

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Second-hand Dealers and Collectors Act, 1906, to make further provision in relation to the grant of licenses under that Act.

BE

Second-hand Dealers and Collectors (Amendment).

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. This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1976".

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

10 (2) Schedule 1 and section 4, in its application to Schedule 1, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :—

15 SCHEDULE 1.—AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.

20 SCHEDULE 2.—AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.

4. The Second-hand Dealers and Collectors Act, 1906, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906.

(1) (a) Section 4 (1)—

5 Omit “for a license”, insert instead “for a second-hand dealer’s license”.

(b) Section 4 (1)—

Omit “force a license”, insert instead “force a second-hand dealer’s license”.

10 (c) Section 4 (1)—

Omit “of a license”, insert instead “of a second-hand dealer’s license”.

(2) Section 4A—

After section 4, insert :—

15 4A. (1) In this section, “exhibition license” means **Exhibition**
a license granted under subsection (3). **license.**

(2) An application for an exhibition license may only be made—

20 (a) by a person holding a second-hand dealer’s license that has been issued to him and is in force at the time the application is made; and

(b) in the prescribed manner.

25 (3) An exhibition license may, subject to subsection (4), be granted to a licensed second-hand dealer by—

(a) any court; or

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906—*continued.*

5 (b) the clerk of the court of petty sessions to which the application therefor is made.

10 (4) An application for an exhibition license shall not be granted unless a copy of the application has been referred to the senior officer of police for the police district in which are situated the premises in respect of which the license has been applied for and—

15 (a) a report made by that officer on the application has been lodged with the clerk of the court to which the application has been made and, if the license is to be granted by that clerk, the report contains no objection to the grant of the license; or

20 (b) a period of 10 days has elapsed since the copy of that application has been referred to that officer.

(5) A court that, or clerk of a court who, grants an exhibition license shall, in the license—

25 (a) describe the premises and the exhibition, fair or other function in respect of which it is granted; and

(b) specify any conditions to which it is subject.

(6) Subject to subsection (7), an exhibition license is in force on the date or dates and during the hours specified in the license.

30 (7) Where any function in respect of which an exhibition license has been granted is postponed, the license is in force for the date or dates to which the function has been postponed.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (8) While an exhibition license is in force, the person to whom it has been granted is authorised, subject to the conditions of the license, to carry on the business of a second-hand dealer at the premises described in the license.

10 (9) A person who breaches a condition of his exhibition license shall be guilty of an offence under this Act.

(3) Section 5—

15 Omit “second-hand dealer’s license or for the renewal or transfer thereof”, insert instead “license under this Part or for the renewal or transfer of a second-hand dealer’s license”.

(4) (a) Section 8 (1)—

After “which his”, insert “second-hand dealer’s”.

(b) Section 8 (6)—

20 Omit “force; and”, insert instead “force,”.

(c) Section 8 (7)—

Omit the paragraph.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

(5) Section 8B—

5 After section 8A, insert :—

8B. (1) A reference in this section to second-hand goods purchased or received by a licensed second-hand dealer does not include a reference to—

Certain
goods to be
retained.

10 (a) goods purchased by him from a licensed auctioneer; or

(b) old iron or scrap metal, broken metal or defaced metal goods, where the metal is in any case iron or steel.

15 (2) For the purposes of subsection (3), second-hand goods are kept by a licensed second-hand dealer in accordance with this subsection for any period of time during which the goods are—

(a) on premises to which his second-hand dealer's license applies;

20 (b) in his possession on premises described in any license in force and granted to him under section 4A (3), but only if it is also a period of time for which he reasonably requires the goods to be on the premises for, or in connection with, carrying on the
25 business he is authorised to carry on by section 4A (8);

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (c) at a place for the time being approved by
the Commissioner of Police or a member of
the police force authorised by the Com-
missioner, which authorisation the
Commissioner is hereby empowered to give;
or

10 (d) in bona fide transit between the premises
referred to in paragraphs (a) and (b) or
between either of those premises and a
place referred to in paragraph (c).

15 (3) A licensed second-hand dealer shall keep
all second-hand goods purchased or received by him
for a period of 5 days after the goods have been
purchased or received and he shall so keep the
goods—

- 20 (a) in accordance with subsection (2);
(b) without changing the form in which the
goods were when they were so purchased or
received; and
(c) without disposing of the goods in any way.

