being between the hours of nine o'clock in the forenoon and eight o'clock in the evening:

Provided that in any case where shopkeepers keeping shops of the same class or kind as the place of business of the licensee are, by or under the provisions of the Early Closing Acts, 1911 and 1912, required to close their shops on Saturdays at an earlier hour than eight o'clock in the evening, and are permitted to keep such shops open to a later hour than six o'clock in the evening on any other day of the week, the provisions of this section shall be read and construed as if the licensee was thereby forbidden to carry on business as such licensee on any Saturday at any time after such earlier hour, and was permitted to carry on business as aforesaid until eight o'clock in the evening on such other day of the week.

No. 1062 of 1911.
No. 1104 of 1912

25. (1) A licensee shall not, by himself or any other person on his behalf, permit or suffer—

Buyers and sellers to enter or leave only by front door.

(a) any buyer or seller of gold, silver, wrought gold, wrought silver, or precious stones, or

(b) any person bringing gold, silver, wrought gold, or wrought silver for assay or smelting, or for the purpose of selling or depositing the same; or

(c) any person bringing any precious stones for the purpose of selling or depositing the same,

to enter or leave his premises except by the front door thereof.

(2) Any

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(2) Any person who is guilty of any contravention of this section shall be liable for the first offence to a penalty of not more than Five Pounds, and for every subsequent offence to a penalty of not less than Five Pounds or more than Twenty Pounds.

Purchase and sale of gold or silver.

26. (1) No licensed gold buyer shall buy smelted gold or silver unless the seller supplies him with a certificate signed by the assayer and giving the prescribed particulars. Every licensed assayer shall supply such certificate to every person for whom he assays or smelts any gold or silver, or to whom he sells smelted gold or silver.

(2) The Minister may exempt any prescribed seller or class of sellers from the operation of this section, subject to compliance with the regulations in that behalf.

Power to require declaration from seller of gold, silver, &c.

27. (1) A licensee may, or if the person hereinafter mentioned is personally unknown to him shall, require any person tendering to him any gold, silver, wrought gold, or wrought silver for sale, assay, smelting, or coining, or tendering any precious stones for sale, to make and subscribe a declaration in such form and containing such particulars as are prescribed.

(2) Before taking any such declaration as aforesaid, such licensee shall clearly explain to the person to whom such declaration is tendered the nature of such declaration and the liability incurred by taking and subscribing a false declaration.

(3) Any person who knowingly, wilfully, and corruptly makes any false declaration before any such licensee shall be deemed to be guilty of wilful and corrupt perjury, and shall be punishable accordingly.

(4) Any such licensee, or any employee of any such licensee, who divulges any matter contained in any such declaration, except for the purposes of the administration of justice or for the purpose of carrying into effect the provisions of this Act, shall be guilty of an offence against this Act.

(5) In addition to complying with the requirements of the preceding provisions of this section, a licensee, before buying gold, silver, wrought gold, wrought silver, or precious stones from any person—

(a) shall assure himself that such person is entitled to sell the same; and

(b) (except in the case of a person who is personally known to him to be of good repute) shall require such person to produce a certificate from some well-known reputable person that he believes that the person offering or selling such gold, silver, wrought gold, wrought silver, or precious stones obtained it or them honestly.

Information to be furnished by person exporting gold or silver.

28. (1) Every person who desires to export or remove any gold or silver from this State shall, at least three days before so exporting
or

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or removing such gold or silver, send or deliver to the Registrar of Mines, at Adelaide, in such form as is prescribed, full particulars of the gold or silver which he intends to export or remove.

(2) Every person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

29. (1) Every licensee shall keep an entry book or books in the form prescribed. Records to be kept.

(2) Every licensee other than a bank, and, in the case of a bank which is a licensee, the manager, accountant, or officer in charge for the time being at the head office, or branch, or agency (as the case may be) of the bank of the buying of gold or silver, or wrought gold or wrought silver, or the buying or selling of precious stones—

(a) shall, if possible, personally conduct every transaction relating to the purchase or sale of gold, silver, wrought gold, wrought silver, or precious stones, or the assay or smelting of gold or silver, and shall in all cases be personally responsible for every such transaction, whether he has personally conducted the same or not; and

(b) shall, after every such purchase or sale or assay or smelting has been effected, or any gold, silver, wrought gold, wrought silver, or precious stones have been received into his custody or possession, forthwith record in such entry book the prescribed particulars and have such entry signed as prescribed.

