SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL.

Schedule of Amendments referred to in Legislative Council's Message of 29 *August,* 1963.

No. 1.—Page 7, clause 2, lines 16 to 18 inclusive. *Omit* all words on these lines. *Insert* **"officer of the police force above the rank of senior constable" and by inserting in lieu thereof the words "member of the police force of or above the rank of sergeant, or any other member of the police force authorised in writing in that behalf by the Commissioner of Police,";**

No. 2.—Page 7, clause 2. *After* line 28 *insert*—

(iii) by omitting from the same section the words "such officer" and by inserting in lieu thereof the words "such member";

(iv) by inserting at the end of the same section the following paragraph:—

Any member of the police force authorised by the Commissioner of Police pursuant to this section may be so authorised either generally or in specified cases. Any such authority may be revoked at any time by the Commissioner of Police.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 21 *August,* 1963.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

J. R. STEVENSON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 29 *August,* 1963.

New South Wales

ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1963.

An Act to extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963".

(2)

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1906.

10 (a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods"; Long title.

(ii) by omitting from the long title the words "articles and old wares" and by inserting in
15 lieu thereof the word "goods";

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods"; Sec. 2. (Definition.)

20 (ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court"
25 in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following
30 definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers,
35 Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

Unlicensed persons prohibited from acting as dealers.

3. Any person who—

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

Offences in respect of keeping of books.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 11. (Collector to leave address with police officer and report himself.)

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 12. (Licenses not to be let out.)

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words ~~"above the rank of senior constable" and by inserting in lieu thereof the words "of or above the rank of sergeant";~~ **"officer of the police force above the rank of senior constable" and by inserting in lieu thereof the words "member of the police force of or above the rank of sergeant, or any other member of the police force authorised in writing in that behalf by the Commissioner of Police,";** Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same section the words "such officer" and by inserting in lieu thereof the words "such member";

(iv) by inserting at the end of the same section the following new paragraph:—

Any member of the police force authorised by the Commissioner of Police pursuant to this section may be so authorised either generally or in specified cases. Any such authority may be revoked at any time by the Commissioner of Police.

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 21. (Constable may be authorised to search dealer's premises.)

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii)

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

5 (iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof 10 the words "second-hand goods"; Sec. 22. (Suspicious offering of second-hand goods.)

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

15 (iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

(r) by omitting from section twenty-three the words 20 "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 23. (Proceedings.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,"; Sec. 24. (Regulations.)

(ii) by inserting in the same section immediately 25 before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any 30 second-hand goods or class of second-hand goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to 35 this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; (t)

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule : — First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*] ; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .

Registered No.

(Signed)

Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED"; Fifth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED"; Sixth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

(z) by inserting next after the Sixth Schedule the following new Schedule :— New Seventh Schedule.

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

5 (g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended 20 by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued 25 under the said Act, as so amended, and as amended by this Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
[1s.]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 21 *August,* 1963.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, *August,* 1963.

New South Wales

ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1963.

An Act to extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963". Short title, citation and commencement.

(2)

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1906.

10 (a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods"; Long title.

(ii) by omitting from the long title the words "articles and old wares" and by inserting in
15 lieu thereof the word "goods";

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods"; Sec. 2. (Definition.)

20 (ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court"
25 in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following
30 definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers,
35 Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

Unlicensed persons prohibited from acting as dealers.

3. Any person who—

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

Sec. 4. (Application for dealer's license or transfer.)

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of";

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act. Offences in respect of keeping of books.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 11. (Collector to leave address with police officer and report himself.)

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 12. (Licenses not to be let out.)

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words ~~"above the rank of senior constable" and by inserting in lieu thereof the words "of or above the rank of sergeant";~~ **"officer of the police force above the rank of senior constable" and by inserting in lieu thereof the words "member of the police force of or above the rank of sergeant, or any other member of the police force authorised in writing in that behalf by the Commissioner of Police,";** Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same section the words "such officer" and by inserting in lieu thereof the words "such member";

(iv) by inserting at the end of the same section the ~~the~~ following new paragraph:—

Any member of the police force authorised by the Commissioner of Police pursuant to this section may be so authorised either generally or in specified cases. Any such authority may be revoked at any time by the Commissioner of Police.

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 21. (Constable may be authorised to search dealer's premises.)

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii)

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

5 (iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof 10 the words "second-hand goods"; Sec. 22. (Suspicious offering of second-hand goods.)

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

15 (iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

(r) by omitting from section twenty-three the words 20 "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 23. (Proceedings.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,"; Sec. 24. (Regulations.)

