

TASMANIA.

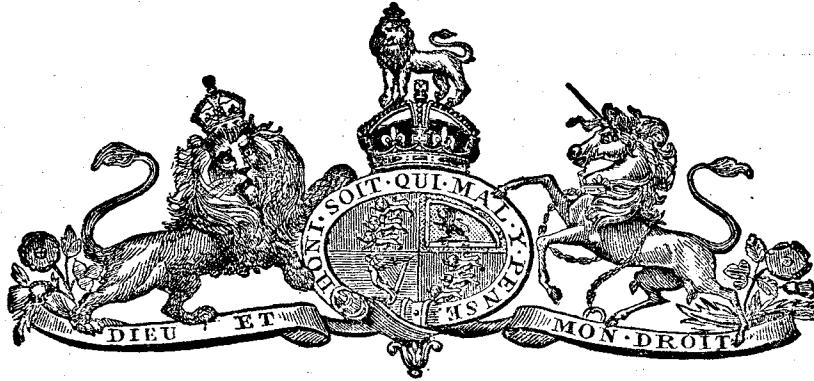
THE OSMIRIDIUM ACT, 1919.

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TASMANIA.



1919

ANNO DECIMO

GEORGII V. REGIS

No. 49.

AN ACT to regulate the Buying of Osmi-^{A.D.}
ridium, and for other purposes. 1919.
[24 December, 1919.]

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

1 This Act—

- i. May be cited as “ The Osmiridium Act, 1919 ” :
- ii. Shall come into operation on a day to be fixed by proclamation.

Short title.

Commencement.

2 In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

Interpretation.

- “ Buy ” and “ Purchase ” include respectively any dealing with osmiridium :
- “ Osmiridium ” means any metal containing osmium or iridium, and includes platinum :

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“Osmiridium buyer” means a person who buys osmiridium :
 “Licence” means a valid and unexpired licence granted or issued under this Act :
 “Licensed buyer” or “Licensee” means the holder of a licence in force :
 “Minister” means the Minister for Mines for the time being :
 “Schedule” means schedule to this Act.

Buyer of osmiridium must hold buyer's licence.

3 No person shall buy any osmiridium unless he is the holder of a licence as a buyer of osmiridium.

Application for licence.

4 Any person desiring to obtain a licence as a buyer of osmiridium shall make application therefor in such form as may be prescribed to the Minister.

Minister may grant licence.

5 The Minister may, in his discretion, and on payment of a fee of Five Pounds therefor, grant to any person applying for a licence to buy osmiridium in such form as may be prescribed, a licence authorising the applicant to buy osmiridium.

Certain persons not to be licensed.

6 No licence shall be issued to—
 I. Any person who holds any licence under any Act regulating the sale of intoxicating liquor :
 II. Any hawker :
 III. Any person under the age of Eighteen years.

When licence expires.
 Renewal of licence.

7 Subject to this Act, a licence issued under this Act shall be in force until and inclusive of the Thirty-first day of December next after the issue thereof and no longer. A licence may be renewed by the Minister upon payment of the fee of Five Pounds for such renewal, if the licensee applies for such renewal not more than One month and not less than Seven days before its expiration, and if the Minister is satisfied that the licensee is a fit person to continue to hold such licence.

Revocation of licence.

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

Osmiridium Register Book.
 Supervision of purchases and entries thereof.
 Schedule (1).

9—(1) An Osmiridium Register Book, in the form in the Schedule (1), or as may be prescribed, shall be kept at the place of business of every licensed buyer.

(2) Every licensed buyer shall personally conduct every transaction relating to the purchase or sale of osmiridium, and shall after every purchase or sale has been effected, or any osmiridium received into his custody or possession, forthwith record in such Osmiridium Register Book the prescribed particulars of the transaction, and have such entries signed as directed in the said schedule or as may be prescribed.

*Osmiridium.***10** Every licensed buyer shall—

- i.** Keep a book or books fairly made out in the form set forth in Schedule (1), and shall enter therein an account of all such osmiridium as he may from time to time become possessed of, stating in respect thereof the day and hour upon and at which, and the person by or through whom, and the person from whom, he purchased or received the same, adding a true description of such lastmentioned person's business and precise place of abode, and post to the Secretary for Mines within Seven days after the close of each month a copy, certified by him as correct, of all entries made, pursuant to this or the next following paragraph, in such book during the said month.

If he does not he shall, on summary conviction, incur for the first offence a penalty not exceeding Twenty Pounds, and for every subsequent offence a penalty not less than Two Pounds nor exceeding Fifty Pounds, or imprisonment for any term not exceeding Six months :

- ii.** Enter in such book an account of all such osmiridium as he may from time to time sell or dispose of, stating in respect of each entry the day upon which, and the name of the person by or through whom, and the person to whom, he sold or disposed of the same, adding a true description of such lastmentioned person's business and precise place of abode.

