

WESTERN AUSTRALIA.

## GOLD BUYERS.

12° Geo. V., No. XXVIII.

No. 28 of 1921.

[As amended by Act No. 83 of 1948(a) and reprinted pursuant to the Amendments Incorporation Act, 1938.]

**AN ACT to amend the law relating to Gold Buyers and Assayers, and for other purposes.**

[Assented to 21st December, 1921.]

**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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Gold Buyers Act, 1921-1948*, and shall come into operation on the first day of January, One thousand nine hundred and twenty-two.

Short title and commencement.

2. The sections of the Mining Act, 1904,<sup>1</sup> mentioned in the First Schedule to this Act are hereby repealed.

Repeal Schedule I.

3. In the construction of this Act, unless inconsistent with the context or subject-matter—

“Bank” means an incorporated bank, or any company which by law is entitled to assume or use the title of Bank or Banking Company, and any reference to a person shall include a bank.

Interpretation.  
Amended by No. 83 of 1948, s. 3.  
[See Vic. No. 2662, s. 3.]

(a) Assented to 26th January, 1949.

<sup>1</sup> Now Mining Act, 1904-1955.

*Gold Buyers.*

- “Buy” and “Purchase” include respectively any exchange, pledge, mortgage, or dealing in gold.
- “Gold” or “Unwrought Gold” means gold alloys, gold, gold bullion, gold amalgam, retorted gold, smelted gold, but does not include assay beads and cornets, or coined or wrought gold.
- “Gold Assayer” means a person who has such qualifications as are prescribed and who assays or smelts gold.
- “Gold Buyer” means a person who buys gold, and includes a bank.
- “Gold Matter” means copper plates, slags, magnetings, battery or assay office sweepings or refuse, concentrates, precipitates, or any other matter containing gold as the result of the treatment of ores, and sand slimes and other residues the product of treatment of ores, and gold ore.
- “License” means a valid and unexpired annual license under this Act, which license is not suspended.
- “Licensee” means the holder of a valid and unexpired annual license under this Act, which license is not suspended.
- “Magistrate” means a Resident Magistrate or Police Magistrate.
- “Minister” means the Minister for Mines.
- “Prescribed” means prescribed by this Act or any regulations under this Act.
- “Sell” includes exchange, pledge, mortgage and deal in.
- “Seller” includes any person acting or representing himself to be acting for a seller.
- “Warden” means a Warden duly appointed under the Mining Act, 1904,<sup>1</sup> and in districts outside the boundaries of a proclaimed gold-field includes a magistrate.

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<sup>1</sup> Now Mining Act, 1904-1955.

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

4. The Governor may, by Order in Council, exempt any defined portion of the State from the operation of all or any of the provisions of this Act, but any such Order may in like manner be varied or revoked.

Parts of the State may be exempted from provisions of Act.

*Gold Buyer's License, Gold Assayer's License, License to deal in Gold Matter.*

5. Except so far as is otherwise expressly enacted—

Licenses. Amended by No. 83 of 1948, s. 4.

(1) No person shall buy any gold unless he is the holder of a license as a gold buyer.

[See Vic. No. 2662, s. 3.]

(2) No person shall assay or smelt gold or gold matter unless he is the holder of a license as a gold assayer.

(3) No person except a bank shall hold a gold buyer's license.

(4) No licensed assayer shall sell gold, and no person shall sell gold for him except as may be prescribed.

(5) No person shall buy gold matter, except as prescribed by section seventeen of this Act, unless he is the holder of a license to deal in gold matter. A dealer in gold matter when licensed may sell gold matter or buy gold matter and may smelt and sell gold the product of any such gold matter.

(6) [*Paragraph (6) deleted by No. 83 of 1948, s. 4.*]

*Applications for Licenses or Renewals of Licenses.*

6. (1) Any person, except as otherwise provided, who desires to obtain a license as a gold assayer or dealer in gold matter, shall deliver to the Mining Registrar of the goldfield or mineral field where the applicant's proposed place of business is situated, an application in such form as may be prescribed.

Application for license. [See Vic. No. 2662, s. 7.]

(2) The applicant shall post in a conspicuous place on the notice board of the Warden's office a copy of such notice, and also a notification of the day on which such application will be heard by the Warden, and advertise such notice of application in one issue of a newspaper generally circulating in the locality.

Warden may grant certificate.

[See Vic. No. 2662, s. 8.]

Amended by No. 83 of 1948, s. 5.

7. At any sittings of the Warden's Court held not less than seven days after the delivery and advertising of such notice, if the Warden is satisfied—

- (a) as to the character of the applicant; and
- (b) that the premises where the applicant intends to assay or smelt gold or gold matter or carry on business as a dealer in gold matter are suitably situated, and are suitable for such purposes, and that there is not on such premises any facility, means, or appliance for buying, selling, assaying, smelting, or handling gold or gold matter illicitly, or in contravention of the provisions of this Act; and
- (c) that the provisions and requirements of this Act have been complied with in reference to the application;

the Warden may, in his discretion, issue to the applicant, in such form as may be prescribed, a certificate authorising such person to obtain a license to assay and smelt gold or gold matter or deal in gold matter, as the case may be, at the premises specified in such certificate.

