

GOLD BOUNTY.

No. 75 of 1930.

An Act to provide for the Payment of a Bounty on the Production of Gold, and for other purposes.

[Assented to 16th December, 1930.]

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

1. This Act may be cited as the *Gold Bounty Act 1930*. Short title.

2. This Act shall commence on a date to be fixed by Proclamation. Commencement.

3.—(1.) In this Act, unless the contrary intention appears— Definitions.

“gold producer” means any of the following who or which are engaged in gold-mining or otherwise treating for gold—

- (a) a company ;
- (b) a prospector ;
- (c) a syndicate ;
- (d) a partnership ;
- (e) a co-operative party ;
- (f) a lessee ; or
- (g) any person contained in any prescribed class ;

“licensed gold-buyer” means a person authorized under the law of any State or Territory to buy gold ;

“mine” includes any place, pit, shaft, drive, level or other excavation, bore, drift, gutter, lead, vein, lode or reef wherein or whereby any operation for, or in connexion with, mining purposes is carried on ;

“the Schedule” means the Schedule to this Act.

(2.) References in this Act to the production of gold relate to the production of gold in Australia.

(3.) For the purposes of this Act, gold shall be deemed to have been produced—

(a) in the case of gold sold to a licensed gold-buyer—in the year in which it was so sold ;

(b) in the case of gold not so sold and not being gold to which the next succeeding paragraph applies—in the year in which the Minister is satisfied that it was produced ; and

(c) in the case of gold, contained in matte, concentrates or other material, produced within the Commonwealth and shipped abroad for treatment—in the year in which it was shipped.

Appropriation.

4. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the bounty specified in this Act.

Specification of bounty.

5.—(1.) Bounty under this Act shall be payable in respect of gold produced during the period of ten years commencing on the first day of January, One thousand nine hundred and thirty-one.

(2.) Subject to this section, bounty shall, in respect of each of the years specified in the last preceding sub-section, be payable on the amount of fine gold produced in that year.

(3.) The bounty payable in each year shall be calculated on the basis of One pound Australian currency for each ounce of fine gold produced in that year in excess of the average number of ounces of fine gold produced annually during the years One thousand nine hundred and twenty-eight, One thousand nine hundred and twenty-nine and One thousand nine hundred and thirty.

(4.) The average number of ounces of fine gold produced annually during the years specified in the last preceding sub-section shall, for the purposes of this section, be determined by the Minister from information furnished by the Commonwealth Statistician and shall be notified in the *Gazette*.

Registration of gold producers.

6.—(1.) Every gold producer who is a claimant for bounty under this Act shall apply in accordance with the form in the Schedule to the Collector of Customs of the State for registration as a gold producer and shall give the undertaking contained in that form. The Collector of Customs shall register such gold producer who shall thereupon become a registered gold producer for the purposes of this Act.

(2.) If the undertaking contained in the Schedule is not complied with to the satisfaction of the Minister he may at his discretion withhold the whole or any portion of the bounty which would otherwise have been payable to such claimant.

Payment and distribution of bounty.

7. The persons eligible to receive payment of bounty in respect of gold produced in any year shall be those who are registered gold-producers and who—

- (a) have during that year sold gold to a licensed gold-buyer and received the certificate therefor required by this Act; or
- (b) have during that year shipped abroad for treatment matte, concentrates or other material containing gold:

Provided that in any such case the shipper has produced to and lodged with the Collector of Customs for the State at the time of shipment an assay certificate given by an assayer approved by the Minister setting forth the quantity and value of the gold content.

8. The bounty payable each year shall be dealt with as follows :— Distribution of bounty.

(a) From the total amount of the bounty there shall be deducted and paid to the Consolidated Revenue Fund—

(i) the sum which bears to the total amount of the bounty in that year the same proportion as the amount of gold produced during that year by any gold producer, who was not at the time of the production a registered gold producer, bears to the total amount of gold produced during that year ;

(ii) the amount of any bounty withheld by the Minister in pursuance of the powers conferred upon him by this Act ;

(iii) the amount of any bounty which would, but for non-compliance with any condition set forth in the proviso to paragraph (b) of section seven of this Act have been payable in respect of gold contained in matte, concentrates or other material produced within the Commonwealth and shipped abroad for treatment ; and

(b) The remainder of the bounty shall be distributed according to the decision of the Minister among the registered gold producers specified in section seven of this Act who have sold gold or shipped matte, concentrates or other material as set out therein and have complied with the conditions set out in their application for registration, the share of each registered gold producer being proportionate to the amount of gold so sold or contained in the matte, concentrates or other material so shipped, as the case may be.

