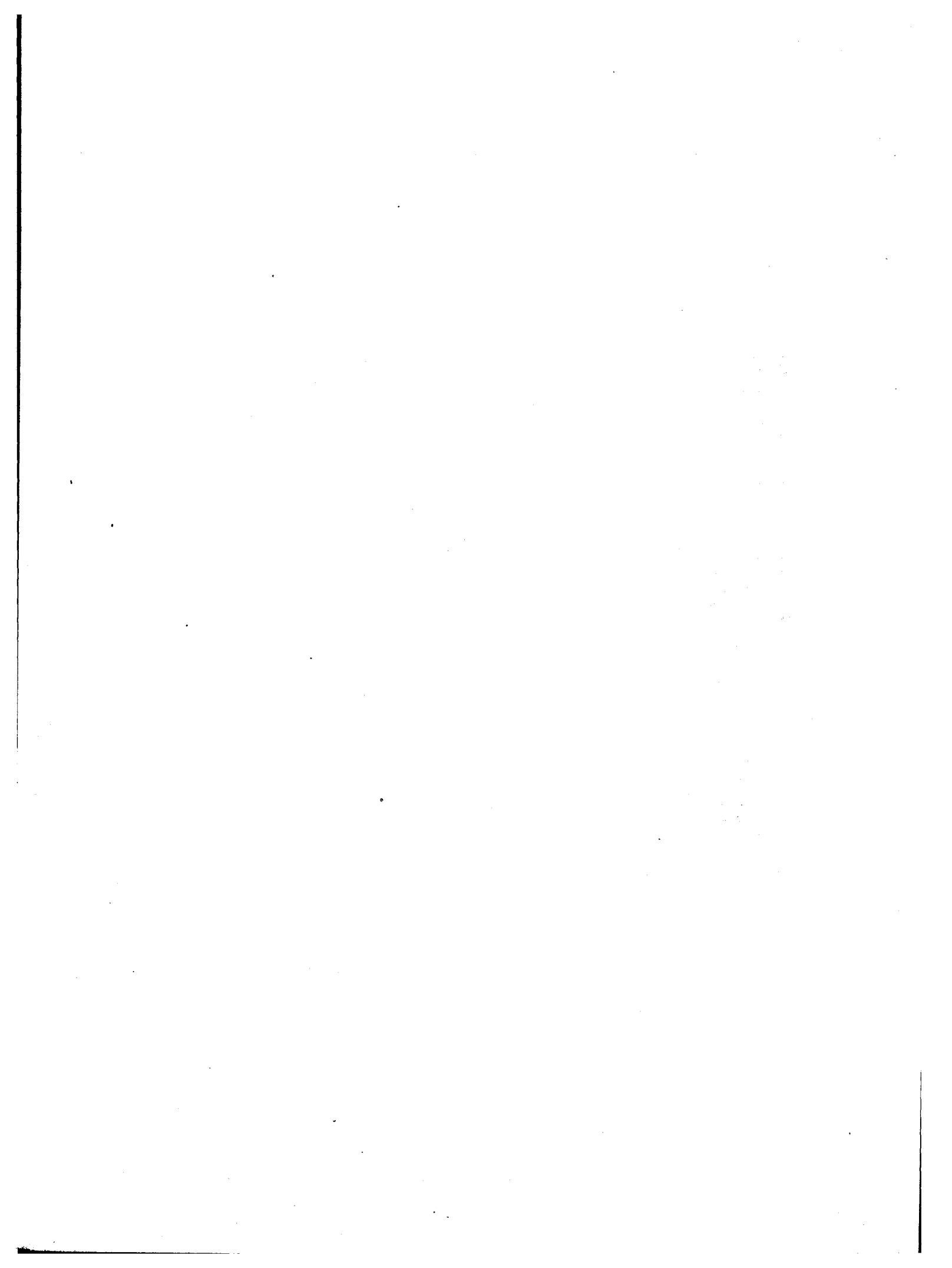


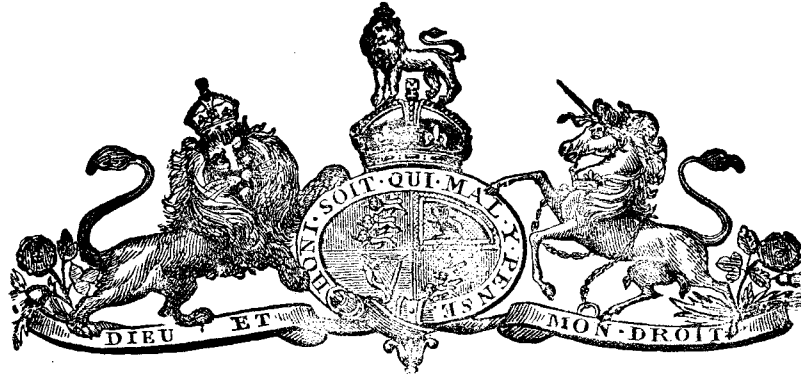
THE GOLD ACT, 1909.

ANALYSIS.

1. Short title and commencement.
2. Repeal of 8 Ed. VII. No. 41.
3. Interpretation.
4. Non-application of Act.
5. Gold-buyers.
6. Provisions as to jewellers and other gold-manufacturers.
7. Application for licence.
8. Minister may grant licence.
9. Licences to banking companies.
10. Certain persons not to be licensed.
11. Renewal of licence.
12. Continuance of licence.
13. Revocation of licence.
14. Gold Register Books.
Supervision of sales and entries thereof.
15. Regulations to be observed by licensees.
Books to be kept showing gold received.
Penalty.
Book to show how gold disposed of.
Penalty.
Production of licence-books in certain cases.
Dealer to inform police when gold supposed to be stolen, &c., came into his possession.
Form of gold not to be changed for Five days.
Penalty.
16. Entries in gold-buyer's book deemed to have been made by him.
17. Penalty for false entry.
18. Purchase of gold.
19. Gold-buyer, &c., may take declaration from seller.
20. Penalty on unlicensed person pretending to be licensed, &c.
21. Gold not to be left at licensed house.
22. Gold-buyer not to have assaying appliances.
23. No child under Fifteen to sell gold.
24. Person deemed to be unlicensed if not producing licence.
25. Registration of appliance for treating gold.
26. Penalty for non-performance of provisions of this Act.