Provided that no certificate or license shall be issued to any Asiatic or African alien, nor to any person of Asiatic or African race claiming to be a British subject, without the authority in writing of the Minister first obtained, nor to any manufacturer of jewellery or other manufacturer of gold.

Issue of license.  
[See Vic. No. 2662, s. 11.]

8. (1) Every certificate issued to an applicant for a license, or renewal of a license, shall be void unless the fee payable in respect thereof shall be paid to the Mining Registrar within fourteen days after the granting of such certificate.

(2) The Mining Registrar shall, forthwith after receipt of the certificate and such payment, issue such license as is authorised by the certificate, and shall forthwith report to the Under Secretary for Mines the issue of such license.

9. (1) A certificate for the renewal of a license for a further period of twelve months from the expiration of the original license, or of the last renewal, as the case may be, may be issued at any sittings of a Warden's Court, if the licensee applies for such renewal during the month of December, and if the Warden is satisfied, by evidence on oath (if the application is opposed), that the licensee is a fit person to continue to hold such a license, and that the premises are fit for the purpose for which they are required. Such notice of the application shall be given as may be prescribed.

Renewal.  
[See Vic.  
No. 2662,  
s. 12.]

(2) Such certificate, when issued, shall be dealt with in the same manner as a certificate for an original license.

10. At any time during any year the Warden's Court, on payment of a fee of ten shillings, may, by endorsement on any license, transfer the license from the premises specified in the license to any other premises which appear to the Warden to be suitable and to be in accordance with the requirements of section seven of this Act.

Transfer.  
[See Vic.  
No. 2662,  
s. 13.]

11. Upon the hearing of any application for a license, or for the transfer or renewal of a license, any police officer or other person may be heard to show cause against the granting of such application.

Opposition  
to applica-  
tion.  
[See Vic.  
No. 2662,  
s. 13.]

*License Fees.*

12. (1) For every license granted to or renewed by a gold assayer or a dealer in gold matter there shall be paid by such person a fee of twenty shillings.

Fees.  
[See Vic.  
No. 2662,  
s. 13.]

(2) Any such license may be granted to, or renewed by, the principal officer of a School of Mines, or the manager of a Government battery, smelting works, or ore-treatment plant, without payment of any fee.

*Registration.*

**Registration.**  
[See Vlc.  
No. 2662,  
s. 16.]

13. The Mining Registrar of the Warden's Court at which a certificate for the issue or renewal of any license is granted, or at which any license is revoked, shall enter the particulars of the same, in such form as may be prescribed, in a register to be kept by him, and which shall be open for inspection.

*Revocation and Suspension of Licenses.*

**Application  
for revoca-  
tion or  
suspension.**  
[See Vlc.  
No. 2662,  
s. 17.]

14. (1) A Warden may take into consideration any application that the license held by any person under the provisions hereinbefore contained should be revoked or suspended, and may make such order as to costs against any party to the application as to such Warden seems fit.

(2) If the Warden is satisfied that reasonable notice of the application has been given to such licensed person, and that he has been guilty of any such contravention of the provisions of this Act as render him unfit to hold a license, or his premises are unsuitable, the Warden may, whether such licensed person appears before him or not, revoke or suspend such license. Notice of any such revocation or suspension shall forthwith be sent to the Under Secretary for Mines.

(3) At the hearing of any such application to revoke or suspend a license, the holder of such license shall, if so ordered by the Warden, deliver up such license to the Mining Registrar, and such license, if revoked, shall be cancelled by him. If any licensee fails or omits to deliver up his license in accordance with such order, he shall be guilty of an offence against this Act, but the revocation or suspension of the license shall be effectual notwithstanding such failure or omission to deliver up the license.

Banks.

15. (1) The Minister may grant or renew to any bank—

Licenses to banks.  
[See Vic. No. 2662, s. 18.]

- (a) a gold buyer's license on the payment for such license or the renewal thereof of a fee of twenty shillings for the principal officer of such bank, and of a like fee for each license or the renewal thereof for each branch or agency; or
- (b) on a like payment, a general gold buyer's license accompanied by a list showing each branch or agency to which the license shall apply.

(2) Each such general license shall be granted in the form in the second schedule of this Act, or in such form as may be prescribed, and shall be available for use at every branch or agency named therein.

Schedule 2.

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

(4) Should it be desired to add an additional branch or branches, or agency or agencies, to such license during its currency, this may be done, on application in writing, and payment of a fee *pro rata* for the unexpired period of the license calculated as from the beginning of the quarter in which application is made, and such fee shall not be less than five shillings.

Special License.

16. (1) The Minister, on the application of a bank, or after notice to the licensed banks, and subject to such terms and conditions as may be prescribed, and on payment of a fee of twenty shillings per annum, may grant a special gold buyer's license to any person in any part of Western Australia.

Special licenses.

(2) Every such license shall describe and limit the locality for which it is issued, and shall, within the locality described therein, be deemed to be for all purposes a gold buyer's license.

(3) The Minister may at any time revoke any such license.

