

GOLD BUYERS ORDINANCE 1931-1938. ⁽¹⁾

An Ordinance Relating to Gold Buyers.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

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| <p>1. This Ordinance may be cited as the <i>Gold Buyers Ordinance 1931-1938</i>.⁽¹⁾</p> | <p>Short title.
Amended by
No. 3 of 1934,
s. 50.</p> |
| <p>2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the <i>New Guinea Gazette</i>.⁽¹⁾</p> | <p>Commencement.</p> |
| <p>3. In this Ordinance unless the contrary intention appears—</p> <p>“Bank” means the Commonwealth Bank of Australia and includes any banking company registered under the law of the Territory relating to companies;</p> <p>“Buy” includes barter, exchange, pledge, mortgage or deal with gold;</p> <p>“Gold” means gold, gold alloy, gold bullion, gold amalgam, retorted gold, copper plates retaining or containing gold, and all earth, quartz, concentrates, and products containing gold in sufficient quantity to pay for treatment, but does not include money or wrought gold;</p> <p>“Licence” means a valid and unexpired gold buyer’s licence issued under this Ordinance;</p> | <p>Definitions.</p> |

(1) The *Gold Buyers Ordinance 1931-1938* comprises the *Gold Buyers Ordinance 1931*, as amended by the other Ordinance referred to in the following Table:—

TABLE.

PART I.—ORDINANCE MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Culth. Gaz.</i>	Date on which took effect.
<i>Gold Buyers Ordinance 1931</i> (No. 9 of 1931)	25.3.1931	1.4.1931	1.6.1931 (<i>N.G. Gaz.</i> of 30.4.1931)

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Gold Buyers Ordinance 1938</i> (No. 17 of 1938)	24.8.1938	30.11.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 139)

GOLD BUYERS—

“Licensee” means the holder of a gold buyer’s licence and includes the manager or accountant for the time being of any branch or office of a bank to which a licence has been issued;

“This Ordinance” includes any regulations made thereunder.

Gold buyers to be licensed.

4. Except as provided in the next succeeding section, any person other than the holder of a licence who buys gold shall be guilty of an offence.

Penalty: Imprisonment for three years.

Power to buy gold without a licence.

5. Notwithstanding anything contained in this Ordinance, any person may without a licence buy gold from any bank for his own purposes in the ordinary course of his business.

Gold buyer’s licence.

6.—(1.) The Administrator may issue to a bank or to any person of European race or extraction a licence in the prescribed form.

(2.) The Administrator may by notice⁽²⁾ in the *New Guinea Gazette* cancel any licence.

(3.) The holder of a licence may buy or sell gold.

(4.) A licence shall unless sooner cancelled be in force until the thirtieth day of June following the date upon which it was issued.

(5.) The fee for a licence or for a renewal thereof shall be Ten pounds:

Provided that where a licence is issued after the thirty-first day of December in any year the fee shall be Five pounds.

Gold not to be bought except on premises specified in licence.

7. A licensee shall not buy gold at any place other than the premises specified in the licence.

Gold entry book.

8.—(1.) A gold entry book in the prescribed form shall be kept at the place of business of every licensee and at every branch or office of any bank to which a licence has been issued.

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

(2) No notice has been published in *N.G. Gaz.*

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9. Any entry in a gold entry book belonging to a licensee shall be deemed, unless the contrary is shown, to have been made by or with the authority of the licensee.

Entries in licensee's books deemed to have been made by him.

10. Any licensee who wilfully makes a false entry, and any person who causes a false entry to be made, in a gold entry book shall be guilty of an offence.

Penalty for false entry.

Penalty: Three hundred pounds or imprisonment for two years or both.

11.—(1.) A licensee shall require a person tendering to him any gold for sale to make a declaration in the form and containing the particulars prescribed.

Power of licensee to take declaration from seller.

(2.) Any person who wilfully makes a false declaration before a licensee shall be guilty of an indictable offence.

Penalty: Imprisonment for four years.

(3.) Before taking a declaration the licensee shall clearly explain to the person tendering to him any gold for sale, the nature of the declaration and the liability incurred by making a false declaration.

12. Any licensee or employee of a licensee who divulges any matter contained in any declaration made under the last preceding section, except for the purpose of the administration of justice or for the purpose of carrying into effect the provisions of this Ordinance, shall be guilty of an offence.

Licensee not to divulge information contained in declaration.

13. A licensee before buying gold from any person shall assure himself that the 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) shall require the person to produce a certificate from some well-known reputable person that he believes the person offering or selling the gold obtained it honestly.

Duty of licensee before buying gold.

14. A licensee shall not buy or sell gold on Sundays or public holidays at any time or on any week day otherwise than between the hours of eight o'clock in the forenoon and five o'clock in the afternoon.

Hours of buying or receiving gold.

15. If an entry in a gold entry book signed by or on behalf of a seller is untrue or incomplete in any particular, or if the name by which any person named in the entry or signing the same is generally known is not disclosed therein, the seller and the person (if any) for whom he acts shall be guilty of an offence.

Untrue statements by seller, &c.

16. If any licensee buys, sells, receives, or delivers gold knowing, or having reasonable grounds to believe or suspect, that an 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.

Untrue entries by buyer.

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Untrue statements to prescribed person.

17. If any notice or statement posted or sent or delivered under this Ordinance to a prescribed authority or person is untrue or incomplete in any substantial particular, or if the name by which any person mentioned in or signing the notice or statement is generally known is not disclosed therein the person signing the notice or statement and the person (if any) for whom he acts shall be guilty of an offence.

Information to be furnished by person exporting gold.

18.—(1.) Every person before exporting or removing gold from the Territory shall give to the prescribed authority at least two days' notice in the form and containing the particulars prescribed.

(2.) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

Penalties.

19. Any person who commits an offence against, or contravenes any provision of, this Ordinance, shall, where no other penalty is provided under this Ordinance, be liable in respect of the offence or contravention to a penalty not exceeding Three hundred pounds or imprisonment for two years, or both.

Burden of proof.

20. In any proceedings against a licensee for any failure to comply with any of the provisions of this Ordinance the burden of proof that the provisions have been complied with shall be on the licensee.

Regulations. Sub-section (1) amended by No. 17 of 1938, s. 2.

21.—(1.) The Administrator in Council may make regulations,⁽³⁾ not inconsistent with this Ordinance, prescribing all matters, which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular—

- (a) prescribing the forms of licences, notices, declarations, and other documents granted, issued, used, or made under or for the purposes of this Ordinance;
- (b) prescribing the matters in relation to which fees shall be payable and the fees to be paid;
- (c) prescribing the books to be kept by a licensee and the entries to be made therein;
- (d) prescribing by whom entries in prescribed books shall be signed or certified and for the identification of any party to a transaction or of a person signing any entry;
- (e) prescribing the manner of doing or performing anything by this Ordinance required to be done or performed;

(3) See the *Gold Buyers Regulations*, printed on p. 2212.

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- (f) prescribing the returns to 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; and
- (g) prescribing penalties not exceeding One hundred pounds or imprisonment for any period not exceeding twelve months for breaches of regulations made under this section.

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Sub-sections
(2) and (3)
omitted by
No. 17 of 1938,
s. 2.