(3) Every licensee shall post to the Secretary to the Minister of Mines, within seven days after the beginning of each month, a copy certified as prescribed of all entries made pursuant to this section in his entry book during the month next immediately preceding.

(4) As regards any entry made by a licensee in an entry book, it shall be the duty of the licensee to take all reasonable means to ascertain and record the particulars required to be entered in pursuance of the provisions of this Act.

(5) Any person who—

(a) wilfully makes or causes to be made any false or incomplete entry in any book required by this section to be kept; or

(b) fails to comply with, or is guilty of any contravention of, the provisions of this section,

shall be liable for the first or second offence to a penalty of not more than Twenty Pounds, and for every subsequent offence to a penalty of not less than Ten Pounds or more than One Hundred Pounds, or to be imprisoned for a term of not more than six months.

30. Every entry in a book belonging to a licensee shall be deemed, unless the contrary is shown, to have been made by, or with the authority of, the licensee. Entries in licensee's books deemed to have been made by him.

31. (1) Every

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Name and description
to be painted up.

31. (1) Every licensee shall have his name, together with the prescribed particulars, painted distinctly in the prescribed manner outside and near the front door of the place wherein he carries on his business as a licensee.

(2) Every licensee who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

Power of inspection,
and obligations of
licensees.

32. (1) Every licensed gold buyer and every licensed assayer shall—

(a) produce to any officer of the Police Force or any member thereof generally authorised in writing by such an officer, whenever requested by such officer or member so to do, his licence and the book or books prescribed to be kept under this Act and any gold or silver purchased or received by him which is in his possession at the time of the making of the request:

(b) without delay give notice as prescribed of any gold or silver in his possession, or which afterwards comes into his possession, answering to the description of any gold or silver described in any printed or written statement supplied to him by any member of the Police Force as having been stolen, embezzled, or fraudulently obtained.

For the purposes of this subsection any gold or silver which is in any house, outhouse, yard, garden, or place occupied by the licensed gold buyer or licensed assayer, or which has been removed with his knowledge and permission to any other place without a *bona fide* sale of such gold or silver having been made by him, shall be deemed to be in his possession.

(2) Any member of the Police Force may—

(a) examine at any time any book kept pursuant to this Act by a licensed buyer of wrought gold, and within the period of seven days after any purchase of wrought gold or wrought silver by any such licensed buyer, examine any wrought gold or wrought silver so bought:

(b) examine at any time any book kept pursuant to this Act by a licensed dealer in precious stones, and, within the period of seven days after any purchase or receipt of precious stones by any such licensed dealer, examine any precious stones so bought or received (including any precious stones purchased or received from any other such licensed dealer in the usual and ordinary course of business which are, at the time of the examination, in the possession or under the control of the first-mentioned licensed dealer).

(3) (a) Every licensee shall, for a period of at least seven days after the date on which he purchased or received any gold,

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gold, silver, wrought gold, or wrought silver, keep in his possession such gold, silver, wrought gold, or wrought silver without changing the form in which it was when so purchased or received, and for such period shall not dispose of the same in any way :

- (b) Every licensed dealer in precious stones shall, for a period of at least seven days after the date on which he purchased or received any precious stones, keep in his possession such precious stones (other than those purchased or received by him from any other such licensed dealer in the usual and ordinary course of business) in the same condition as when he purchased or received them.
- (4) (a) Any licensee who hinders or delays any member of the Police Force in examining any book kept as aforesaid, or any gold, silver, wrought gold, wrought silver, or precious stones bought or received by such licensee, or who fails to comply with, or is guilty of any contravention of, the provisions of this section, shall be guilty of an offence against this Act :
- (b) Except so far as is otherwise expressly provided, a licensee shall, for every contravention of this section, be liable to a penalty of not less than Ten Shillings or more than Five Pounds in the case of a first offence, and for every subsequent offence to a penalty of not less than Five Pounds or more than Twenty Pounds, or to imprisonment for any term of not more than three months.

33. Except as prescribed, no licensed gold buyer shall have, or permit to be or remain, on his premises, or have or use elsewhere, any crushing, smelting, or assaying appliances, except a pestle and mortar.

