

WESTERN AUSTRALIA.

MARINE STORES.

2° Edwardi VII., No. IX.

No. 9 of 1902.

(Affected by Act No. 113 of 1965)

[As amended by Acts:

No. 54 of 1948, assented to 21st January, 1949,
No. 3 of 1963, assented to 29th August, 1963,

and reprinted pursuant to the Amendments Incorporation Act,
1938.]

AN ACT relating to Collectors of and Dealers in Marine Stores.

[Assented to 18th November, 1902.]

BE it enacted—

1. This Act may be cited as the *Marine Stores Act, 1902-1963*, and shall come into operation on the first day of January, 1903.

Short title.
Amended by
No. 3 of
1963, s. 1.

2. In this Act, unless the context otherwise requires,—

“collector” means any person engaged in collecting or carrying on the business of collecting marine stores of any kind;

Interpreta-
tion.
Amended by
No. 3 of
1963, s. 2.

"dealer means any person other than a ship-chandler or ship-owner dealing in or buying and selling marine stores of any kind, whether such person deals in any other goods or not;

"licensed" means licensed under this Act;

"marine stores" means partly manufactured metal goods, second-hand anchors, cables, sails, old junk, rags, bones, bottles, jute goods, and marine stores of every description, copper, iron, brass, lead, Muntz metal, scrap metal, broken metal, or defaced metal goods, but does not include bottles in which non-intoxicating beverages are ordinarily sold and in respect of which, at the time of the sale of the contents thereof, a deposit of money, repayable by the vendor, was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold;

"police officer" includes any constable or officer of police;

"prescribed" means prescribed by regulations;

"regulations" means regulations under this Act;

"ship-chandler" means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships;

"truck" means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

PART I.—COLLECTORS.

3. A collector's license, in the form in the Second Schedule, may be granted and issued by the Commissioner of Police, in his discretion, to any person apparently over the age of sixteen years.

Licenses to
be issued by
Commis-
sioner of
Police.
Amended by
No. 54 of
1948, s. 7;
No. 113 of
1965, s. 8.

A fee as prescribed by regulation¹ under this Act and unless and until so prescribed the sum of twenty-five cents shall be paid for every collector's license.

Fee for license.

4. Every application for a collector's license by any person then unlicensed shall be made in the form in the First Schedule, signed by the applicant, and shall be accompanied by a certificate, in the form in the said schedule, signed by two reputable householders, residing within the magisterial district in which the applicant resides.

Applications for licenses to be in the form in schedule.

5. If any collector shall not,—

(1) within seven days after being licensed, report himself, exhibit his license, and notify his place of abode to the officer in charge of the police station nearest to his place of abode; or

Collector to leave address with police officer and report himself.

(2) whenever and as often as he changes his place of abode, notify by writing such change to the officer in charge of the police station at which he has reported himself, in compliance with the last preceding subsection, within seven days after having so changed his abode; or

Change of address to be notified to police.

(3) at any time, upon demand, produce his license to any Justice of the Peace, or police officer, or to any person from whom he has, within twenty-four hours previously, bought or offered to buy, or collected or offered to collect, any marine stores; or

License to be produced on demand.

(4) keep all marine stores other than bones or glass bottles purchased or received by him in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, unless he shall sooner sell the same to a licensed dealer; or

Marine stores to be kept for four days.

(5) deliver the same to the licensed dealer, if sold within the said period, in the same state and condition as when purchased or received; or

¹ Now \$10, see G.G. 26/9/75, p. 3726.

Collectors
to wear
badges.
To show
same.

- (6) wear such badge as may be prescribed; or
(7) show such badge when and so often as may be prescribed; or,

To deliver
up same
when he
ceases to be
licensed.

- (8) within one week after he ceases to be licensed, deliver up his badge to the officer in charge of the police station nearest to the place where he resides at the time he ceases to be licensed,

he shall be guilty of an offence against this Act.

6. If any collector shall—

Licenses not
to be let out.

- (1) lend or let out on hire his license to any person whomsoever, whether licensed or not; or

Collectors
to sell to
licensed
dealers only

- (2) sell or otherwise dispose of any marine stores, other than bones or glass bottles, to any person other than a licensed dealer; or

Collectors to
observe
certain
hours.

- (3) carry on his business of collecting marine stores or of buying or selling the same before eight o'clock in the morning, or after five o'clock in the evening, or on Sunday or any Public Holiday; or

Trucks to
have address
on them.