(ii) by inserting in the same section immediately 25 before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any 30 second-hand goods or class of second-hand goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to 35 this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; (t)

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule :— First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*] ; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .
Registered No.

(Signed)
Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED"; Fifth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED"; Sixth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

(z) by inserting next after the Sixth Schedule the following new Schedule :— New Seventh Schedule.

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

5 (g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and 10 clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for 15 the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, issued and in force at the commencement 20 of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued under the said Act, as so amended, and as amended by this 25 Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 21 *August,* 1963.

New South Wales

ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1963.

An Act to extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963". Short title, citation and commencement.

(2)

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1906.

10 (a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods"; Long title.

(ii) by omitting from the long title the words "articles and old wares" and by inserting in 15 lieu thereof the word "goods";

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods"; Sec. 2. (Definition.)

20 (ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court" 25 in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following 30 definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers, 35 Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section :— Subst. sec. 3.

Unlicensed persons prohibited from acting as dealers.

3. Any person who—

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act. Offences in respect of keeping of books.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 11. (Collector to leave address with police officer and report himself.)

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 12. (Licenses not to be let out.)

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words "above the rank of senior constable" and by inserting in lieu thereof the words "of or above the rank of sergeant"; Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 21. (Constable may be authorised to search dealer's premises.)

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; **Sec. 22. (Suspicious offering of second-hand goods.)**

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

(r) by omitting from section twenty-three the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; **Sec. 23. (Proceedings.)**

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,"; **Sec. 24. (Regulations.)**

(ii) by inserting in the same section immediately before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any second-hand goods or class of second-hand goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(t)

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule : — First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*] ; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .
Registered No.

(Signed)
Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED"; Fifth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED"; Sixth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

(z) by inserting next after the Sixth Schedule the following new Schedule :— New Seventh Schedule.

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

(g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued under the said Act, as so amended, and as amended by this Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
[1*s*.]

No. , 1963.

A BILL

To extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith.

[MR. KELLY;—21 *February*, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963". Short title, citation and commencement.

(2)

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(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1906.

10 (a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods"; Long title.

(ii) by omitting from the long title the words "articles and old wares" and by inserting in
15 lieu thereof the word "goods";

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods"; Sec. 2. (Definition.)

20 (ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court"
25 in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following
30 definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers,
35 Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section :— Subst. sec. 3.

3. Any person who— Unlicensed persons prohibited from acting as dealers.

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act. Offences in respect of keeping of books.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 11. (Collector to leave address with police officer and report himself.)

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 12. (Licenses not to be let out.)

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words "above the rank of senior constable" and by inserting in lieu thereof the words "of or above the rank of sergeant"; Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 21. (Constable may be authorised to search dealer's premises.)

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 22. (Suspicious offering of second-hand goods.)

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

(r) by omitting from section twenty-three the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 23. (Proceedings.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,"; Sec. 24. (Regulations.)

(ii) by inserting in the same section immediately before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any second-hand goods or class of second-hand goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(t)

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule : — First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*] ; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .

Registered No.

(Signed)

Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED"; Fifth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED"; Sixth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

(z) by inserting next after the Sixth Schedule the following new Schedule:— New Seventh Schedule.

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

(g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued under the said Act, as so amended, and as amended by this Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
[1*s*.]

SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL, 1963.

EXPLANATORY NOTE.

THE objects of this Bill are—

(a) generally to revise and bring up to date the Second-hand Dealers and Collectors Act, 1906, as amended;

(b) to extend the ambit of the said Act to include all second-hand goods apart from those referred to in the new Schedule set out in the Bill;

(c) to provide for amendment of the said Schedule by the Regulations;

(d) to increase the license fee for dealers from one pound to two pounds and for collectors from one shilling to five shillings;

(e) to revise the machinery provisions relating to the issue of licenses;

(f) to create offences in respect of the failure of licensed dealers to keep accurate records of transactions in second-hand goods;

(g) to increase the general penalty for offences against the said Act from £10 to £50;

(h) to make provisions incidental and ancillary to the foregoing.

PROOF

No. , 1963.

A BILL

To extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith.

[MR. KELLY;—21 *February*, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963". Short title, citation and commencement.

(2)

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended— Amendment of Act No. 30, 1906.

10 (a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods"; Long title.

(ii) by omitting from the long title the words "articles and old wares" and by inserting in
15 lieu thereof the word "goods";

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods"; Sec. 2. (Definition.)

20 (ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court"
25 in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following
30 definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers,
35 Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section :— Subst. sec. 3.

Unlicensed persons prohibited from acting as dealers.

3. Any person who—

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act. Offences in respect of keeping of books.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 11. (Collector to leave address with police officer and report himself.)