Gold buyer not to have assaying appliances.

34. (1) Any person—

Person in possession of gold, silver, &c., to account for same.

- (a) who offers gold, silver, wrought gold, or wrought silver for sale, or for smelting or assaying, or who offers precious stones for sale ; or
- (b) who has gold, silver, wrought gold, wrought silver, or precious stones in his possession or control ; or
- (c) who has sold any gold, silver, wrought gold, wrought silver, or precious stones ; or
- (d) for whom any gold, silver, wrought gold, or wrought silver has been smelted or assayed ; or
- (e) who, in any proceeding under this Act, states that he gave or entrusted, or is alleged to have given or entrusted, any gold, silver, wrought gold, wrought silver, or precious stones to the defendant, may

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may be required by—

- i. a licensee to whom the gold, silver, wrought gold, wrought silver, or precious stones are or were offered, or by whom the gold, silver, wrought gold, or wrought silver was bought or received or smelted or assayed, or by whom the precious stones were bought or received: or
- ii. any member of the Police Force; or
- iii. a Justice

to satisfy such licensee, member, or Justice that he came lawfully by the same, or that the same was obtained from the person, claim, works, or other place mentioned in the entry (if any) signed by him.

(2) If such person does not so satisfy such licensee, member, or Justice, proceedings for an offence against this Act may be taken against him upon the complaint of such licensee or member, or by direction of such Justice.

(3) Upon the hearing of such complaint, unless the defendant satisfies the Court that he honestly came by the gold, silver, wrought gold, wrought silver, or precious stones in question, he shall be convicted of an offence against this Act.

(4) The said gold, silver, wrought gold, wrought silver, or precious stones, if proved in any proceedings under this Act to be or to have been in the possession of the defendant, whether in a building or elsewhere, and whether the possession thereof has been parted with by the defendant before being brought before the Court or not, shall, for the purposes of this section, be deemed to be in the possession of the defendant.

Offences, Penalties, and Supplemental.

Untrue statements by seller, &c.

- 35.** (a) If any entry in an entry book signed by or on behalf of a seller or a person leaving gold or silver with an assayer for smelting or assaying is untrue or incomplete in any particular; or
- (b) if the name by which any person named in the entry, or signing the same, is generally known is not disclosed therein,

such seller or person and the person (if any) for whom he acts shall be guilty of an offence against this Act.

Untrue statements by witness to sale, &c.

36. If any person signs any entry in any book on behalf of a seller of gold, silver, wrought gold, wrought silver, or precious stones, or of a person leaving gold or silver with an assayer for smelting or assaying, or signs any entry as a witness—

- (a) knowing, or having reason to believe or suspect, that the entry is untrue or incomplete in any particular, or that the name by which any person mentioned in the entry, or signing the same, is generally known is not disclosed therein; or
- (b) not

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(b) not having been requested by such seller or person to sign the name of such seller or person on his behalf, such person shall be guilty of an offence against this Act.

37. If any licensee buys, sells, receives, or delivers gold, silver, wrought gold, wrought silver, or precious stones, or smelts or assays gold or silver, knowing or having reasonable grounds to believe or suspect—

Untrue entries by buyer or smelter.

- (a) that any entry in an entry book is untrue or incomplete in any particular; or
- (b) that the name by which any person mentioned in the entry, or signing the same, is generally known is not disclosed therein,

he, and the person (if any) for whom he acts, shall be guilty of an offence against this Act.

- 38.** (a) If any notice or statement or copy posted or sent or delivered to the Minister, or to the Secretary to the Minister of Mines, or to a member of the Police Force, or to the Mint, or to any Inspector of Mines, or to any public officer under this Act, is untrue or incomplete in any substantial particular, or
- (b) if the name by which any person mentioned in or signing or delivering the notice or statement or copy is generally known is not disclosed therein,

Untrue statements to the Minister, &c.

the person posting, sending, or delivering the notice or statement or copy, and the person (if any) for whom he acts, shall be guilty of an offence against this Act.

39. Any person, not being a licensed gold buyer, licensed assayer, licensed buyer of wrought gold, or licensed dealer in precious stones (as the case may require), who—

Penalty on unlicensed person pretending to be licensed, &c.