- (4) use any truck for the purposes of his business which shall not have painted or marked upon it, in such manner and with such letters as may be prescribed, a number, and also the name in full and the address of the owner thereof; or

Two persons
only to
attend
truck.

- (5) allow any person other than a licensed collector, or allow more than one licensed collector to accompany him when using a truck in the business of collecting marine stores; or

Collectors
not to enter
premises
without
permission.
To depart
when
directed.

- (6) enter any premises without the permission of the owner or occupier thereof; or
(7) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglect or refuse to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent; or

- (8) use insulting or offensive language, or be guilty of rude or insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public,

Not to use offensive language or behaviour.

he shall be guilty of an offence against this Act.

On a second conviction for any offence against subsection (1) of this section the offender's license shall be forfeited, and he shall be thenceforth incapable of holding a collector's license.

License to be void on second conviction.

Any person, without warrant, may arrest any offender against any of the provisions of subsections (7) and (8) of this section, and deliver him into the custody of any police officer, who shall take him in due course before any Court of Petty Sessions to be dealt with for his offence.

May be arrested without warrant.

7. If any person shall—

- (1) act as a collector without being licensed; or
(2) not being a licensed dealer, purchase or receive from any collector any marine stores other than bones or glass bottles; or
(3) not being a licensed collector, accompany any truck then being used in the business of collecting marine stores; or
(4) not being a licensed collector, wear any badge, or imitation of a badge, for the purpose of passing as a licensed collector,

Collectors to be licensed.

Dealers only to purchase marine stores.

No one but a licensed collector to accompany truck.

he shall be guilty of an offence against this Act.

PART II.—DEALERS.

8. Any person who acts as a dealer without being licensed shall be guilty of an offence against this Act.

Dealers must be licensed.

9. A dealer's license, in the form in the Third Schedule, may be granted, and a transfer thereof to any person or premises may be permitted, by any two Justices of the Peace at the Court of Petty Sessions nearest to the premises in respect of which the license is applied for or was granted.

Application for dealer's license or transfer.

Notice of application for license or transfer thereof.

10. No dealer's license shall be granted, or any transfer thereof permitted, unless the applicant shall, ten days at the least before his application, give or send by registered letter through the post to the Clerk of the Court of Petty Sessions and to the Commissioner of Police a notice, in writing, signed by him, of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. The Commissioner of Police, or any person authorised by him, may show cause against the granting of any such application.

Police may show cause.

Fee for dealer's license. Amended by No. 54 of 1948, s. 7; No. 113 of 1963, s. 8.

11. A fee as prescribed by regulation¹ under this Act and unless and until so prescribed the fee of four dollars shall be paid for every dealer's license.

Proposed transferee to be applicant.

12. Every application for permission to transfer a dealer's license shall be made by the proposed transferee.

Indorsement of transfer.

13. When the transfer of a dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom or description of the premises to which the license is permitted to be transferred, shall be indorsed upon such license.

14. If any licensed dealer shall not—

Name, etc., to be painted on outside of premises.

(1) cause to be painted and kept painted his name in full, and the words "licensed dealer in marine stores," upon some conspicuous part of the outside of the premises in respect of which his license is granted; or

Premises to be closed during certain hours.

(2) keep every part of his business premises closed during the whole of every Sunday and public holiday, and between the hours of six o'clock in the afternoon of every day, except Saturday and Sunday, and eight o'clock on the following morning, and from

¹ Now \$10, see G.G. 26/9/75, p. 3726.

two o'clock in the afternoon of every Saturday until eight o'clock on the following Monday morning; or

- (3) enter in a book, in the form in the Fourth Schedule, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck shall be lent or let on hire, and the amount (if any) charged for such lending or hire; or Entry to be made on letting truck.
- (4) keep a book in the form set forth in the Fifth Schedule, and enter therein an account of all such marine stores as he may from time to time become possessed of, stating in respect of each article 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 the business and place of abode of such last-mentioned person; or Book to be kept showing marine stores purchased or received.
- (5) keep a book in the form set forth in the Sixth Schedule, and enter therein an account of all such marine stores as he may from time to time sell or dispose of, stating in respect of each article, 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, if known to him, of the business and place of abode of such last-mentioned person; or Book to be kept showing marine stores sold or disposed of.
- (6) produce to any police officer, whenever thereto requested, the books required to be kept by him, and any marine stores purchased or received by him then in his possession; or
- (7) without delay, give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the description of any article described as having been stolen or Dealer to inform police when articles supposed to be stolen come into his possession.

fraudulently obtained in any written or printed information given to him by any police officer; or

Form of marine stores not to be changed for seven days.