27. Person in possession of gold to account for same.
28. Untrue statement by seller.
29. Untrue statement by witness to sale.
30. Untrue entries by buyer or smelter.
31. Untrue statements to the Minister.
32. Penalty for offence against Act.
33. Enforcement.
34. Regulations.
35. Burden of proof.
36. Warrant to search premises for gold, &c., unlawfully in possession.
37. Accomplice.
38. Procedure.



TASMANIA.

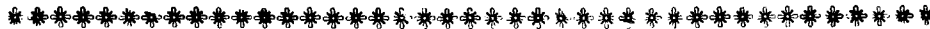


1909.

ANNO NONO

EDWARDI VII. REGIS,

No. 48.



AN ACT to regulate the Buying of Gold, and for other purposes. [30 December, 1909.]

A.D.
1909.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

- 1--(1.) This Act may be cited as "The Gold Act, 1909." Short title and commencement.
- (2.) This Act shall commence and take effect on the First day of *April*, One thousand nine hundred and ten. commencement.
- 2 "The Gold Act, 1908," is hereby repealed as from the passing of this Act. Repeal of 8 Ed. VII. No. 41.
- 3 In this Act, unless the context otherwise requires— Interpretation.
 - "Act" includes any regulation made thereunder :
 - "Bank" means any company engaged in the ordinary business of banking by receiving deposits and issuing bills or notes payable to the bearer at sight or on demand, and any reference to a person shall include a bank :
 - "Buy" and "purchase" include respectively any dealing with gold :

Gold.

A.D. 1909.