- (a) takes, uses, or exhibits the name or title of, or pretends to be, a licensed gold buyer, or a licensed assayer, or a licensed buyer of wrought gold or wrought silver, or a licensed dealer in precious stones; or
- (b) takes or uses any title or term or sign or symbol which may be construed to mean that he is qualified, or is willing, to buy or assay gold, silver, wrought gold, or wrought silver, or to buy or sell precious stones,

shall be guilty of an offence against this Act, and shall be liable to a penalty of not less than Five Pounds or more than Three Hundred Pounds, or to imprisonment for a term of not more than two years.

40. Where any matter or thing is by or pursuant to this Act directed to be done or forbidden to be done, and such matter or thing

Non-observance of provisions of this Act an offence.

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so directed to be done remains undone, or such matter or thing so forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be deemed to be guilty of an offence against this Act.

Penalties for offences.

41. (1) Every person guilty of an offence against any of the provisions of this Act for which no punishment is by this Act expressly provided shall, in addition to any other penalty to which he may be liable for such offence, be liable on conviction in a summary way to a penalty of not less than Two Pounds or more than Three Hundred Pounds, or to imprisonment for a term of not more than two years, or to both such penalty and imprisonment, and on conviction within two years for a second offence against any such provision shall be liable to imprisonment for a term of not less than one month or more than two years without the option of a pecuniary penalty, and if the person guilty of any such offence is a licensee, his licence shall on a second conviction *ipso facto* become void as if the same had been actually revoked.

(2) Notwithstanding anything in this Act, where any person is convicted of buying gold, silver, wrought gold, wrought silver, or precious stones without holding a licence in that behalf, he shall be punished by imprisonment without the option of a fine.

(3) For any offence against any of the provisions of this Act for which a minimum pecuniary penalty is not expressly provided the minimum pecuniary penalty which may be imposed shall be Two Pounds.

(4) (a) Gold, silver, wrought gold, wrought silver, or precious stones in possession of the police or of any informant, or the subject of a prosecution, shall, on the conviction of the person charged, be given back to the owner, if he is known:

(b) If such owner is not discovered within six months from the conviction of the offender, such gold, silver, wrought gold, wrought silver, or precious stones may be sold:

(c) The proceeds of every such sale shall be paid to the Treasurer, and shall form part of the General Revenue of the State.

Who may prosecute.

42. (1) (a) Any Inspector of Mines, or

(b) any person authorised in that behalf by the Minister, or

(c) any member of the Police Force,

may take proceedings against any licensee for the revocation of his licence, or against any licensee or other person for any contravention of this Act.

(2) Where

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(2) Where any such proceedings purport to be taken by a person authorised in that behalf by the Minister, no proof shall be required by the Court that the person taking such proceedings is in fact so authorised.

43. (1) In any proceedings against any person for any contra- Burden of proof.
vention of any of the provisions of this Act—

- (a) such person shall, if the informant alleges it to be the fact, be deemed not to be and not to have been, at any time material to such proceedings, a licensee; and
- (b) any place or premises shall, if the informant alleges it to be the fact, be deemed to be and to have been, at all times material to such proceedings, unregistered,

unless the contrary is made to appear.

(2) In any proceedings against any person licensed under this Act for any failure to comply with any requirement thereof, the burden of proof that such requirement has been complied with shall be on the defendant.

44. Where a member of the Police Force makes information in writing on oath that he has reasonable cause to believe and does believe— Warrant to search premises for gold, &c., unlawfully in possession.

- (a) that any person, not being authorised by licence so to do, has bought or assayed or smelted any gold or silver, or wrought gold or wrought silver, or has unlawfully bought or sold any precious stones, or unlawfully has any gold, silver, wrought gold, wrought silver, or precious stones in his possession or under his control; or
- (b) that any crushing, smelting, or assaying appliances are unlawfully in the possession, or under the control, of any person,

a Justice may issue his warrant to such member of the Police Force authorising him, with such assistance as may be necessary—

- i. to search any premises specified in such warrant, and
- ii. to take possession of any such gold, silver, wrought gold, wrought silver, or precious stones, or such crushing, smelting, or assaying appliances, and
- iii. to apprehend any person who appears to have been guilty of any offence against this Act.