*Treatment Works, Schools of Mines, etc.*

Licenses for  
treatment  
works, etc.  
Amended by  
No. 83 of  
1948, s. 6.  
[See Vic.  
No. 2862,  
s. 19.]

17. (1) The Minister may—

- (a) issue a gold assayer's license to the principal officer of any School of Mines or any manager of a Government battery, smelting works, or ore-treatment plant; or
- (b) on payment of a license fee of twenty shillings, issue a gold assayer's license to the proprietor or the manager on his behalf, of any crushing battery or treatment works; and such gold assayer's license shall entitle the holder thereof to smelt and assay gold or gold matter obtained from material crushed or treated the product of the mining tenement of which the proprietor is the registered holder, or for any company, leaseholder, claimholder, holder of a prospecting area, or registered tributer. For any gold so smelted or assayed a certificate in such form as may be prescribed shall be given; and such certificate shall, so far as concerns his own gold state whence such gold was obtained, and in the case of gold the product of ores treated for such other persons, the lease, claim, or area from which they state it was obtained. Such gold assayer's license shall entitle the holder thereof to sell gold the product of his own crushing battery or treatment works.

(2) A gold assayer's license issued under this section shall entitle the holder thereof to buy gold ores, concentrates, sands, or slimes from any leaseholder, claim holder, holder of a prospecting area or



registered tributer, if it is proved by the licensee 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 gold ores, concentrates, sands, or slimes containing gold were produced from and taken out of the ground comprised in the lease, claim, prospecting or tribute area of which the seller is the registered holder, and which lease, claim, or prospecting or tribute area is sufficiently described in the contract.

(3) A licensed gold assayer under this section shall keep a gold entry book, in the form prescribed, 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.

(4) The Minister may, at any time, on the payment of a fee of ten shillings, transfer any gold assayer's license issued under this section to any other person qualified to receive such license under this section.

(5) The provisions of this Act relating to the holders of gold assayers' licenses shall, so far as they are consistent with this section, equally apply to licenses issued under this section and to the holder thereof.

(6) No person, except the owner or manager of a smelting furnace suitable for the extraction of gold, and of a capacity of not less than twenty tons of ore per day, shall hold a license as a dealer in gold matter and also a gold assayer's license under this section.

(7) A license under this section may, at any time, be called in and cancelled by the Minister, and shall, after it is called in for cancellation, have no force or effect.

(8) A gold assayer's license issued under this section, other than to a school of mines or a Government battery, smelting works, or ore-treatment plant, shall *ipso facto* become null and void, and be

cancelled, should the crushing battery or treatment works owned or managed by the licensee cease to be in active use for a period of three consecutive calendar months, but may be renewed on application to the Minister without payment of additional fees.

*Regulation of Licensed Gold Buyers, Gold Assayers, and Dealers in Gold Matter.*

Gold entry book.  
Amended by No. 83 of 1948, s. 7.  
[See Vic. No. 2662, s. 23.]

18. (1) A gold entry book, in the form prescribed, shall be kept at the place of business of every licensed gold buyer, or licensed gold assayer, or licensed dealer in gold matter, and at the head office and at every branch or agency of a bank holding a license.

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

(3) Any person who acts in contravention of or fails to comply with any of the provisions of this section commits an offence.

Penalty—One hundred pounds.

Regulations to be observed by licensees.  
See *Ibid.*, s. 24.

19. Every licensed gold buyer, or licensed gold assayer, or licensed dealer in gold matter, shall—

- (1) have his name, or the name of the bank, together with the words "licensed gold buyer" or "licensed gold assayer" or "licensed dealer in gold matter" painted distinctly, in letters of not less than two inches in length, near the front door of the place of business belonging to or occupied

by him in such business as a gold buyer, or gold assayer, or dealer in gold matter; if he does not he shall be liable to a penalty of not more than Twenty pounds;

- (2) keep a book or books fairly made out in the form prescribed, and shall enter therein an account of all such gold, or gold ore, or gold matter as he from time to time becomes possessed of, except bullion samples left by a bank for assay, 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 Under 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 succeeding subsection in such book during the said month. If he does not, he 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 nor more than One hundred pounds, or to imprisonment with or without hard labour for a term of not more than six months. As regards any entry made by a licensed gold buyer or licensed gold assayer or licensed dealer in gold matter in a gold entry book, it shall be the duty of such licensee to take all reasonable means to ascertain and record the particulars required to be entered in pursuance of the provisions of this subsection;
- (3) enter in such book an account of all such gold or gold matter as he from time to time sells, smelts, or disposes 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 disposed of the same, adding a true description of such

last-mentioned person's business and precise place of abode. If he does not, he 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 nor more than one hundred pounds, or to imprisonment with or without hard labour for a term of not more than six months;