25 (4) Any licensed second-hand dealer who
contravenes subsection (3) shall be guilty of an
offence against this Act.

(6) (a) Section 9 (1)—

Omit “to which his license applies”, insert instead
“in respect of which he is licensed”.

30 (b) Section 9 (2)—

After “license”, insert “or licenses”.

SCHEDULE

Second-hand Dealers and Collectors (Amendment)

SCHEDULE 2. Sec. 4.

AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.

- (1) Section 10 (1)—
5 Omit "subsection", insert instead "subsections (1A) and".
- (2) Section 10 (1A)—
10 After section 10 (1), insert :—
10 (1A) Where an applicant for a collector's license does not reside at a place in the State, his application may, subject to subsection (4), be granted by any court.
- (3) Section 10 (4)—
15 Omit "the applicant resides", insert instead "is situated the court of petty sessions to which the application has been made".
- (4) Section 10 (5)—
20 Omit "an applicant resides", insert instead "is situated the court of petty sessions to which the application has been made".
- (5) Section 10 (6)—
Omit "is made", insert instead "therefor has been made".

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

No. , 1976.

A BILL

To amend the Second-hand Dealers and Collectors Act, 1906, to make further provision in relation to the grant of licenses under that Act.

[MR COLEMAN—3 March, 1976.]

BE

Second-hand Dealers and Collectors (Amendment).

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. This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1976".

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

10 (2) Schedule 1 and section 4, in its application to Schedule 1, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:—

15 **SCHEDULE 1.—AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.**

20 **SCHEDULE 2.—AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.**

4. The Second-hand Dealers and Collectors Act, 1906, is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 30, 1906.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906.

- (1) (a) Section 4 (1)—
5 Omit “for a license”, insert instead “for a second-hand dealer’s license”.
- (b) Section 4 (1)—
Omit “force a license”, insert instead “force a second-hand dealer’s license”.
- 10 (c) Section 4 (1)—
Omit “of a license”, insert instead “of a second-hand dealer’s license”.
- (2) Section 4A—
After section 4, insert :—
- 15 4A. (1) In this section, “exhibition license” means **Exhibition license,**
a license granted under subsection (3).
- (2) An application for an exhibition license may only be made—
- 20 (a) by a person holding a second-hand dealer’s license that has been issued to him and is in force at the time the application is made; and
- (b) in the prescribed manner.
- (3) An exhibition license may, subject to
25 subsection (4), be granted to a licensed second-hand dealer by—
- (a) any court; or

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906—*continued.*

5 (b) the clerk of the court of petty sessions to which the application therefor is made.

10 (4) An application for an exhibition license shall not be granted unless a copy of the application has been referred to the senior officer of police for the police district in which are situated the premises in respect of which the license has been applied for and—

15 (a) a report made by that officer on the application has been lodged with the clerk of the court to which the application has been made and, if the license is to be granted by that clerk, the report contains no objection to the grant of the license; or

20 (b) a period of 10 days has elapsed since the copy of that application has been referred to that officer.

(5) A court that, or clerk of a court who, grants an exhibition license shall, in the license—

25 (a) describe the premises and the exhibition, fair or other function in respect of which it is granted; and

(b) specify any conditions to which it is subject.

(6) Subject to subsection (7), an exhibition license is in force on the date or dates and during the hours specified in the license.

30 (7) Where any function in respect of which an exhibition license has been granted is postponed, the license is in force for the date or dates to which the function has been postponed.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (8) While an exhibition license is in force, the person to whom it has been granted is authorised, subject to the conditions of the license, to carry on the business of a second-hand dealer at the premises described in the license.

10 (9) A person who breaches a condition of his exhibition license shall be guilty of an offence under this Act.

(3) Section 5—

15 Omit “second-hand dealer’s license or for the renewal or transfer thereof”, insert instead “license under this Part or for the renewal or transfer of a second-hand dealer’s license”.

(4) (a) Section 8 (1)—

After “which his”, insert “second-hand dealer’s”.