- (8) keep all marine stores purchased or received by him without changing the form in which they were when so purchased, or disposing of the same in any way, for a period of seven days after such marine stores have been purchased or received,

he shall be guilty of an offence against this Act.

15. If any licensed dealer shall—

Dealer to carry on business on licensed premises only.

- (1) carry on the business of a dealer upon any other premises than those to which his license applies; or

Dealer to produce license.

- (2) at any time, upon demand made to him by any Justice of the Peace or police officer, refuse or fail to produce and show to such Justice of the Peace or police officer his license in force at the time of such demand; or

Trucks to be lent to licensed collectors only.

- (3) lend or let on hire any truck to any person other than a licensed collector; or

- (4) charge for the use or hire of any truck any sum exceeding the maximum amount prescribed; or

Marine stores not to be purchased from persons under sixteen.

- (5) by himself, or any other person on his behalf, purchase or receive any marine stores from any person apparently under the age of sixteen years; or

Restriction on purchase or receipt of marine stores.

- (6) by himself, or any other person on his behalf, purchase or receive any marine stores of any description before the hour of nine o'clock in the morning or after the hour of six o'clock in the evening; or

- (7) employ any person under the age of eighteen' years to purchase or receive marine stores of any description,

he shall be guilty of an offence against this Act.

PART III.—MISCELLANEOUS.

16. Every person ceases to be licensed on the expiration, revocation, or forfeiture of his license. Ceasing to be licensed.
17. Every license issued under this Act, unless sooner revoked or forfeited, shall be in force from the day following the date thereof until the thirty-first day of December then next following. Expiration of license.
18. No person shall hold both a collector's and a dealer's license. No person to hold both a collector's and dealer's license.
19. In any prosecution under this Act any allegation in any information that any person is unlicensed need not be proved, and such person shall be deemed to be unlicensed until the contrary be proved by the production of a license or otherwise. Presumption that person is unlicensed.
20. Marine stores shall be deemed to be in the possession of a dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a *bona fide* sale of such marine stores having been made by him. Presumption of marine stores.
21. Every entry in any book kept or belonging to any dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer. Entries in dealer's books deemed made by him.
22. Any two Justices of the Peace may, on the complaint of any person that any licensed person has been guilty of any breach or non-observance of any of the provisions of this Act or of any regulations, or that such person is, in any other respect unfit to hold any license, revoke such license. Licenses may be revoked.
23. The clerk of any Court at which any license is granted, permitted to be transferred, or revoked, shall enter particulars of the same in a register to Register to be kept.

be kept in such Court, and shall send a copy of such entries to the Commissioner of Police, who shall cause the same to be entered in a register to be kept at his office, and at any other place which may be prescribed.

Inspectors,
etc., to visit
dealer's
premises.
Amended by
No. 113 of
1965, s. 3.

24. Any police officer may, at any time by day or night, demand entrance into the place of business of any dealer, and inspect the marine stores and books therein, and may record in the books the day and hour of his visit, and write his initials or name opposite the entry relating to any article examined by him.

If admittance is refused or delayed for such time as to make it appear that wilful delay was intended, the offender shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding one hundred dollars.

Suspicious
offering of
marine
stores.

25. (1) If any person offers to any dealer, by way of sale or exchange, any marine stores, and—

- (a) refuses or is unable to give a satisfactory account of himself or of the means by which he became possessed of such stores; or
- (b) wilfully gives any false information to the dealer or to his servant or agent; or
- (c) there is any other reason to suspect that such marine stores are stolen or otherwise illegally or clandestinely obtained,

the dealer or his servant or agent may detain such person, and deliver him into the custody of a police officer, who shall convey him before a Justice of the Peace.

(2) If the Justice, upon examination and inquiry, shall have cause to suspect that the stores were stolen or illegally or clandestinely obtained, he may commit such person into custody for such time, not exceeding eight clear days, as the Justice may think necessary, for further inquiries.

(3) On the day to which the examination is adjourned, if such person is charged with no other offence, and it appears to the satisfaction of any two Justices that any of the marine stores so offered were illegally or clandestinely obtained, such person may be summarily convicted of an offence against this Act.

26. Any person guilty of an offence against this Act shall, when no other penalty is provided, be liable, on conviction, to a fine not exceeding twenty dollars, or to imprisonment with or without hard labour not exceeding six months.

Penalty.
Amended by
No. 113 of
1965, s. 8.