- (4) not by himself, or any other person on his behalf, permit or suffer any buyer or seller of gold or gold matter, or any person bringing gold or gold matter for assay or smelting or for the purpose of selling, to enter or leave the licensed premises except by the front door thereof. If he does so, he 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 nor more than twenty pounds;
- (5) produce to any officer of the police force, or any member thereof generally authorised in writing by such an officer, whenever thereto requested, his license and the book or books required to be kept as aforesaid, and any gold or gold matter purchased or received by him then in his possession; and such book or books or gold or gold matter shall be deemed to be in the possession of such dealer when they are placed in any house, out-house, yard, garden or place occupied by him, or have been removed with his knowledge and permission to any other place without a *bona fide* sale of such gold or gold matter having been made by him;
- (6) without delay give notice to the officer or member of the police force on duty at the police station nearest to any place where he carries on business of any gold or gold matter then in his possession, or which

thereafter comes into his possession answering the description of any gold or gold matter described as having been stolen, embezzled, or fraudulently obtained, in or by any printed or written information given to him by any member of the police force;

- (7) keep all gold or gold matter purchased or received by him without changing the form in which it was when so received or offered to him for purchase or receiving, and without disposing of the same in any way, for a period of three days after such gold or gold matter has been purchased; and
- (8) except so far as is otherwise provided, for any act or default contrary to any of the three last preceding subsections be liable for a first offence to a penalty of not less than ten shillings nor more than five pounds, and for every subsequent offence to a penalty of not less than five pounds nor more than twenty pounds, or to imprisonment with or without hard labour for a term of not more than three months.
- (9) Provided that when gold is forwarded by post or police escort to a bank licensed under this Act, the sender may make a statutory declaration, in the prescribed form, of the name and address of the buyer and seller, and of such other particulars as may be prescribed; and such declaration when filed in the gold entry book shall be in lieu of an entry under this and the last preceding section.
- (10) Every person making an inspection under this section shall keep secret and aid in preserving secrecy with regard to all matters which may come to his knowledge in his official capacity, and shall not communicate any such matter to any other person except in the performance of his duties. Any person acting contrary to this subsection shall be liable to a penalty not exceeding fifty pounds.

Declaration  
when gold  
sent by post  
or escort.  
See 1904,  
No. 15, s. 217.

Entries in books deemed to be made by licensee. [See Vic. No. 2662, s. 25.]

20. Any entry in a book belonging to a licensee shall be made at the time of the transaction to which it relates, and shall be deemed, unless the contrary is shown, to have been made by or with the authority of such licensee.

Penalty for false entry. [See Vic. No. 2662, s. 26.]

21. Every licensee who wilfully makes a false entry, and every person who causes a false entry to be made, in a "gold entry book," shall be liable to imprisonment with or without hard labour for a term of not more than six months, or to a penalty of not more than one hundred pounds.

Purchase of gold. Amended by No. 83 of 1948, s. 8. [See Vic. No. 2662, s. 27.]

22. (1) No licensed gold buyer shall buy smelted gold unless the seller thereof supplies to him the appropriate licensee's certificate showing where the gold was obtained from and from whom the smelter received it.

(2) Every licensed gold assayer shall give a certificate as to any gold smelted by him to the person for whom such smelting is done.

(3) No licensed gold buyer shall pay for gold and 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.

(4) Any person who acts in contravention of or fails to comply with any of the provisions of this section commits an offence:

Penalty—One hundred pounds.

Licensee may take declaration from seller. Amended by No. 83 of 1948, s. 9. [See Vic. No. 2662, s. 28.]

23. (1) A licensee may require any person tendering to him for sale, or smelting any gold or gold matter, 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 mining district and the division thereof wherein is situated the mine, claim, or place from which such gold or gold matter was obtained.

(2) Any person who knowingly, wilfully, and corruptly makes any false declaration before any licensee as provided in the next preceding subsection shall be deemed to be guilty of a misdemeanour, and section one hundred and seventy of the Criminal Code shall apply.

(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 such 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 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 subsection of this section, a licensed gold buyer or licensed dealer in gold matter, before buying gold or gold matter from any person, shall assure himself that such person is entitled to sell the same; and, except in the case of a person who is personally known to him to be of good repute, he shall require such person to produce a certificate from some well-known reputable person that he believes the person offering or selling such gold or gold matter obtained it honestly.

24. No licensed gold buyer shall buy gold, and no licensed gold assayer smelt gold or gold matter, at any other place than the premises on which he carries on his business.

Gold not to be bought except at place of business.  
Amended by No. 83 of 1948, s. 10.  
[See Vic. No. 2662, s. 30.]

Penalty—One hundred pounds, or imprisonment for a term of six months.

*Provision for Lost Licenses.*

25. Upon proof being made before a Warden by affidavit of any licensee that any license held by him has not been transferred or forfeited, and has been lost or accidentally burnt or otherwise destroyed

Lost licenses.  
[See Vic. No. 2662, s. 33.]

before the same has expired, and upon such Warden certifying that he is satisfied with such proof, the authority who issued the original license may cause a new license to be made in place of the one so lost or destroyed, and to be delivered to such person, upon his paying such sum therefor as may be prescribed.

*Provision for Smelting and Sale by Registered Holders of Miners' Rights and Leaseholders.*

Provision for smelting by holders of miners' rights. Amended by No. 83 of 1948, s. 11. [See Vic. No. 2662, s. 35.]