(b) Section 8 (6)—

20 Omit “force; and”, insert instead “force,”.

(c) Section 8 (7)—

Omit the paragraph.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

(5) Section 8B—

5 After section 8A, insert :—

8B. (1) A reference in this section to second-hand goods purchased or received by a licensed second-hand dealer does not include a reference to—

Certain goods to be retained.

10 (a) goods purchased by him from a licensed auctioneer; or

(b) old iron or scrap metal, broken metal or defaced metal goods, where the metal is in any case iron or steel.

15 (2) For the purposes of subsection (3), second-hand goods are kept by a licensed second-hand dealer in accordance with this subsection for any period of time during which the goods are—

(a) on premises to which his second-hand dealer's license applies;

20 (b) in his possession on premises described in any license in force and granted to him under section 4A (3), but only if it is also a period of time for which he reasonably requires the goods to be on the premises for, or in connection with, carrying on the
25 business he is authorised to carry on by section 4A (8);

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (c) at a place for the time being approved by
the Commissioner of Police or a member of
the police force authorised by the Com-
missioner, which authorisation the
Commissioner is hereby empowered to give;
or

10 (d) in bona fide transit between the premises
referred to in paragraphs (a) and (b) or
between either of those premises and a
place referred to in paragraph (c).

15 (3) A licensed second-hand dealer shall keep
all second-hand goods purchased or received by him
for a period of 5 days after the goods have been
purchased or received and he shall so keep the
goods—

- (a) in accordance with subsection (2);
- 20 (b) without changing the form in which the
goods were when they were so purchased or
received; and
- (c) without disposing of the goods in any way.

25 (4) Any licensed second-hand dealer who
contravenes subsection (3) shall be guilty of an
offence against this Act.

(6) (a) Section 9 (1)—

Omit “to which his license applies”, insert instead
“in respect of which he is licensed”.

30 (b) Section 9 (2)—

After “license”, insert “or licenses”.

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906.

(1) Section 10 (1)—

5 Omit "subsection", insert instead "subsections (1A)
and".

(2) Section 10 (1A)—

After section 10 (1), insert :—

10 (1A) Where an applicant for a collector's license
does not reside at a place in the State, his application
may, subject to subsection (4), be granted by any
court.

(3) Section 10 (4)—

15 Omit "the applicant resides", insert instead "is situated
the court of petty sessions to which the application has
been made".

(4) Section 10 (5)—

20 Omit "an applicant resides", insert instead "is situated
the court of petty sessions to which the application has
been made".

(5) Section 10 (6)—

Omit "is made", insert instead "therefor has been
made".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

PROOF

**SECOND-HAND DEALERS AND COLLECTORS
(AMENDMENT) BILL, 1976**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that a person holding a second-hand dealer's license may be granted a further license to carry on his business as a second-hand dealer at an exhibition, fair or other function; and
 - (b) to enable a person who does not reside in New South Wales to be granted a collector's license.
-

PROOF

SECTION ON QUALITY AND COLLECTORS

...

PROOF

No. , 1976.

A BILL

To amend the Second-hand Dealers and Collectors Act, 1906, to make further provision in relation to the grant of licenses under that Act.

[MR COLEMAN—3 March, 1976.]

BE

Second-hand Dealers and Collectors (Amendment).

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. This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1976". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

10 (2) Schedule 1 and section 4, in its application to Schedule 1, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

15 SCHEDULE 1.—AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.

20 SCHEDULE 2.—AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS AND COLLECTORS ACT, 1906.

4. The Second-hand Dealers and Collectors Act, 1906, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 30, 1906.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906.

(1) (a) Section 4 (1)—

5 Omit “for a license”, insert instead “for a second-hand dealer’s license”.

(b) Section 4 (1)—

Omit “force a license”, insert instead “force a second-hand dealer’s license”.

10 (c) Section 4 (1)—

Omit “of a license”, insert instead “of a second-hand dealer’s license”.

(2) Section 4A—

After section 4, insert :—

15 4A. (1) In this section, “exhibition license” means **Exhibition license.**
a license granted under subsection (3).

(2) An application for an exhibition license may only be made—

20 (a) by a person holding a second-hand dealer’s license that has been issued to him and is in force at the time the application is made; and

(b) in the prescribed manner.