27. All complaints and informations for offences and all proceedings for the forfeiture or revocation of any license under this Act shall, except where otherwise provided, be heard and determined in a summary way before any two Justices of the Peace in Petty Sessions.

Hearing of
complaints
and informa-
tions.

28. The Governor may make regulations for prescribing—

Regulations.
Amended by
No. 54 of
1948, s. 7.

- (1) the form, manner, and place of registration of licenses, renewals, revocations, and other matters requiring registration under this Act, where not specially provided for in this Act;
- (2) means for circulating throughout the State lists of licenses and revocations, and forfeitures thereof;
- (3) the badges to be used or worn by collectors, and the position and manner in which the same shall be worn;
- (4) the mode by which collectors shall make known their approach, whether by bell or otherwise;
- (5) all such observances as may not be specifically provided for in this Act, and which the Governor considers it desirable that collectors should comply with in carrying on their business;

- (6) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or dealer, upon such truck, and of numbering and marking the number upon any truck;
- (7) the manner and situation in which the names of dealers shall be painted upon the premises upon which they are licensed to carry on their business as dealers;
- (8) the fees payable for any license under this Act;

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

SCHEDULES.

Section 4.

FIRST SCHEDULE.

Western Australia.

Marine Stores Act, 1902.

APPLICATION FOR COLLECTOR'S LICENSE.

To the Commissioner of Police.

I, A. B. [address and description], do hereby declare that I am of the full age of sixteen years, and apply for a collector's license.

Dated the _____ day of _____, 19 _____.

[Signature of Applicant.]

HOUSEHOLDERS' CERTIFICATE.

We, C. D. of [address and description] and E. F. [address and description] certify that the above-named [name of applicant] has been known to us for _____ last past, and during all that time has usually resided at _____, and is a person of good character and reputation, and a fit person to receive a collector's license.

Dated the _____ day of _____, 19 _____.

C.D., }
E.F., } Householders.

SECOND SCHEDULE.

Section 3.

Western Australia.

Marine Stores Act, 1902.

COLLECTOR'S LICENSE.

A.B., of [address and description], is licensed to act as a collector of marine stores, and to carry on the business of collecting marine stores. This license shall continue in force from the day next following the date hereof until the thirty-first day of December, 19 , unless sooner revoked or forfeited.

Given at Perth, in the said State, the day
of , 19
Registered No. Commissioner of Police.

This license is not to be let on hire or lent to any person.

The collector, if he changes his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Specially Notice.—This license is subject to revocation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

THIRD SCHEDULE.

Section 9.

Western Australia.

Marine Stores Act, 1902.

DEALER'S LICENSE.

WHEREAS A. B., of [address and description] has applied to us, the undersigned Justices of the Peace presiding at the Court of Petty Sessions at , for a license to act as a dealer in marine stores: Now we, the Justices aforesaid, being satisfied that the said A. B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A. B., to act as a dealer

Marine Stores.

and to carry on the business of dealing in and buying and selling marine stores at the premises occupied by him at , and this license shall continue in force from the day next following the date hereof until the thirty-first day of December, 19 , unless sooner revoked or cancelled.

Given under my hand and the seal of the said Court
 at the day of
 , 19 .

Registered No.

C.D., J.P.
 E.F., J.P.

Section 14,
 subsection
 (3).

FOURTH SCHEDULE.

Marine Stores Act, 1902.

**ENTRY OF TRUCKS, HANDCARTS, CARTS, OR VEHICLES
 LENT OR LET OUT ON HIRE.**

| Name of collector to whom truck, etc., lent or let on hire. | Date on which truck, etc., lent or let on hire. | Whether on hire or gratuitously, and if on hire at what price. | Period for which truck, etc., is lent or let. | No. on trucks, etc., lent or let on hire. |
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| | | | | |

Section 14,
 subsection
 (4).

FIFTH SCHEDULE.

Marine Stores Act, 1902.

ENTRY OF PURCHASES AND RECEIPTS.

| Day of purchase or receipt and hour of day. | Description of marine stores purchased or received. | Name and surname of person by or through whom purchased or received. | Name and surname of person from whom purchased or received. | Business and place of abode of person from whom purchased or received. |
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Marine Stores.

SIXTH SCHEDULE.

Section 14,
subsection
(5).

Marine Stores Act, 1902.

ENTRY OF SALES AND DISPOSITIONS.

| Day of Sale. | Description of marine stores sold or disposed of. | Name and surname of persons by or through whom sold or disposed of. | Name and surname of person to whom sold or disposed of. | Business and place of abode of person to whom sold or disposed of. |
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