26. (1) Any holder of a miner's right, or registered holder of a gold mining lease not being the owner or part owner of a battery or treatment plant in the district in which his lease is situated, who prospects or mines for gold on his own behalf only, may smelt any gold or gold matter obtained by himself by gold mining, if his full name, address and signature, and particulars of any appliance in his possession or control for treating or smelting gold or gold matter, whether in use or not, are registered at the police station nearest to his address, and if he is in possession of a prescribed certificate of such registration signed by the member of the police force in charge of such police station, and such registration is for the time being in force.

(2) Such registration shall not be effected or renewed by such member of the police force unless and until the said holder has lodged at the police station a declaration in such form as may be prescribed, signed in the presence of and witnessed by any member of the police force or any other person whomsoever, setting out—

- (a) his full name, address, and signature;
- (b) the locality where he intends to prospect or mine;
- (c) the nature of appliances for treating or smelting gold or gold matter which are in his possession or under his control or upon any premises used or occupied by him;
- (d) that he undertakes not to smelt gold or gold matter for or obtained by any other person; and



- (e) that he undertakes at any time on the written request of the Minister to return the certificate of registration to the police station from which it was issued.

(3) If any person in any such declaration makes any untrue statement, or if he prospects or mines elsewhere than in the locality specified in his declaration, or fails to comply with any of his undertaking therein, he shall be guilty of an offence against this Act.

(4) A registration under this section shall have no force or effect after the thirty-first day of December in the year in which it is registered; and a certificate of registration may at any time be called in and cancelled by the Minister, and shall, after it is called in for cancellation, have no force or effect.

(5) It shall not be necessary for a person registered under this section to keep a gold entry book.

(6) A person registered under this section may, on production of his certificate from the police, sell his gold to any gold buyer without supplying a gold assayer's certificate therewith, but he shall not be exempted from the operations of the provisions of section twenty-three of this Act.

(7) The power contained in this Act to make and publish regulations shall be taken to include power to make and publish regulations prescribing the forms of declaration and certificates of registration hereunder, and for keeping a central record of all registrations in force.

(8) A person registered under this section shall not be deemed a gold assayer as defined in this Act.

(9) Any person may at any time during business hours inspect without payment all registrations made at any police station in pursuance of this section.

*Provision for Purchases by Jewellers, etc.*

Purchases by  
Jewellers,  
etc.

Amended by  
No. 83 of  
1948, s. 12.

[See Vic.  
No. 2662,  
s. 37.]

27. (1) Notwithstanding anything in this Act contained, any manufacturer of jewellery or other manufacturer of gold may, without a license, buy from His Majesty's Mint or any bank gold or wrought gold for his own manufacturing purposes in the ordinary course of his business; and may, in such ordinary course, smelt such gold or wrought gold; and upon any change of ownership of the business, gold or wrought gold which has been smelted may pass with the other assets of the business to his successor.

(2) Every manufacturer of jewellery or other manufacturer of gold who buy or smelts gold or wrought gold shall keep a book, to be called a gold entry book, in the form prescribed, and shall comply with the provisions of sections eighteen and nineteen of this Act as if expressly named therein, and in respect of every such purchase shall make the entries and observe the provisions prescribed by the said sections.

*Provision for Assaying, etc., at University and Schools of Mines.*

Provisions  
as to  
University  
and colleges.  
[See Vic.  
No. 2662,  
s. 38.]

28. No license shall be required to assay or smelt samples of gold for experimental purposes in any public department of the State, or at the University or any college affiliated thereto, or at any technical school, school of mines, or working men's college.

*Purchase of Wrought Gold.*

Licenses for  
buyers of  
wrought  
gold.

Amended by  
No. 83 of  
1948, s. 13.

[See Vic.  
No. 2662,  
s. 39.]

29. (1) The Minister, on payment of a fee of five shillings per annum, and in such form and subject to such conditions as may be prescribed, may issue to any person applying in the prescribed form for the same a license authorising such person (hereinafter called a "licensed buyer of wrought gold") to buy wrought gold at its metal value, that is to say, its value to the buyer according to its carat quality.

(2) No person shall buy wrought gold at its metal value unless he is a licensed buyer of wrought gold.

(3) A license under this section may at any time be called in and cancelled by the Minister, and shall, after it is called in for cancellation, have no force or effect.

(4) Every licensed buyer of wrought gold shall have his name, together with the words "licensed buyer of wrought gold," painted distinctly in letters of not less than two inches in length near the front door of the place of business belonging to or occupied by him in such business as a buyer of wrought gold.

(5) No licensed buyer of wrought gold shall buy wrought gold elsewhere than at the premises at which he is licensed to carry on business as a buyer of wrought gold.

(6) Any person not being a licensed buyer of wrought gold who takes, uses, or exhibits the name or title of or pretends to be a licensed buyer of wrought gold, or takes or uses any title or term or sign or symbol which may be construed to mean that he is a licensed buyer of wrought gold, shall be guilty of an offence against this Act.

(7) Every licensed buyer of wrought gold shall keep a book of account, in which he shall enter forthwith full particulars of—

- (a) the full name and address of the person from whom any wrought gold is bought;
- (b) the weight of wrought gold bought from each seller;
- (c) the price given therefor;
- (d) the date of each purchase;
- (e) such other matters as may be prescribed.

(8) Every licensed buyer of wrought gold shall keep all wrought gold purchased by him in his possession unmelted and in the same condition as when purchased for a period of at least seven days from and after the date on which he purchased it.

