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[CONFIDENTIAL.]

No. , 1918.

A BILL

To regulate and license the purchase and sale of gold, silver, and precious stones, and the assaying and smelting of gold and silver; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Gold Buyers Act, Short title. 1918."

2. In this Act, unless the context or subject-matter otherwise indicates,—

“Bank” means company, firm, or association carrying on the ordinary business of banking in New South Wales.

“Buy” and “purchase” and “sell” respectively include exchange, barter, or other dealing.

“Gold” includes unwrought gold, gold alloys, gold bullion, gold amalgam, retorted gold, copper plates retaining or containing gold, and all ores, concentrates, and products containing gold in sufficient quantity to pay for treatment, but does not include money or wrought gold.

“License” means license issued under this Act.

“Licensee” means holder of a license, and, where the license is issued to a bank, includes the manager, accountant, or officer in charge of an office of the bank mentioned in the license.

“Precious stones” means such precious stones of marketable value as the Governor may, by proclamation in the Gazette, declare to be precious stones within the meaning of this Act, but does not include precious stones which have been polished or cut and manufactured into merchantable articles of use or ornament; or which have been polished or cut bona fide for the purpose of such manufacture.

“Smelting” includes the treating of ores, earths, tailings, concentrates, or the products of smelting for the extraction of the gold or silver therein, or any process in connection with such treatment, but does not include the assaying of small quantities of ores, earths, tailings, concentrates, or products for the purpose only of estimating the mineral contents thereof.

“Prescribed” means prescribed by this Act or by regulations made thereunder.

“Registered premises” means premises the address of which is registered in pursuance of this Act.

“Silver” includes unwrought silver, silver alloys, silver bullion, silver amalgam, retorted silver, and

and all 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 in its then form is a merchantable article of use or ornament, or is bona fide in process of manufacture into such an article.

3. This Act shall not, except where expressly provided, apply to the buying of gold or silver, or the buying or selling of precious stones, or the smelting of gold or silver by any officer in the service of the Crown, or by any member of the teaching staff of the University of Sydney, or any of the colleges within the said University, or of any college or school maintained by the Government. Savings.

Buying and smelting.

4. (1) Except in the cases hereinafter specifically provided, no person other than a licensee in that behalf shall— Licensee alone may buy.

- (a) buy gold or silver; or
- (b) buy or sell precious stones; or
- (c) carry on the business of smelting gold or silver. Savings as to buying.

(2) Any person may, without a license, but subject to this Act, buy from His Majesty’s Mint or from any bank gold or silver for his own manufacturing purposes in the ordinary course of his business, and may smelt any gold or silver so bought.

(3) Any person may, without a license, but subject to this Act, smelt any ore, earth, tailings, concentrates, or products containing gold or silver which have been taken out of ground owned by him, or comprised in a claim, lease, or other title held by him under any Act relating to mining. As to smelting.

Licenses and registration.

5. (1) The Minister, on application as prescribed, may issue a license authorising the licensee to buy gold, silver, or precious stones, as may be mentioned in the license. Issue of buyers’ licenses.

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(2) The Minister, on application as prescribed, may issue a license authorising the licensee to carry on the business of smelting gold and silver. Smelting licenses.

(3) A license issued to a bank shall mention the offices of the bank to which the license is to apply. Licenses to banks. Additional branch offices of a bank may, after the issue of the license, be inserted therein as prescribed, on payment of the prescribed fee.

6. (1) In an application for a license there shall be stated the address of the premises at which it is proposed that the licensee shall carry on the business of buying or smelting in pursuance of the license. Applications for licenses.

Such address shall be inserted in the license, and shall be registered in the Department of Mines, Sydney.

(2) A licensee shall forthwith cause any change of such address to be registered as aforesaid, and shall, if required, produce the license in order that such change of address may be inserted therein. If he fails to do so he shall be liable to a penalty not exceeding pounds. Change of address.

(3) The applicant for a license shall produce the prescribed evidence as to character. Evidence of character.

7. (1) Every license may be renewed and shall, unless sooner cancelled or suspended, be in force until the thirty-first day of December in the year in which the same has been issued or renewed. Renewal of license.

(2) Every license shall be registered in the Department of Mines, Sydney. Registration.

(3) There shall be paid on the issue or renewal of a license the prescribed fee, not exceeding that specified in the Schedule to this Act. Fees.

8. (1) If complaint is made to the Minister that a licensee is an unfit or improper person to hold a license, the Minister may cause inquiry to be made into such complaint by a warden under the Mining Act, 1906, who shall hold the inquiry in open court and shall have the powers of a warden's court. Cancellation or suspension of licenses.

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

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(3) The licensee may attend the inquiry by himself, his counsel, solicitor, or agent.

(4) The warden may cancel or suspend the license.

Duties of licensees and other persons.