9. Every registered gold producer desirous of claiming bounty under this Act shall obtain from the licensed gold buyer to whom he sells gold a certificate in duplicate in the prescribed form. One copy of this certificate shall be forwarded forthwith to the Collector of Customs for the State. The other copy shall be attached to the claim for bounty made by such registered gold producer : Certificates by gold buyers.

Provided that in respect of gold in matte, concentrates or other material containing gold shipped abroad for treatment the certificate of an assayer approved by the Minister may be accepted in substitution for the certificate of a licensed gold buyer.

10.—(1.) Every claimant for bounty under this Act shall furnish a claim or claims for such bounty in the prescribed form and shall make the declarations prescribed therein. The claims shall be accompanied by the certificates referred to in the last preceding section. Claims for bounty.

(2.) Before any claim for bounty is paid the Minister may require the claimant to furnish, and the claimant shall thereupon furnish, such information as to the correctness or otherwise of the claim and the certificates supplied in accordance with the last preceding section, as the Minister deems necessary.

Claimants
to keep
accounts.

11. A claimant for bounty shall keep a proper account showing in detail particulars of—

- (a) all gold produced by him ; and
- (b) all gold sold by him, and in relation to each sale the date of sale, the quantity and fineness of the gold, the amount received therefor, and the name of the person to whom sold.

Audit.

12. All books of account kept by a claimant for bounty under this Act and all documents in the possession of or under the control of the claimant relating to gold shall at all reasonable times be open to inspection and audit by any person authorized in that behalf by the Minister and that person may upon inspection or audit make and take away extracts from those books of account and documents.

Import of
gold.

13.—(1.) The Governor-General may by Proclamation prohibit the importation into the Commonwealth of any gold.

(2.) The power of prohibiting importation of gold may authorize prohibition subject to any specified condition or restriction.

Penalty for
importation of
gold.

14.—(1.) Any person who imports gold into the Commonwealth in contravention of any condition or restriction contained in any Proclamation under this Act shall be guilty of an offence.

Penalty : For a first offence, Five hundred pounds, and for a second or subsequent offence, One thousand pounds and imprisonment for a period not exceeding three years.

(2.) Any gold which is imported in contravention of any Proclamation under this Act shall be deemed to be a prohibited import, within the meaning of the *Customs Act* 1901–1930, and the provisions of that Act shall apply in like manner as if the Proclamation had been issued under that Act.

Returns to
Parliament.

15. A return setting forth—

- (a) the names of all persons to whom bounty was paid during the preceding year ;
- (b) the amounts of all such bounty ;
- (c) the amount of bounty paid in each State ; and
- (d) such other information as is prescribed,

shall be prepared in the month of January in each year and shall be laid before both Houses of the Parliament within thirty days of its preparation if the Parliament is then sitting, and if not, then within thirty days after the next meeting thereof.

16.—(1.) The Minister may, by notice in writing, call upon any person to furnish to him, within such time as is specified in the notice, such information in relation to gold as the Minister thinks necessary. Power to call for information.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him) fails, after receipt of a notice, under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : For a first offence, One hundred pounds, and for a second or subsequent offence, Five hundred pounds.

17. No person shall—

Offences against Act.

- (a) obtain any bounty which is not payable ;
- (b) obtain payment of any bounty by means of any false or misleading statement ; or
- (c) present to an officer of the Commonwealth or other person doing duty in relation to this Act or the Regulations any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : One hundred pounds or imprisonment for twelve months.

18.—(1.) The Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration, or to any Commonwealth authority established for the purpose of determining conditions of employment and rates of wages, for a declaration as to what conditions of employment and rates of wages are fair and reasonable for labour employed in the production of gold. Conditions of employment and rates of wages.