(9) Every licensed buyer of wrought gold shall, within seven days after the close of each month, post to the Under Secretary for Mines a copy, certified by him as correct, of all entries made pursuant to this section in such book during the said month.

(10) Any entry in a book kept as aforesaid shall be deemed, unless the contrary is shown, to have been made by or with the authority of the licensed buyer of wrought gold keeping such book.

(11) Any member of the police force may examine any such book at any time, and may, within the period of seven days after any such purchase, examine any wrought gold so bought.

(12) For the purposes of this section, any wrought gold which is taken in exchange as payment or part payment for other goods, shall be deemed to be bought or purchased within the meaning of this section.

(13) The Minister may at any time during any year—

- (a) on payment of a fee of two shillings and sixpence, by indorsement on any license under this section, transfer the license from the premises specified therein to any other premises;
- (b) upon proof to his satisfaction of the loss of any license under this section, and on payment of a fee of two shillings and sixpence, issue to the licensee a new license in place of the lost license.

(14) Any person who is guilty of a contravention of the provisions of this section, or who wilfully makes or causes to be made any false or incomplete entry in any book kept as aforesaid, or who hinders or delays any member of the police force in examining such book, or any gold so bought, shall be guilty of an offence against this Act.

Penalty—One hundred pounds or imprisonment for a term of six months.

## Miscellaneous.

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

Continuance of license.  
[See Vic. No. 2662, s. 41.]

31. Where any license is under any provisions of this Act granted or issued 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 fee is more than five shillings, but shall be a fee *pro rata* for the unexpired period of the license calculated from the beginning of the quarter in which such license is granted, such *pro rata* fee to be not less than five shillings. This section shall not apply to the renewal of a license.

Proportionate reduction of fee.  
[See Vic. No. 2662, s. 42.]

32. No person shall receive, keep, buy, sell, assay, or smelt gold or gold matter, or leave or deposit gold or gold matter with any person on any premises in respect of which is held any license under the provisions of the Licensing Act, 1911-1946.<sup>1</sup>

Gold not to be left at licensed house.  
Amended by No. 83 of 1948, s. 14.  
[See Vic. No. 2662, s. 43.]

Penalty—One hundred pounds or imprisonment for a term of six months.

Penalty.

33. (1) No person except a licensee or an incorporated company shall have any appliance for treatment or smelting of gold or gold matter, 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.

Registration of appliances for treating gold.  
Amended by No. 83 of 1948, s. 15.  
[See Vic. No. 2662, s. 45.]

<sup>1</sup> Now Licensing Act, 1911-1956.

(2) A copy of such certificate shall be sent by such member of the police force to the Commissioner of Police.

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

Offence.

(4) Any person who acts in contravention of or fails to comply with any of the provisions of this section shall be guilty of an offence and on conviction of such an offence—

Penalty.

(a) he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months;

Forfeiture of appliance.

(b) any such appliance as is referred to in this section and which is involved in the commission of the offence shall by force of this paragraph be forfeited to the Treasurer to be destroyed or otherwise disposed of in such manner as the Treasurer shall direct.

Annual registration for removal or treatment of tailings.  
[See Vic. No. 2662, s. 46.]

34. (1) During the month of January in each year, or when so prescribed, every person who during the preceding year has removed or treated any tailings from the surface of any land, or who intends so to remove or treat tailings, whether or not under a license so to do, shall in such manner and form as may be prescribed forward his name and address and place or proposed place of operations to the Under Secretary for Mines, and shall make such returns and permit such assays to be made as may be prescribed.

(2) If any person fails to comply with the provisions of this section he shall, on conviction, be liable to a penalty of not less than two nor more than ten pounds.

Children not to sell gold.  
Amended by No. 83 of 1948, s. 16.  
[See Vic. No. 2662, s. 47.]

35. No child under fifteen years of age shall sell gold, gold matter or wrought gold and any person who buys gold, gold matter or wrought gold from any child apparently under the age of fifteen years shall be guilty of an offence against this Act.

Penalty—One hundred pounds.

36. Any person who offers gold or gold matter for sale or for smelting, or who has gold or gold matter in his possession or control, or who has sold any gold or gold matter, or for whom any gold or gold matter has been smelted, or who in any proceeding under this section states that he gave or intrusted or is alleged to have given or intrusted the gold or gold matter to the defendant, may be required by a licensed gold buyer or licensed gold assayer to whom the gold or gold matter is or was offered, or by whom the gold or gold matter was bought or smelted, 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, place, or works mentioned in the entry (if any) signed by him; and if he does not so satisfy such gold buyer, gold assayer, 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 proves to the satisfaction of the Magistrate 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.  
Amended by No. 83 of 1948, s. 17.  
[See Vic. No. 2662, s. 48.]

The said gold if proved 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 said court or not, shall, for the purposes of this section, be deemed to be in the possession of the defendant.

37. If any entry in a gold entry book signed by or on behalf of a seller or person leaving gold or gold matter with a gold assayer for smelting 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 statements.  
Amended by No. 83 of 1948, s. 18.  
[See Vic. No. 2662, s. 49.]