If he does not he shall, on summary conviction, incur for the first offence a penalty of not exceeding Twenty Pounds, and for every subsequent offence a penalty not less than Two Pounds nor exceeding Fifty Pounds, or imprisonment for any term not exceeding Six months :

- iii.** Produce to any officer of the police force of or above the rank of sergeant, or any member of the police force generally, authorised in writing by such an officer as aforesaid, whenever thereto requested, his licence and the book or books required to be kept as aforesaid, and any osmiridium purchased or received by him then in his possession, and such book, or books, or osmiridium shall be deemed to be in the possession of such licensed buyer 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 *bonâ fide* sale of such osmiridium having been made by him :

- iv.** 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 osmiridium then in his possession, or which shall thereafter come into his possession, answering the description of any osmiridium 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 :

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Regulations to be observed by licensees.

Books to be kept showing osmiridium received. Schedule (1).

Book to show how osmiridium disposed of.

Production of licence books in certain cases.

Licensed buyer to inform police when osmiridium supposed to be stolen, &c., came into his possession.

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Penalty.

v. For any act or default contrary to any of the Two immediately preceding paragraphs done or made by any licensed buyer, he shall, on summary conviction, incur a penalty of not more than Five Pounds, and for every subsequent offence a penalty of not less than One Pound nor more than Twenty Pounds, or imprisonment for any term not exceeding Three months.

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

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

Penalty for false entry.

12 Every licensee who wilfully makes a false entry, and every person who causes a false entry to be made in an Osmiridium Register Book shall be liable, on summary conviction to imprisonment for any period not exceeding Six months, or to a penalty of not less than Five Pounds, and not exceeding One hundred Pounds.

Untrue statement by seller.

13 If any entry in an Osmiridium Register Book, signed by or on behalf of a seller is untrue or incomplete in any particular, or if the name by which any person named in the entry or signing the same is generally known is not disclosed therein, such seller or the person signing on his behalf, and the person (if any) for whom the latter acts, shall be guilty of an offence against this Act.

Person disposing of osmiridium outside the State to furnish particulars.

Penalty.

14 Any person residing in this State (other than a licensed buyer) who transfers any osmiridium from this State to any other State of the Commonwealth, or disposes of osmiridium outside this State, shall immediately furnish the Secretary for Mines with full particulars of the quantity and the value of same, and if he fails to comply with the provisions of this section such person shall be guilty of an offence against this Act.

No child under Fifteen to sell osmiridium.

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

Burden of proof of license to be on defendant.

16 In any proceedings under this Act for any offence against this Act, the burden of proof that he is a licensee shall be on the defendant.

Penalty for non-performance of provisions of Act.

17 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.

Person in possession of osmiridium to account for same.

18 Any person who—

- i. Offers osmiridium for sale: or
- ii. Has osmiridium in his possession or control: or

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iii. Has sold any osmiridium : or

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iv. In any proceeding under this section states that he gave or entrusted, or is alleged to have given or entrusted, osmiridium to the defendant—

may be required by a licensed osmiridium buyer to whom the osmiridium is or was offered, or by whom the osmiridium was bought, or a justice, or any member of the police force, 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 shall not so satisfy such osmiridium buyer, proceedings for an offence against this Act may be taken against such person upon the information of such osmiridium buyer or member of the police force, or by direction of such justice, and upon the hearing, unless such person satisfies the adjudicating magistrate or justices that he honestly came by the same, he shall be convicted of an offence against this Act.

19 If any person signs on behalf of a seller, or as a witness, any entry—

Untrue statement
by witness to sale.

i. Knowing or having reason to believe or suspect—

(a) That the entry is untrue or incomplete in any particular ; or

(b) That the name by which any person mentioned in the entry in an Osmiridium Register Book, or signing the same is generally known is not disclosed therein : or

ii. If he was not requested by the seller to sign the seller's name on his behalf—

such person shall be guilty of an offence against this Act.

20 If any licensee buys, sells, receives, or delivers osmiridium knowing or having reasonable grounds to believe or suspect—

Untrue entries by
buyer or seller.

i. That any entry in respect thereof in an Osmiridium Register Book is untrue or incomplete in any particular : or

ii. 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 for whom he acts shall be guilty of an offence against this Act.

21 If—

i. Any notice or statement, or copy posted or sent or delivered to the Minister or the Secretary for Mines or a member of the police force, or to the mint, or to any inspector of mines or any public officer is untrue or incomplete in any substantial particular : or

Untrue statement
to Minister or
Secretary.