25 (3) An exhibition license may, subject to subsection (4), be granted to a licensed second-hand dealer by—

(a) any court; or

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (b) the clerk of the court of petty sessions to
which the application therefor is made.

(4) An application for an exhibition license
shall not be granted unless a copy of the application
has been referred to the senior officer of police for
the police district in which are situated the premises
10 in respect of which the license has been applied for
and—

15 (a) a report made by that officer on the applica-
tion has been lodged with the clerk of the
court to which the application has been
made and, if the license is to be granted by
that clerk, the report contains no objection
to the grant of the license; or

20 (b) a period of 10 days has elapsed since the
copy of that application has been referred
to that officer.

(5) A court that, or clerk of a court who,
grants an exhibition license shall, in the license—

25 (a) describe the premises and the exhibition,
fair or other function in respect of which it
is granted; and

(b) specify any conditions to which it is subject.

(6) Subject to subsection (7), an exhibition
license is in force on the date or dates and during
the hours specified in the license.

30 (7) Where any function in respect of which an
exhibition license has been granted is postponed, the
license is in force for the date or dates to which the
function has been postponed.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

5 (8) While an exhibition license is in force, the person to whom it has been granted is authorised, subject to the conditions of the license, to carry on the business of a second-hand dealer at the premises described in the license.

10 (9) A person who breaches a condition of his exhibition license shall be guilty of an offence under this Act.

(3) Section 5—

15 Omit “second-hand dealer’s license or for the renewal or transfer thereof”, insert instead “license under this Part or for the renewal or transfer of a second-hand dealer’s license”.

(4) (a) Section 8 (1)—

After “which his”, insert “second-hand dealer’s”.

(b) Section 8 (6)—

20 Omit “force; and”, insert instead “force,”.

(c) Section 8 (7)—

Omit the paragraph.

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

(5) Section 8B—

5 After section 8A, insert :—

8B. (1) A reference in this section to second-hand goods purchased or received by a licensed second-hand dealer does not include a reference to—

Certain goods to be retained.

10 (a) goods purchased by him from a licensed auctioneer; or

(b) old iron or scrap metal, broken metal or defaced metal goods, where the metal is in any case iron or steel.

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20 (b) in his possession on premises described in any license in force and granted to him under section 4A (3), but only if it is also a period of time for which he reasonably requires the goods to be on the premises for, or in connection with, carrying on the
25 business he is authorised to carry on by section 4A (8);

SCHEDULE

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906—*continued.*

- 5 (c) at a place for the time being approved by
the Commissioner of Police or a member of
the police force authorised by the Com-
missioner, which authorisation the
Commissioner is hereby empowered to give;
or
- 10 (d) in bona fide transit between the premises
referred to in paragraphs (a) and (b) or
between either of those premises and a
place referred to in paragraph (c).
- 15 (3) A licensed second-hand dealer shall keep
all second-hand goods purchased or received by him
for a period of 5 days after the goods have been
purchased or received and he shall so keep the
goods—
- 20 (a) in accordance with subsection (2);
(b) without changing the form in which the
goods were when they were so purchased or
received; and
(c) without disposing of the goods in any way.
- 25 (4) Any licensed second-hand dealer who
contravenes subsection (3) shall be guilty of an
offence against this Act.
- (6) (a) Section 9 (1)—
Omit “to which his license applies”, insert instead
“in respect of which he is licensed”.
- 30 (b) Section 9 (2)—
After “license”, insert “or licenses”.

Second-hand Dealers and Collectors (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE SECOND-HAND DEALERS
AND COLLECTORS ACT, 1906.

- (1) Section 10 (1)—
5 Omit “subsection”, insert instead “subsections (1A)
and”.
- (2) Section 10 (1A)—
After section 10 (1), insert :—
10 (1A) Where an applicant for a collector’s license
does not reside at a place in the State, his application
may, subject to subsection (4), be granted by any
court.
- (3) Section 10 (4)—
15 Omit “the applicant resides”, insert instead “is situated
the court of petty sessions to which the application has
been made”.
- (4) Section 10 (5)—
20 Omit “an applicant resides”, insert instead “is situated
the court of petty sessions to which the application has
been made”.
- (5) Section 10 (6)—
Omit “is made”, insert instead “therefor has been
made”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976