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 12. (Licenses not to be let out.)

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words "above the rank of senior constable" and by inserting in lieu thereof the words "of or above the rank of sergeant"; Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 21. (Constable may be authorised to search dealer's premises.)

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 22. (Suspicious offering of second-hand goods.)

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

(r) by omitting from section twenty-three the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds"; Sec. 23. (Proceedings.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,"; Sec. 24. (Regulations.)

(ii) by inserting in the same section immediately before the words "And may in such regulations" the following new paragraph: —

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any second-hand goods or class of second-hand goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(t)

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule : — First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*] ; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .

Registered No.

(Signed)

Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED"; Fifth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED"; Sixth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

(z) by inserting next after the Sixth Schedule the following new Schedule: — New Seventh Schedule.

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

5 (g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and 10 clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand 15 goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended 20 by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued 25 under the said Act, as so amended, and as amended by this Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

New South Wales

ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 29, 1963.

An Act to extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith. [Assented to, 13th September, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963".

(2)

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 30, 1906.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended—

Long title.

(a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the long title the words "articles and old wares" and by inserting in lieu thereof the word "goods";

Sec. 2. (Definition.)

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court" in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers, Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

Unlicensed persons prohibited from acting as dealers.

3. Any person who—

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application

has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

Offences in respect of keeping of books.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

Sec. 11. (Collector to leave address with police officer and report himself.)

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

Sec. 12. (Licenses not to be let out.)

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words "officer of the police force above the rank of senior constable" and by inserting in lieu thereof the words "member of the police force of or above the rank of sergeant, or any other member of the police force authorised in writing in that behalf by the Commissioner of Police,"; Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same section the words "such officer" and by inserting in lieu thereof the words "such member";

(iv) by inserting at the end of the same section the following new paragraph :—

Any member of the police force authorised by the Commissioner of Police pursuant to this section may be so authorised either generally or in specified cases. Any such authority may be revoked at any time by the Commissioner of Police.

(p)

Sec. 21. (Constable may be authorised to search dealer's premises.)

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 22. (Suspicious offering of second-hand goods.)

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

Sec. 23. (Proceedings.)

(r) by omitting from section twenty-three the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 24. (Regulations.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,";

(ii) by inserting in the same section immediately before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any second-hand goods or class of second-hand goods

goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule :— First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*]; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .

Registered No.

(Signed)
Clerk of the Court at .

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

Fifth Schedule.

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED";

Sixth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED";

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

New Seventh Schedule.

(z) by inserting next after the Sixth Schedule the following new Schedule:—

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

(g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued under the said Act, as so amended, and as amended by this Act.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 4 *September,* 1963.

New South Wales

ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 29, 1963.

An Act to extend the purview of the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts; to increase the license fees payable under the said Act, as so amended; for this and other purposes to amend the said Act, as so amended; and for purposes connected therewith. [Assented to, 13th September, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1963". **Short title, citation and commencement.**

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

(2) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Second-hand Dealers and Collectors Act, 1906-1963.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 30, 1906.

2. (1) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, is amended—

Long title.

(a) (i) by omitting from the long title the words "old wares" where firstly occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the long title the words "articles and old wares" and by inserting in lieu thereof the word "goods";

Sec. 2. (Definition.)

(b) (i) by omitting from the definition of "Collector" in section two the words "old wares of any kind" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same definition the words "old wares" where secondly occurring and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the definition of "Court" in the same section the words "or police";

(iv) by omitting from the same section the definitions of "License", "Old wares", "Ship-chandler" and "Second-hand dealer" and by inserting in lieu thereof the following definitions:—

"License" means license under this Act and any renewal thereof.

"Licensed auctioneer" means an auctioneer within the meaning of the Auctioneers, Stock and Station and Real Estate Agents

Agents Act, 1941, as amended by subsequent Acts, who is licensed under the said Act, as so amended.

"Second-hand dealer" means any person who carries on the business of dealing in or buying or selling second-hand goods, whether such person deals in any other goods or not.

"Second-hand goods" means second-hand goods of every description other than those enumerated in the Seventh Schedule to this Act.

(c) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

3. Any person who— Unlicensed persons prohibited from acting as dealers.

(1) exercises or carries on;

(2) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or

(3) in any way holds himself out to the public as ready to exercise or carry on,

the business or any of the functions of a second-hand dealer without being the holder of a license as such shall be guilty of an offence against this Act.

(d) (i) by inserting in section four after the word "in" where firstly occurring the words "or to the effect of"; Sec. 4. (Application for dealer's license or transfer.)