“Gold” or “unwrought gold” means gold, gold alloys, gold bullion, gold amalgam, retorted gold, smelted gold, gold precipitates, copper plates containing or retaining 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 :

“Gold-buyer” means a person who buys gold, and includes a bank :

“Inspector of mines” means any inspector of mines appointed or acting under the “The Mining Act, 1905,” and includes the Chief Inspector :

“Licence” means a valid and unexpired annual licence under this Act :

“Licensee” means the holder of a gold-buyer’s licence :

“Minister” means the Minister for Mines for the time being :

“Prescribed” means prescribed by this Act or any regulation thereunder :

“Sell” includes any dealing with gold :

“Seller” includes any person acting or representing himself to be acting for a seller :

“Wrought gold” means gold and gold alloy which on view have apparently been worked or manufactured for trade purposes.

Non-application
of Act.

4—(1.) Nothing herein contained shall apply to the purchase of gold-bearing earth, tailings, concentrates, or products containing gold, by the proprietor of any crushing battery or treatment works from any registered leaseholder or claimholder, or tributer, or holder of a tailings licence, if it is proved by the buyer that the sale was effected by a contract in writing, signed by or on behalf of the seller and the buyer, setting forth that the earth, tailings, concentrates, or products containing gold were produced from and taken out of the ground comprised in the lease or claim of which the seller is the registered holder or tributer, or for the treatment of which he holds a licence from the Crown under any Act relating to mines, and which lease or claim is sufficiently described in the contract.

(2.) Such buyer shall keep a “Gold Register Book,” as prescribed by this Act, and in respect of every such purchase make the entries and observe the provisions prescribed by this Act in respect of the said book as if he were a licensed gold-buyer.

Gold-buyers.

Gold-buyer.

5 No person shall buy any gold unless he is the holder of a licence as a gold-buyer.

Provisions as to
jewellers and
other gold-
manufacturers.

6—(1.) Notwithstanding anything contained in this Act, any manufacturer of jewellery or other manufacturer of gold may without a licence buy, from His Majesty’s Mint or any bank, gold for his own manufacturing purposes in the ordinary course of his business.

Gold.

(2.) Every manufacturer of jewellery or other manufacturer of gold who buys gold shall keep a book, to be called a "Gold Register Book," in the form of the First Schedule to this Act, and shall comply with the provisions of Sections Fourteen and Fifteen of this Act as if expressly named therein, and make the entries and observe the provisions prescribed by the said sections. A.D. 1909.

Applications for Licences or Renewals of Licences.

7 Any person or bank desiring to obtain a licence, or renewal of a licence, as a gold-buyer shall make application therefor in such form as may be prescribed to the Minister. Application for licence.

8 The Minister may in his discretion, and on payment of a fee of Five Shillings therefor, grant to any person (not being a bank) applying for a gold-buyer's licence, in such form as may be prescribed, a licence authorising the applicant to buy gold. Minister may grant licence.

9—(1.) The Minister may in his discretion grant to any bank— Licences to banking companies.

- i. A gold-buyer's licence on the payment therefor of the fee of Five Shillings, for the principal office of such bank, and of a fee of Five Shillings for each licence required for any branch of such bank: or
- ii. On a like payment a general gold-buyer's licence, accompanied by a list showing each branch to which the licence shall apply.

(2.) Each such general licence shall be granted in the form in the Second Schedule to this Act, or in such form as may be prescribed, and shall be available for use at every branch named therein. Second Schedule.

(3.) The manager, accountant, or officer in charge for the time being at the head office and at every branch named of such bank shall be deemed to be a licensee within the meaning of this Act.

(4.) Should it be desired to add an additional branch or branches to such licence during its currency, it may be done on application, in writing, and payment of a fee of Five Shillings for every branch so added.

10 No licence shall be issued to any person who holds any licence under any Act regulating the sale of intoxicating liquor; nor to any manufacturer of jewellery or other manufacturer of gold, nor to any hawker. Certain persons not to be licensed.

11 A renewal of a licence for a further period of Twelve months from the expiration of the original licence or of the last renewal (as the case may be) may be issued by the Minister, if the licensee applies for such renewal not more than One month and not less than Seven days before its expiration, and if the Minister is satisfied that the licensee is a fit person to continue to hold such licence. Renewal of licence.

Gold.

A.D. 1909.

Continuance of
licence.