(2.) On the hearing and determination of the application, the Chief Judge, Judge or Commonwealth authority, as the case may be, shall have all the powers which under the *Excise Procedure Act 1907* are conferred on the Commonwealth Court of Conciliation and Arbitration, and all witnesses and persons summoned to appear or appearing before the Chief Judge, Judge or Commonwealth authority, as the case may be, shall be entitled to the same privileges and protection, and be subject to the same liabilities and penalties, as witnesses or persons summoned to appear or appearing before the President on an application within the meaning of that Act, and the provisions of that Act shall, so far as they are applicable, apply accordingly, *mutatis mutandis*, as if the application were an application within the meaning of that Act.

(3.) For the purposes of this section, any reference in the *Excise Procedure Act 1907* to the President of the Commonwealth Court of Conciliation and Arbitration shall be read as a reference to the Chief Judge or a Judge of that Court or to such Commonwealth authority.

(4.) Every person who claims the bounty payable on gold under this Act shall certify to the Minister the conditions of employment observed and the rates of wages paid in respect of any labour employed by him.

(5.) If the Minister finds that the conditions of employment or rates of wages, or any of them, observed or paid by any gold producer in respect of any labour employed in the production of any gold upon which bounty is claimed—

- (a) are below the conditions and rates declared, as in the first sub-section of this section mentioned, to be fair and reasonable ; or
- (b) are below the standard conditions and rates prescribed by the Commonwealth Court of Conciliation and Arbitration, or by any other industrial authority of the Commonwealth or a State,

the Minister may withhold from that gold producer the whole or any part of the bounty payable.

(6.) If—

- (a) the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration has not declared, in accordance with sub-section (1.) of this section, what conditions of employment and rates of wages are fair and reasonable for labour employed in the production of gold ; and
- (b) there are not in force in the locality where the gold is produced, any standard conditions and rates relating to the labour employed in the production of gold prescribed by the Commonwealth Court of Conciliation and Arbitration or by an industrial authority of a State, or contained in an industrial agreement registered under any law of the Commonwealth or a State,

the Minister may appoint an authority or authorities for determining, for the purposes of this section, conditions of employment and rates of wages which are fair and reasonable for labour employed in the production of gold, and any authority so appointed shall be deemed to be a Commonwealth authority within the meaning of sub-section (1.) of this section.

Regulations.

19. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding One hundred pounds for any breach of the regulations.

THE SCHEDULE.

COMMONWEALTH OF AUSTRALIA.

Section 6.

The Gold Bounty Act 1930.

APPLICATION FOR REGISTRATION AS A GOLD PRODUCER.

To the Collector of Customs

for the State of.....

I

We

of

hereby apply for registration as a Gold Producer under the *Gold Bounty Act 1930.*

I undertake that I will during the currency of the *Gold Bounty Act 1930*—
 We we

- (a) extract to the satisfaction of the Minister of State for Trade and Customs low-grade gold bearing ore in ^{my} _{our} mine the value of which when worked independently of other ores with the aid of efficient machinery and suitable equipment will meet working expenses ;
- (b) supply to the Minister if and when required an estimate of the anticipated output both in tonnage and grade of ore for any period he may desire, and plans showing the ore reserves, their value and the stopes to be worked in the next ensuing six months ;
- (c) allow the mine to be inspected by a representative of the Minister at any time and to provide every facility for the purpose of the inspection ;
- (d) supply any further information in relation to the mine or anticipated or actual production that the Minister may require ; and
- (e) comply with any other condition laid down by the Minister.

Dated at the day of 193 .

Signature

Witness

Note.—Paragraphs (a) and (b) to be omitted in the case of producers of alluvial gold.

PATENTS.

No. 76 of 1930.

An Act to amend the *Patents Act 1903-1921*.

[Assented to 16th December, 1930.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Patents Act 1930*.

Short title
and citation.

(2.) The *Patents Act 1903-1921** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Patents Act 1903-1930*.

2. This Act shall commence on a date to be fixed by Proclamation.

Commencement.

3.—(1.) The amendments made by this Act to section sixty-four and to the First and Second Schedules of the Principal Act shall apply to applications made after the commencement of this Act, and to patents granted on such applications, but shall not apply to patents granted on applications made before the commencement of this Act.

Application of
Acts.

* No. 21, 1903, as amended by No. 19, 1906 ; No. 17, 1909 ; No. 19, 1910 ; and by No. 24, 1921.