45. No member of the Police Force or other person, if such member of the Police Force or other person was, at the time any offence against this Act was committed, acting under instructions from any officer of the Police Force, shall be deemed to be an offender or accomplice in the commission of such offence, although such Police, &c., not to be deemed accomplices.

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such member of the Police Force or other person might, but for this section, have been deemed to be such an offender or accomplice.

Regulations.

Power to make regulations.

46. The Governor may make regulations with respect to—

- i. applications for licences and renewals and transfers thereof, the form and the issue of licences and transfers and renewals thereof, and the conditions upon which such licences, renewals, and transfers shall be issued and made :
- ii. the evidence of character required of applicants for licences or for registration :
- iii. the issue of a new licence in the place of a lost licence :
- iv. the conditions under which a person may at the same time hold both a gold-buyer's licence and also an assayer's licence :
- v. the localities or districts for which gold-buyer's or assayer's licences may be issued :
- vi. the issue of special licences, and the circumstances in which, and the conditions under which, special licences may be issued :
- vii. the records to be kept in respect of all licences, and of all registrations of holders of miner's rights entitled to smelt gold and silver obtained by them :
- viii. the form and the conditions of the issue of certificates of registration of such holders of miner's rights :
- ix. calling in revoked or cancelled licences, and the circumstances in which licences may be called in, revoked, and cancelled without a preliminary inquiry :
- x. the books to be kept by a licensee, and the entries and the form of such entries to be made therein :
- xi. the signing and certifying of such entries, and the identification of any party to a transaction or person signing an entry :
- xii. the registration by licensees of the address of their place of business, and of any change in such address :
- xiii. the particulars to be painted outside and near the front door of the place of business of a licensee :
- xiv. the returns and information to be furnished by every licensee or other person, the time and manner of furnishing such returns and information, and (if not prescribed in this Act) the persons or authorities to whom the said returns and information are to be furnished :
- xv. the

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- xv. the form of declaration to be made by a person tendering to a licensee any gold, silver, wrought gold, wrought silver, or precious stones for sale or otherwise:
- xvi. the particulars to be required by a licensee from a person selling to him smelted gold or silver, and the circumstances under which such particulars need not be required :
- xvii. the conditions under which the holder of a miner's right may smelt gold or silver without being licensed:
- xviii. the particulars and returns to be furnished, and the assays to be made, in respect of tailings removed or treated, or intended to be removed or treated, by any person from the surface of any land:
- xix. the conditions under which a person other than a licensee or a company formed for mining purposes and registered under the Companies Act, 1892, may have in his possession any appliance for testing, treating, or smelting gold or silver, or may test, treat, or smelt gold or silver:
- xx. the conditions upon which foremen of testing plants may be exempted from being licensed, and the form of certificate they are to be required to furnish as to gold or silver smelted:
- xxi. the conditions under which persons not licensed may perform acts and conduct transactions otherwise prohibited, and the persons who may be exempted from compliance with such conditions, and the terms upon which exemption from such compliance may be granted:
- xxii. the persons or classes of persons who may be exempted from all or any of the provisions of this Act, and the conditions of such exemption:
- xxiii. the application of any provisions of this Act to any persons who are exempted, or who are not required under this Act to be licensed:
- xxiv. the qualifications of assayers, and the form of assayer's certificates:
- xxv. the particulars required to be furnished to the Secretary to the Minister of Mines by persons desiring to export or remove gold or silver from this State:
- xxvi. the fees which may be charged under this Act:
- xxvii. anything authorised by this Act to be prescribed: and
- xxviii. generally, anything convenient or necessary to be prescribed, or which this Act contemplates will be prescribed, for carrying into effect the provisions of this Act.

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Legal Procedure.

Summary proceedings
for offences.

47. All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal.

48. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

49. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

H. L. GALWAY, Governor.

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THE SCHEDULE.

Section 22.

FEES FOR LICENCES.

	£	s.	d.
Gold buyer's licence	1	0	0
Assayer's licence.....	0	10	0
Licence to buy wrought gold.....	0	10	0
Licence to buy and sell precious stones	1	0	0
Special licence.....	1	0	0
Temporary licence	0	5	0
Transfer of licence from one premises to another	0	5	0
Transfer of licence from one person to another	0	5	0
Issue of new licence or document in lieu of lost or destroyed licence, etc.	0	5	0
Renewal of licence	Same fee as for issue of licence.		