12 Every licence granted or renewed under the provisions of this Act shall, unless sooner revoked, be in force until the last day of *December* in the year for which the same is granted or renewed, and no longer.

*Revocation of Licences.*Revocation of
licence.

13 The Minister may in his discretion revoke any licence, and thereupon the holder of the licence shall deliver up the licence to the Minister. If any licensee fails or omits to deliver up his licence upon the same being revoked, he shall be guilty of an offence against this Act.

*Regulation of Licensed Gold-buyers.*Gold Register
Books.
Supervision of
sales and entries
thereof.
First Schedule.

14—(1.) A Gold Register Book, in the form in the First Schedule to this Act, or as may be prescribed, shall be kept at the place of business of every licensed gold-buyer, and at the head office and at every branch of a bank holding a licence.

(2.) Every licensed person (other than a bank), and in the case of a bank the manager, accountant, or officer in charge for the time being of the head office or branch, as the case may be, shall personally conduct every transaction relating to the purchase or sale of gold, and shall after every purchase or sale has been effected, or any gold received into his custody or possession, forthwith record in such Gold Register Book the prescribed particulars of the transaction, and have such entries signed as directed in the said schedule, or as may be prescribed.

Regulations to be
observed by
licensees.Books to be kept
showing gold
received.
First Schedule.**15** Every licensed gold-buyer shall—

- i. Keep a book or books, fairly made out, in the form set forth in the First Schedule hereto, and shall enter therein an account of all such gold as he may from time to time become possessed of, stating in respect thereof the day and hour upon, and at which, and the person by or through whom, and the person from whom, he purchased or received the same, adding a true description of such last-mentioned person's business and precise place of abode, and post to the Secretary for Mines, within Seven days after the close of each month, a copy certified by him as correct of all entries made pursuant to this or the next following paragraph in such book during the said month. If he does not, he shall on summary conviction incur for the First offence a penalty not exceeding Twenty Pounds, and for every subsequent offence a penalty not less than Two Pounds nor exceeding Fifty Pounds, or imprisonment for any term not exceeding Six months:

Penalty.

Book to show
how gold
disposed of.

- ii. Enter in such book an account of all such gold as he may from time to time sell or dispose of, stating in respect of each entry the day upon which, and the name of the person by or through whom, and the person to whom, he sold or

*Gold.*

- disposed of the same, adding a true description of such lastmentioned person's business and precise place of abode. If he does not, he shall on summary conviction incur for the first offence a penalty of not exceeding Twenty Pounds, and for every subsequent offence a penalty not less than Two Pounds nor exceeding Fifty Pounds, or imprisonment for any term not exceeding Six months :
- A.D. 1909.
- Penalty.
- Production of licence-books in certain cases.
- Dealer to inform police when gold supposed to be stolen, &c., came into his possession.
- Form of gold not to be changed for Five days.
- Penalty.
- Entries in gold-buyer's book deemed to have been made by him.
- Penalty for false entry.
- 16** Any 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 such licensee.
- 17** Every licensee who wilfully makes a false entry, and every person who causes a false entry to be made, in a "Gold Register Book" shall be liable, on summary conviction, to imprisonment for any period not exceeding Six months or to a penalty of not less than Five Pounds nor exceeding One hundred Pounds.

Gold.

A.D. 1909.
Purchase of gold.

18—(1.) No licensed gold-buyer shall buy smelted or retorted gold unless the seller thereof supplies to him a statement in writing, signed by him, showing where the gold was obtained from and from whom the smelter received it, and whether alluvial, or quartz, or manufactured gold.

(2.) No licensed gold-buyer shall pay for gold or wrought-gold purchased by him except by cheque or cash, or by placing the proceeds to the credit of the seller's account at his bank.

Gold-buyer, &c.,
may take declaration
from seller.

19—(1.) A licensee may require any person tendering to him for sale any gold, or if such person is personally unknown to him shall require such person to make and subscribe a declaration, in such form and containing such particulars as may be prescribed, specifying the locality wherein is situated the mine, claim, or place from which such gold was obtained.

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

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

(4.) Any licensee or employee of a licensee who divulges any matter contained in the 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.