Penalty—One hundred pounds.

Penalty.

Untrue statement by witness to sale.  
Amended by No. 83 of 1948, s. 19.  
[See Vic. No. 2662, s. 50.]

38. If any person signs on behalf of a seller, or person leaving gold or gold matter with a gold assayer for smelting, 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 entry book or signing the same is generally known is not disclosed therein, or if any person signs the seller's name, not having been requested by the seller so to do on his behalf, such person shall be guilty of an offence against this Act.

Untrue entries by buyer or smelter.  
Amended by No. 83 of 1948, s. 20.  
[See Vic. No. 2662, s. 51.]

39. If any licensee buys, sells, receives, delivers, or smelts gold, gold matter or wrought gold knowing or having reasonable grounds to believe or suspect that any entry in a gold entry book 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, he and the person (if any) for whom he acts shall be guilty of an offence against this Act.

Untrue statements to Minister.  
Amended by No. 83 of 1948, s. 20.  
[See Vic. No. 2662, s. 52.]

40. If any notice or statement or copy posted or sent or delivered to the Minister, or the Under Secretary for Mines, or member of the police force, or to the Mint 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 against this Act.

Penalty.

Penalty—One hundred pounds.

Information to be furnished.  
Amended by No. 83 of 1948, s. 22.  
[See Vic. No. 2662, s. 53.]

41. (1) Every person who sells gold or gold matter to the Mint, or who leaves gold or gold matter at the Mint for the purpose of selling the same to the Mint, or of being coined, shall (except with the consent of the Minister) forthwith send or deliver to the Under Secretary for Mines, in such form as may be prescribed, full particulars as to the gold or gold matter so sold or left for the purpose aforesaid.



(2) Every person who desires to export or remove gold or gold matter from Western Australia shall, at least three days before so exporting or removing any gold or gold matter, send or deliver to the Under Secretary for Mines, in such form as may be prescribed, full particulars of the gold or gold matter which he intends to export or remove.

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

42. Any person not being a licensed gold buyer, or licensed gold assayer, or holder of a license to deal in gold matter, as the case may be, who takes, uses, or exhibits the name or title of or pretends to be a licensed gold buyer, or licensed gold assayer, or licensed to deal in gold matter, takes or uses any title or term or sign or symbol which may be construed to mean that he is qualified or willing to buy gold or deal in gold matter, shall be guilty of an offence, and shall for every such offence be liable to a penalty of not less than five nor more than three hundred pounds, or to imprisonment with or without hard labour for a term of not more than two years.

Penalty on unlicensed person pretending to be licensed.  
[See Vic. No. 2662, s. 54.]

43. 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.

Non-performance of provisions an offence.  
[See Vic. No. 2662, s. 55.]

44. (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 to a penalty of not less than two pounds nor more than three hundred pounds, or to imprisonment with or without hard labour for a term of not more than two years, or

Penalties for offences.  
Amended by No. 83 of 1948, s. 23.  
[See Vic. No. 2662, s. 56.]

to both such penalty and imprisonment; and if a licensee, his license shall on a second conviction *ipso facto* become void as if the same had been actually revoked, called in, or cancelled.

(2) For any offence against any of the provisions of this Act for which a minimum penalty is not expressly provided the lowest pecuniary penalty which may be imposed under any of the provisions of this Act shall be two pounds.

(3) Gold, gold matter or wrought gold in possession of the police or 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. If the owner of such gold, gold matter or wrought gold is not discovered within six months from the conviction of the offender such gold, gold matter or wrought gold may be sold, and the proceeds of such sale shall be paid to the Treasurer and shall form part of the Consolidated Revenue Fund.

Who may  
prosecute.  
[See Vic.  
No. 2662,  
s. 57.]

45. Any member of the police force, or any person thereto authorised by the Minister, or any licensee under this Act, may take proceedings against any licensed gold buyer, or licensed gold assayer, or holder of a license to deal in gold matter for the revocation of his license, or against any licensee or against any other person for any contravention of this Act. In any proceedings no proof shall be required of authority under this section.

Persons  
deemed to  
be  
unlicensed.  
[See Vic.  
No. 2662,  
s. 58.]

46. In any proceedings against any person for acting as a gold buyer or dealer in gold matter or gold assayer carrying on the business of buying gold or gold matter or assaying or smelting 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 license or proves to the satisfaction of the court that he is a licensed gold buyer or gold assayer or holder of a license to deal in gold matter, as the case may be.

47. 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.  
[See Vic. No. 2662, s. 59.]

48. 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 or assayed or smelted gold, gold matter or wrought gold or has gold, gold matter or wrought gold in his possession or control unlawfully, or 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 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, gold matter or wrought 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 appliances may be found, and to take any such person before a magistrate in a court of petty sessions to be dealt with according to law.

Search warrant.  
Amended by No. 83 of 1948, s. 24.  
[See Vic. No. 2662, s. 60.]

49. No member of the police force, or other person if such member or other 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 other person might but for this section have been deemed to be such an offender or accomplice.

Accomplice.  
[See Vic. No. 2662, s. 61.]

50. No person shall be employed to assist the police in obtaining convictions under this Act, if such person has been convicted and imprisoned under this or any other Act.