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ii. 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 osmiridium 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 for
offence against
Act.

22—(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 not exceeding One hundred Pounds, or to imprisonment for any term not exceeding Six months.

(2) Upon a Second conviction being recorded against any licensee for any offence against this Act, his licence shall, in addition to the penalty (if any) imposed, *ipso facto*, become void as if it had been actually revoked, and shall forthwith be delivered up to the Minister.

(3) Osmiridium in possession of the police or any informant or the subject of a prosecution shall, upon the order of a police magistrate or any Two or more justices, be given back to the owner if he is known; but if any person be charged with an offence against this Act in relation thereto, such osmiridium shall not be so given back until after the conviction of such person.

If the owner of such osmiridium is not discovered within Six months from the conviction of the offender, such osmiridium shall be forwarded to the Minister, who shall cause same to be sold. There may be paid out of the proceeds of any such sale, if so ordered by the Minister, the costs and expenses of the prosecution, and such sum or sums as he may award to any person affording any information or aid in the obtaining of the conviction, and subject to such payments the amount of such proceeds of sale shall be paid into the Treasury, and shall form part of the Consolidated Revenue.

Enforcement.

23 Any inspector of mines, or any member of the police force, or any person thereto authorised by the Minister, may take proceedings against any licensed osmiridium buyer or any person for any contravention of this Act.

In any proceedings no proof shall be required of any authority under this section.

Regulations.

24—(1) The Governor may from time to time make regulations for any purpose which he deems necessary or convenient in order to give full effect to the provisions and intentions of this Act.

(2) Without prejudice to the generality of the power conferred by Subsection (1), the Governor may make regulations prescribing—

i. The form of licences, of applications for licences, and renewals of licences:

ii. The notices to be given by applicants:

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- III. The books to be kept by a licensee, and the form of entries to be made therein : A.D. 1919
- IV. By whom such entries shall be signed or certified, and for the identification of any party to a transaction or person signing any entry :
- V. And requiring the notification by licensees of the address of their place of business and of any change in such address :
- VI. And requiring the notification by every licensee upon the outside of his place of business of his name and the nature of his business :
- VII. The returns which shall be furnished by the licensee, the time and manner of furnishing such returns, and the persons or authorities to whom the same shall be furnished :
- VIII. Any alterations in the schedules to this Act which may be necessary or desirable :
- IX. Anything authorised by this Act to be prescribed or anything in respect to which regulations are contemplated.

(3) Such regulations may prescribe penalties not exceeding Five Pounds for any contravention thereof, or of other regulations.

25 In any proceedings against any licensee for any failure to comply with any of the requirements of this Act, the burden of proof that such requirements have been complied with shall be on the defendant. Burden of proof

26 Where a member of the police force lays an 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 osmiridium, a police magistrate may issue his warrant to such member authorising him, with such assistance as may be necessary, to search any premises specified in such warrant, and to take possession of any such osmiridium and to apprehend any person not being so licensed, and to take him before a justice to be dealt with according to law. Warrant to search premises for osmiridium, &c., unlawfully in possession.

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

28 All offences against the provisions of this Act and all penalties, forfeitures, costs, sums of money, and expenses imposed or made payable under this Act may, unless otherwise provided, be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act" or any Act for the time being in force regulating procedure before justices. Procedure.

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 Notice of action
 63 Vict. No. 36

29 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action and the cause thereof is given to the defendant as provided by the Act 63 Victoriae, No. 36.

SCHEDULES.

(1)

“THE OSMIRIDIUM ACT, 1919.”
 OSMIRIDIUM REGISTER BOOK.

No. of Transaction.	Date of Transaction.		Particulars in respect of Seller, or of Person to whom sold or disposed.						Signature of Seller and Witness.		Particulars of Osmiridium bought.		Value or Price Paid.	
			Full Name.	Apparent Age.	Where employed.	True description of Business, Trade, or Calling.	Precise Place of Abode.	Whether or not personally known to Licensee.	Seller.	Witness.	Where obtained.	Weight		
													£ s. d.	By.

(2)

“THE OSMIRIDIUM ACT, 1919.”
 OSMIRIDIUM BUYER'S LICENCE. [Fee £5.]

I, _____, Minister for Mines for the State of Tasmania, by virtue of the power conferred upon me under the provisions of “The Osmiridium Act, 1919,” do hereby grant to _____ of _____, carrying on the business, trade, or calling of _____, a Licence to buy Osmiridium under the provisions of the said Act until the 31st day of December, 19 _____.

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

Not transferable.

Minister for Mines.