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

20 Any person, not being a licensed gold-buyer, who takes, uses, or exhibits the name or title of or pretends to be a licensed gold-buyer, or 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 gold, shall be guilty of an offence, and shall for every such offence be liable to a penalty of not less than Two Pounds or more than One hundred Pounds, or to imprisonment for any term not exceeding One year.

Miscellaneous.

Gold not to be
left at licensed
house.

21 No person shall buy, receive, keep, or sell gold, or leave or deposit gold with any person on the premises of any holder of any licence under any Act regulating the sale of intoxicating liquor.

Gold-buyer not
to have assaying
appliances.

22 No licensed gold-buyer (except a bank) 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.

No child under
Fifteen to sell
gold.

23 No child under Fifteen years of age shall sell gold, and any person who buys gold from any child apparently under the age of Fifteen years shall be guilty of an offence against this Act.

Gold.

24 In any proceedings against any person for acting as a gold-buyer, or carrying on the business of buying gold contrary to the provisions of this Act, such person shall be deemed to be unlicensed unless at the hearing of the case he produces his licence or proves to the satisfaction of the magistrate or justices that he is a licensed gold-buyer.

A.D. 1909.

Person deemed to be unlicensed if not producing licence.

25—(1.) No person except—

i. A licensee : or

ii. A mining company registered under “The Mining Companies Act, 1884,” or “The Mining Companies (Foreign) Act”—

Registration of appliance for treating gold.
48 Vict. No. 15.
48 Vict. No 16.

shall have any appliance for treatment of gold or smelting of gold, whether in use or not, in his possession or under his control, or upon any premises used or occupied by him, unless his full name, address, and signature, and the particulars and situation of the appliance, are registered at the police-station nearest to his address, and he is in possession of a certificate of such registration signed by the member of the police force in charge of such police-station.

(2.) A duplicate of such certificate shall be sent by such member of the police force to the Commissioner of Police and to the inspector of mines for the district wherein the appliance is kept, and to the Secretary of Mines.

(3.) This section does not apply to schools of mines or to the stocks of vendors and manufacturers of mining appliances held in the ordinary course of trade and not used.

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

Penalty for non-performance of provisions of this Act.

27 Any person who offers gold for sale or for smelting or assaying, or who has gold in his possession or control, or who has sold any gold, or for whom any gold has been smelted or assayed, or who in any proceeding under this section states that he gave or entrusted, or is alleged to have given or entrusted, the gold to the defendant, may be required by a licensed gold-buyer or a gold-assayer to whom the gold is or was offered, or by whom the gold was bought or smelted or assayed, or any member of the police force or a justice, to satisfy him that such person came lawfully by the same, or that the same was obtained from the claim or works mentioned in the entry (if any) signed by him; and if he shall not so satisfy such gold-buyer, gold-assayer, or member, or justice, proceedings for an offence against this Act may be taken against such person upon the information of such gold-buyer, gold-assayer, or member, or by direction of such justice; and upon the hearing, unless such person satisfies the court that he honestly came by the same, he shall be convicted of an offence against this Act.

Person in possession of gold to account for same.

Gold.

A.D. 1909.

—
Untrue statement
by seller.

28 If any entry in a "Gold Register Book" signed by or on behalf of a seller is untrue or incomplete in any particular, or 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 statement
by witness to sale.

29 If any person signs on behalf of a seller, or as a witness, any entry 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 in a "Gold Register Book" or signing the same is generally known is not disclosed therein, or if he was not requested by the seller to sign the seller's name on his behalf, such person shall be guilty of an offence against this Act.

Untrue entries by
buyer or smelter.

30 If any licensee buys, sells, receives, or delivers, gold knowing or having reasonable grounds to believe or suspect that any entry in a "Gold Register Book" is untrue or incomplete in any particular, or that the name by which any person mentioned in the entry or signing of the same is generally known is not disclosed therein, he and the person for whom he acts shall be guilty of an offence against this Act.

Untrue state-
ments to the
Minister.

