

## Using Coins in Jewellery Making.

Over the years there have been several occasions when members have used predecimal coins to either fold, form, cut or plate into items of jewellery or souvenirs. A workshop was run a few years ago where members made woggles from pennies as gifts to members of a Scout troupe that assisted at our annual gem show. We have also had demonstrations of making a ring from a two-shilling piece. Other members have used pennies as cutting practice with a piercing saw to cut out kangaroos.

On each occasion, there have been doubts raised as to the legality of this practice and we have been left wondering whether in fact this practice breached some Australian law.

By searching the internet, many examples of predecimal coins being turned into jewellery or souvenirs can be found. The Perth Mint sells threepenny pieces gold plated with a bale attached as charm bracelet pieces, coin dealers sell pennies folded into Anzac slouch hats for key ring adornments and there are any number of coin rings offered for sale.

It piqued my interest that if the practice was illegal, then why aren't large enterprises like the Perth Mint being raided by the Australian Federal Police. So, I set about researching all of the vast corners of the internet to find a definitive answer that can be supported by a valid legal position.

Ultimately all laws commence in an Act of Parliament, and it wasn't long before I unearthed the Crimes (Currency) Act 1981. My enquiries to several entities also ended up with me being referred to this legislation with Sections 16- 18 being frequently quoted. The specific wording in Section 16 contains the following:

*"A person shall not, without the consent, in writing, of an authorized person, intentionally deface, disfigure, mutilate or destroy any coin or paper money that is lawfully current in Australia."*

Section 17 and 18 contain similar wording pertaining to possessing or selling lawfully current coins that have been defaced.

In a broad reading this would seem to indicate that using predecimal coins for jewellery or souvenirs contravened the Act, but as with all things in life, you need to read the fine print. The relevant wording to consider is "lawfully current". When legislation is drafted, definitions within the Act are usually added as an appendix or as in this case in the preface under a section titled "interpretation". Unfortunately, the definition of "lawfully current" is not included in the legislation.

Interestingly there are several common terms that are used in relation to currency. Legal tender is one term, demonetised is another. In Australia, the only coins that have been demonetised - i.e. taken out of the monetary system-are the holey dollar and the dump. These coins were introduced into Australia by Governor Lachlan Macquarie in 1812. Originally 40,000 Spanish Reales were imported, and Macquarie had a convicted forger stamp out the centre piece to virtually double the amount of coins. All predecimal coins are still considered legal tender, so if you have a secret stash of threepenny bits you can take them to the bank which would be obliged to take them and pay you two cents face value. The coins would then be sent to the Reserve Bank where they would be sent for melting down. However, as the early coins were made from sterling silver, you may find someone willing to pay considerably more than face value.

Back to our topic. What does "lawfully current" mean? Ultimately after several days of searching and communicating with a number of entities, including the Royal Mint I was referred to the Consumer Policy Unit of the Australian Treasury. Within a day I had a response which I have included below for future reference. Mr. Toby Robinson has advised that predecimal coins are not lawfully current and therefore Section 16-18 of Crimes (Currency) Act 1981 does not apply.

This seems to me, to be a prescriptive and definitive response that members should be able to rely on in the future, and enjoy making as many coin rings or slouch hats as they wish, without the fear of going to jail.

Ray Wilson.

RE: Status of Predecimal Coins [SEC=OFFICIAL]  
Robinson, Toby <Toby.Robinson@TREASURY.GOV.AU>  
To: RWilson

**OFFICIAL**

Dear Ray

Thank you for your enquiry regarding the use of Australian pre-decimal currency in producing jewellery. I appreciate you approaching Treasury about this matter.

While I note that Treasury is not in a position to provide you with legal advice, in our view it would not be unlawful to make jewellery using Australian pre-decimal coins. While these coins are still legal tender, they are not current coins in general circulation or use. Accordingly, in our view the prohibitions in the *Crimes (Currency) Act 1981* relating to defacing or destroying current coins, selling defaced current coins or possessing defaced current coins for sale (sections 16 to 18 of that Act) do not apply to pre-decimal coins. You may nonetheless wish to seek your own independent legal opinion on the matter.

Thank you again for your enquiry and I hope this information is of assistance to you.

Regards

Toby

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