(ii) by inserting in the same section after the word "fit" the words "for a period not exceeding one year from the date of expiry of the original license or the previous renewal of such license, as the case may be. Where an application has been made for the renewal of such a license before the date upon which such license or previous renewal thereof, as the case may be, expires and such application has

has not been dealt with before the date upon which such license or previous renewal thereof, as the case may be, expires, the applicant for such renewal shall be deemed to continue to be licensed until such time as such application has been granted or refused.";

(iii) by omitting from the same section the words "one pound" and by inserting in lieu thereof the words "two pounds";

Sec. 8. (Name, &c., to be painted on outside of premises.)

(e) (i) by omitting from paragraph one of section eight the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from paragraph three of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of purchase or receipt of the goods to which the entry relates";

(iii) by omitting from paragraph four of the same section the words "correctly therein" and by inserting in lieu thereof the words "legibly in ink therein as soon as practicable after the time of sale or disposal of the goods to which the entry relates";

(iv) by omitting from paragraph five of the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(v) by inserting in paragraph seven of the same section after the word "keep" the words "on the premises to which his license applies";

(vi) by omitting from the same paragraph the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(vii) by omitting from the same paragraph the word "wares" where thirdly occurring and by inserting in lieu thereof the word "goods";

(viii)

(viii) by inserting at the end of the same section the following proviso :—

Provided that the proprietor of a foundry who is a second-hand dealer, is the holder of a license as such and purchases old iron, scrap metal, broken metal or defaced metal goods, such metal being in each such case iron or steel, for use in his foundry in the manufacture for trade or sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal, broken metal or defaced metal goods.

(f) by inserting next after the same section the following new section :— New sec. 8A.

8A. (1) Any licensed second-hand dealer who neglects or fails to make any entry required by this Act to be made by him, or who wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him, shall be guilty of an offence against this Act. Offences in respect of keeping of books.

(2) Any licensed second-hand dealer who makes or causes to be made, in any such book, any incomplete, defective or misleading entry, shall be guilty of an offence against this Act.

(g) by omitting from paragraph five of section nine the words "old wares" and by inserting in lieu thereof the words "second-hand goods"; Sec. 9. (Dealer to carry on business on licensed premises only.)

(h) (i) by omitting from subsection one of section ten the words "a court within the police district in which he resides an application in" and by inserting Sec. 10. (Collectors to be licensed.)

inserting in lieu thereof the words "the court nearest to the place where he resides an application in or to the effect of the";

(ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";

(iii) by inserting in subsection two of the same section after the word "hereto" the words "and where there is no objection made by or on behalf of an officer of police a license may be issued by the clerk of the court to which the application is made";

(iv) by omitting from subsection four of the same section the words "one shilling" and by inserting in lieu thereof the words "five shillings";

Sec. 11. (Collector to leave address with police officer and report himself.)

(i) (i) by omitting from section eleven the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by inserting in paragraph four of the same section immediately before the word "dealer" wherever occurring the word "second-hand";

Sec. 12. (Licenses not to be let out.)

(j) (i) by omitting from section twelve the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the word "subsection" and by inserting in lieu thereof the word "paragraph";

(iii) by omitting from the same section the word "subsections" and by inserting in lieu thereof the word "paragraphs";

(k)

(k) by omitting from section thirteen the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods"; Sec. 13. (Collectors to be licensed.)

(l) by omitting from section fourteen the word "Every" and by inserting in lieu thereof the words "Subject to section four of this Act, every"; Sec. 14. (Ceasing to be licensed.)

(m) (i) by omitting from section sixteen the words "Old wares" and by inserting in lieu thereof the words "Second-hand goods"; Sec. 16. (Presumption of possession of second-hand goods.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(n) by omitting from section eighteen the words "or police"; Sec. 18. (Licenses may be revoked.)

(o) (i) by omitting from section twenty the words "officer of the police force above the rank of senior constable" and by inserting in lieu thereof the words "member of the police force of or above the rank of sergeant, or any other member of the police force authorised in writing in that behalf by the Commissioner of Police,"; Sec. 20. (Inspectors, &c., to visit dealers' premises.)

(ii) by omitting from the same section the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same section the words "such officer" and by inserting in lieu thereof the words "such member";

(iv) by inserting at the end of the same section the following new paragraph :—

Any member of the police force authorised by the Commissioner of Police pursuant to this section may be so authorised either generally or in specified cases. Any such authority may be revoked at any time by the Commissioner of Police.

(p)

Sec. 21. (Constable may be authorised to search dealer's premises.)

(p) (i) by omitting from section twenty-one the words "old wares" wherever occurring and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the word "second-dealer" and by inserting in lieu thereof the words "second-hand dealer";

(iii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iv) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 22. (Suspicious offering of second-hand goods.)