31 If any notice or statement, or copy posted or sent or delivered to the Minister or the Secretary for Mines or member of the police force, or to the mint, or to any inspector of mines, or any public officer, is untrue or incomplete in any substantial particular, or 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, the person selling the gold, or posting, sending, or delivering the notice or copy or statement, and the person (if any) for whom he acts, shall be guilty of an offence under this Act.

Penalty for
offence against
Act.

32—(1.) Every person guilty of an offence against any of the provisions of this Act for which no punishment is 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 any penalty not exceeding One hundred Pounds, or to imprisonment for any term not exceeding Six months; and if a licensee, his licence shall, on a Second conviction, *ipso facto*, become void as if the same had been actually revoked.

(2.) Gold in possession of the police or any informant which is the subject of a prosecution shall, on the conviction of the person charged, be given back to the owner if he is known; otherwise such gold is hereby declared to be forfeited to the State. When gold is so forfeited, there may be paid out of the proceeds thereof, if so ordered by the Minister, the cost and expenses of the prosecution and such sum or sums as he may award to any person affording any information or aid in the obtaining of the conviction,

Gold.

33 Any inspector of mines or any member of the police force, or any person thereto authorised by the Minister, may take proceedings against any licensed gold-buyer or any person for any contravention of this Act. In any proceedings no proof shall be required of any authority under this section. A.D. 1903
Enforcement.

34 The Governor may from time to time make regulations prescribing— Regulations.

- i. The form of licences, of applications for licences, and renewals of licences :
- ii. The notices to be given by applicants :
- iii. The books to be kept by a licensee, and the form of entries to be made therein :
- iv. By whom such entries shall be signed or certified, and for the identification of any party to a transaction or person signing any entry :
- v. The notification by licensees of the address of their place of business and of any change in such address :
- vi. The notification by every licensee upon the outside of his place of business of his name and the nature of his business :
- vii. The returns which shall be furnished by the licensee, the time and manner of furnishing such returns, and the persons or authorities to whom the same shall be furnished :
- viii. The form of declaration required to be made by any person tendering to a licensee any gold for sale or otherwise :
- ix. Any alterations in the schedules to this Act which may be necessary or desirable :
- x. Anything authorised by this Act to be prescribed :

and generally for carrying into effect the provisions of this Act.

35 In any proceedings against any person licensed under this Act for any failure to comply with any of the requirements thereof the burden of proof that such requirements have been complied with shall be on the defendant. Burden of proof.

36 Where a member of the police force makes information in writing on oath that he has reasonable cause to believe and does believe that any person not being licensed so to do has bought gold, or that any crushing, smelting, or assaying appliances are unlawfully in the possession or under the control of any person, a police magistrate may issue his warrant to such member authorising him, with such assistance as may be necessary, to search any premises specified in such warrant, and to take possession of any such gold, or such crushing, smelting, or assaying appliances, and to apprehend any person not being so licensed, or any person in whose possession or under whose control such Warrant to search premises for gold, &c., unlawfully in possession.

Gold.

A.D. 1909.
—

appliances may be found, and to take any such person before a justice to be dealt with according to law.

Accomplice.

37 No member of the police force or person, if such member or person is acting under instructions from any officer of police, shall be deemed to be an offender or accomplice in the commission of any offence against any of the provisions of this Act, although such member or person might but for this section have been deemed to be such an offender or accomplice.

Procedure.
19 Vict. No. 8.

38 All offences against the provisions of this Act or the regulations, and all penalties, forfeitures, costs, sums of money, and expenses under the provisions of this Act or the regulations, may, unless otherwise provided, be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

Gold.

A.D. 1909.

(2.)

GOLD-BUYER'S GENERAL LICENCE FOR A BANK.

I, _____ Minister for Mines for the State of Tasmania, by virtue of the powers conferred upon me under the provisions of "The Gold Act, 1909," do hereby grant to the [*here state name of bank*] carrying on business at its Head Office at _____, and at the branches described on the back hereof, a licence to buy gold under the provisions of the said Act, at the Head Office and any of the said branches, until the 31st day of December, 19 _____.

Given under my hand, at Hobart, this _____ day of _____ 19 _____.

Minister for Mines.

List of Branches Licensed and Names of Present Managers Thereof.

Place where Branch established.	Name of Manager.