Convicted persons not to assist police.  
[See Vic. No. 2662, s. 62.]

51. (1) A Warden, in the exercise of any powers conferred upon him by this Act, shall have the like powers of hearing, examining, and receiving evidence, and of compelling the attendance of

Powers of Warden as to receiving evidence, etc.  
[See Vic. No. 2662, s. 63.]

witnesses, and the production of books, papers, and documents as are possessed by magistrates acting under the powers conferred by the Justices Act, 1902,<sup>1</sup> and its amendments.

(2) Any person required to attend before the Warden as a witness who without just cause—

- (a) neglects or refuses to comply with the tenor of the summons; or
- (b) having appeared refuses to be examined on oath or affirmation concerning the premises, or to take such oath or affirmation, or to answer such questions concerning the premises as are put to him,

may be dealt with in all respects as by any law relating to courts of petty sessions or the examination of witnesses before justices persons so refusing or neglecting are to be dealt with.

Magistrate may authorise samples to be taken. Amended by No. 83 of 1948, s. 25.

52. (1) A magistrate may, at any stage of the proceedings before him, of his own motion or on the application of any party to the proceedings, and on such terms as to costs, expenses, or otherwise as to the magistrate may seem fit, authorise or order any person to enter upon any land, mine, or mining tenement from which the gold or gold matter the subject matter of the charge is alleged to have been obtained, to inspect, break, and take away samples, and to treat and assay the same. The person so appointed shall be called as a witness in the proceedings:

Provided that any evidence obtained under this section shall only be relevant so far as it tends to prove that the gold, or gold matter, the subject of the proceedings, is essentially different in character from the gold, or gold matter discovered by such inspection and from the samples (if any) taken.

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<sup>1</sup> Now Justices Act, 1902-1954.

(2) Any person so authorised may thereupon enter upon the land, mine, or mining tenement described in the authority or order, descend any mine or shaft, and carry out the terms of the authority or order, and may use the engines, machinery, and appliances used in the ordinary operations of the premises described in the authority or order.

(3) If any such person except as a witness in the proceedings shall divulge to any person whomsoever any information obtained upon or by such entering otherwise than for the purpose thereof shall be guilty of an offence against this Act.

53. Every person who shall receive gold, gold matter or wrought gold exceeding the value of twenty pounds from any other person for safe keeping, transmission, or otherwise howsoever as a bailee, shall keep a record in writing of such transaction, and shall on demand produce such record for inspection by any officer of the Department of Mines, authorised in writing by the Under Secretary for Mines, a warden, or a magistrate to require such production.

Gold dealings to be recorded.

Any person who shall neglect or refuse to comply with the requirements of this section shall be liable to a penalty not exceeding one hundred pounds.

54. A person guilty of any offence against this Act may be summarily convicted, but the complaint shall be heard and determined by a magistrate.

Complaints to be heard and determined by a magistrate.

*Regulations.*

55. The Governor may make regulations prescribing—

Regulations.

the form of licenses, of applications for licenses and renewals of licenses, and of certificates preliminary to the granting of licenses, and for the issue of licenses and renewal of licenses;

the notices to be given by applicants;

*Gold Buyers.*

- the books which shall be kept by a licensee, and the form of entries to be made therein;
  - by whom such entries shall be signed or certified, and for the identification of any party to a transaction or person signing an entry;
  - the particulars to be kept by Mining Registrars with regard to the granting, renewal, or revocation of licenses;
  - the conditions under which gold assayers' licenses under section seventeen of this Act may be issued;
  - for keeping a central record of all licenses in force;
  - for calling in revoked licenses;
  - the notification by licensees of the address of their place of business, and of any change in such address;
  - the notification by every licensee upon the outside of his place of business, of his name, and the nature of his business;
  - the returns which shall be furnished by every licensee, the time and manner of furnishing such returns, and the persons or authorities to whom the same shall be furnished;
  - the form of declaration required to be made by any person tendering to a licensee any gold for sale or otherwise;
  - the form of assayers' certificates;
  - any alteration of the second schedule to this Act which may be necessary or desirable;
  - anything authorised by this Act to be prescribed;
- and generally for carrying into effect the provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

Sec. 2.

Number of Act.	Title of Act.	Extent of Repeal.
15 of 1904	<i>Mining Act, 1904</i>	Part IX. Sections 204 to 225 inclusive.

SECOND SCHEDULE.

Sec. 15.

GOLD BUYER'S GENERAL LICENSE FOR A BANK.

I, \_\_\_\_\_, Minister for Mines for the State of Western Australia, by virtue of the powers conferred upon me under the provisions of "The Gold Buyers' Act, 1921," do hereby grant to the \_\_\_\_\_ Bank carrying on business at its head office at \_\_\_\_\_, and at the branches or agencies described on the back hereof, a license to buy gold, under the provisions of the said Act, at the head office and any of the said branches or agencies, until the 31st day of December, 19 \_\_\_\_\_.

Given under my hand at Perth this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Minister for Mines.

*List of Branches or Agencies Licensed, and Names of Present Managers thereof.*

Place where Branch or Agency Established.	Name of Manager.