(q) (i) by omitting from section twenty-two the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(ii) by omitting from the same section the words "such wares" wherever occurring and by inserting in lieu thereof the words "such goods";

(iii) by omitting from the same section the words "said wares" wherever occurring and by inserting in lieu thereof the words "said goods";

Sec. 23. (Proceedings.)

(r) by omitting from section twenty-three the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

Sec. 24. (Regulations.)

(s) (i) by omitting from paragraph (1) of section twenty-four the word "renewals,";

(ii) by inserting in the same section immediately before the words "And may in such regulations" the following new paragraph:—

The Governor may also make regulations amending the Seventh Schedule to this Act by inserting therein the description of any second-hand goods or class of second-hand goods

goods or by omitting therefrom the description of any second-hand goods or class of second-hand goods. The Seventh Schedule as so amended shall be the Seventh Schedule to this Act.

(iii) by omitting from the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds";

(t) by omitting the First Schedule and by inserting in lieu thereof the following Schedule : — First Schedule.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1906, AS AMENDED.

Second-hand dealer's license.

A.B., of [*address and description*], is authorised and empowered to act as a second-hand dealer and to carry on the business of dealing in, and buying and selling second-hand goods at the premises occupied by him in [*name of street and name of place*]; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the day of , 19 .

Granted at , this day of , 19 .

Registered No.

(Signed)
Clerk of the Court at

(u) by inserting in the Second Schedule after the figures "1906" the words ", AS AMENDED"; Second Schedule.

(v) (i) by inserting in the Third Schedule after the figures "1906" the words ", AS AMENDED"; Third Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(w) (i) by inserting in the Fourth Schedule after the figures "1906" the words ", AS AMENDED"; Fourth Schedule.

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(x)

Fifth Schedule.

(x) by inserting in the Fifth Schedule after the figures "1906" the words ", AS AMENDED";

Sixth Schedule.

(y) (i) by inserting in the Sixth Schedule after the figures "1906" the words ", AS AMENDED";

(ii) by omitting from the same Schedule the words "old wares" and by inserting in lieu thereof the words "second-hand goods";

(iii) by omitting from the same Schedule the symbols and letters "(L.S.)";

New Seventh Schedule.

(z) by inserting next after the Sixth Schedule the following new Schedule:—

SEVENTH SCHEDULE.

Second-hand goods excluded from definition of "Second-hand goods" contained in section two of this Act:—

(a) Used or reconstructed motor vehicles as defined in the Second-hand Motor Dealers Act, 1956, and such used or reconstructed parts or accessories of motor vehicles as so defined as may be prescribed by regulations made under that Act for the purposes of the definition of "Dealer" contained in subsection one of section three of that Act.

(b) Wool, hides and skins, the subject of trade in accordance with the provisions of the Wool, Hide and Skin Dealers Act, 1935.

(c) Pistols as defined in the Pistol License Act, 1927, as amended by subsequent Acts, and military rifles and military ammunition as defined in the Police Offences Act, 1901, as amended by subsequent Acts.

(d) Second-hand goods acquired by a licensed auctioneer to be sold on commission in accordance with the provisions of the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, until the time such auctioneer ceases to be the possessor of such goods.

(e) Second-hand goods repossessed—

(i) by a vendor in accordance with the provisions of the Hire-purchase Agreements Act, 1941-1959; or

(ii) by an owner in accordance with the Hire-Purchase Act, 1960,

until the time such vendor or owner, as the case may be, ceases to be the possessor of such goods.

(f)

(f) Second-hand goods sold to a retailer in part payment for other goods purchased from such retailer, until the time such retailer ceases to be the possessor of such second-hand goods.

(g) Clothing, waste paper and other second-hand goods of any kind collected, acquired or sold by a charity as defined in the Charitable Collections Act, 1934, as amended by subsequent Acts, registered under the said Act, as so amended, or exempted from registration by or under the said Act, as so amended, and clothing, waste paper and other second-hand goods of any kind collected by persons acting bona fide on behalf and with the authority of such a charity where such clothing, waste paper and other second-hand goods of any kind are collected, acquired or sold for the benefit of such a charity.

(h) Second-hand goods the subject of a bailment.

(2) A reference to old wares in any license under the Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts, issued and in force at the commencement of this Act shall be read and construed as a reference to second-hand goods and any license under the said Act, as so amended, so issued to a second-hand dealer and in force at such commencement shall be deemed to have been issued under the said Act, as so amended, and as amended by this Act.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

Government House,
Sydney, 13th September, 1963.