9. A licensee shall not buy gold, silver, or buy or sell precious stones, or smelt gold or silver except at his registered premises. Buying and smelting at registered premises.

10. (1) A licensee shall personally conduct every transaction relating to the purchase of gold, silver, or precious stones, or to the smelting of gold or silver. Conduct of purchase.

(2) A licensee who purchases or receives into his possession any gold, silver, or precious stones, or smelts any gold or silver, shall keep a book in his registered premises and enter therein the prescribed particulars of the transaction. Every such entry shall be signed by or on behalf of both buyer and seller or by the depositor or smelter. Buyer's book.

(3) If any person wilfully makes or causes to be made any false or incomplete entry in any such book he shall be guilty of an offence against this Act. False entry in book.

11. A licensee shall not, by himself or any other person on his behalf, permit or suffer any seller of gold, silver, or precious stones, or any person bringing gold or silver for smelting, sale, or deposit, to enter or leave his premises except by the front door thereof. Seller to enter by front door.

12. A person who is licensed to buy gold or silver shall not buy smelted gold or silver unless the seller supplies him with a certificate signed by the smelter giving the prescribed particulars descriptive of the gold or silver which he smelted, and stating the name of the person from whom he received it. Purchase of smelted gold or silver.

A licensed smelter shall supply such certificate to any person for whom he smelts gold or silver, or to whom he sells smelted gold or silver.

13. A licensee or any officer of His Majesty's Mint may require any person tendering to him any gold or silver for sale, assay, smelting, or coining, or any precious stones for sale, to make a statutory declaration in the form prescribed specifying the name of the state Declaration of origin of gold or silver offered for sale.

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or country, and the mining district in which, and the mine from which such gold, silver, or precious stones were obtained.

14. Any member of the police force may at any reasonable time enter any registered premises and inspect any gold, silver, and precious stones therein, and any book prescribed to be kept, and may take extracts therefrom.

Power to enter registered premises.

15. A licensee shall,—

Duties of licensees.

- (a) when called upon by any member of the police force or any person authorised in writing by the Minister, produce any book required to be kept by him under this Act or the regulations, and any gold, silver, or precious stones purchased or received by him and then in his possession, and shall, except in the case of an officer of a bank, produce his license ;
- (b) without delay give to the officer or member of the police force on duty at the police station nearest to his registered premises notice of any gold, silver, or precious stones then in his possession answering the description of any such article in any written information given to him by any member of the police force as having been stolen or fraudulently obtained ;
- (c) keep all gold, silver, and precious stones purchased or received by him without changing the form in which they were when so purchased or received and without disposing of the same in any way for a period of seven days after such purchase or receiving.

16. A licensee shall, after the close of such period as may be prescribed, forward by post to the Secretary for Mines a copy certified by him as correct of all entries made during such period in any book prescribed to be kept in pursuance of this Act or the regulations. If he fails to do so he shall be liable to a penalty not exceeding pounds.

Copy of entries to be sent to Minister.

Penalties

Penalties and supplemental.

17. Where the Acts directs or prohibits the doing of anything, and any person omits to do the act so directed to be done, or does the act so prohibited, such person shall be deemed to be guilty of an offence against this Act. Offence against this Act.

18. Every person guilty of an offence against this Act shall, where no penalty is expressly imposed, be liable on conviction to a penalty not exceeding *one hundred* pounds, or to imprisonment for a term not exceeding *six* months, and if a licensee, his license shall on a second conviction, ipso facto, become void. Penalty for such offence.

19. In any prosecution for an offence against this Act or the regulations, proof that the defendant has in his possession any plant or machinery suitable for smelting gold or silver, or that he smelts gold or silver, shall be prima facie evidence that he carries on the business of smelting gold or silver. Evidence of smelting.

20. (1) The Governor may make regulations prescribing— Regulations.

- (a) the form of licenses and renewals of licenses and applications for the same;
- (b) the evidence of character to be produced by applicants for licenses, and the qualifications of such applicants;
- (c) the conditions under which licenses may be issued;
- (d) the mode of registering licenses and registering addresses and change of addresses of premises, and the fees to be paid for such registration;
- (e) the books and entries to be kept and made in pursuance of this Act;
- (f) the returns to be furnished by licensees, and the time and manner of furnishing such returns;
- (g) all other things necessary for the purpose of giving effect to the provisions of this Act;
- (h) the penalties which may be imposed for any contravention of the regulations.

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(2) All such regulations shall be laid before both Houses of Parliament within fourteen days after the publication of the same in the Gazette if Parliament is then sitting, and if not, then within fourteen days after the commencement of the next session of Parliament.

21. Penalties under this Act or the regulations may be recovered before a stipendiary or police magistrate or any two justices in petty sessions. Recovery of penalties.

SCHEDULE.

Maximum fees for licensees.
