

FIRST PRINT

**SECOND-HAND DEALERS
AND COLLECTORS (AMENDMENT) BILL, 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

- Crimes (Amendment) Bill, 1985;
- Pawnbrokers (Amendment) Bill, 1985;
- Hawkers (Amendment) Bill, 1985;
- Liquor (Amendment) Bill, 1985;
- Registered Clubs (Amendment) Bill, 1985.

This Bill and the cognate Bills constitute a legislative package designed to foster protection of homes against house-breakers by inhibiting the receipt and disposal of stolen property.

The object of this Bill is to amend the Second-hand Dealers and Collectors Act, 1906 ("the Act"), so as—

- (a) to ensure that, for the purposes of the Act, second-hand goods include coins, stamps, antiques and paintings (Schedule 1(1));
- (b) to make it clear that a separate license is required for each of the premises used by a second-hand dealer for carrying on the business of second-hand dealing, and to make provision for cancellation of licenses where agents or employees of a second-hand dealer do not comply with the Act or regulations (including provision for the cancellation of all licenses held by a dealer where the non-compliance occurred with the knowledge of, or because of lack of supervision by, the dealer) (Schedule 1 (2), (4)–(5) (d) and (6)–(9));
- (c) to extend the grounds for police objection against a license application (Schedule 1 (3));
- (d) to extend from 5 to 14 days the period during which a second-hand dealer must keep second-hand goods purchased or received (Schedule 1 (5) (e));

- (e) to increase the maximum penalty for an offence against the Act from \$200 to \$1,000 and to increase the maximum penalty that may be prescribed for an offence against the regulations from \$100 to \$1,000 (Schedule 1 (10) and (11));
- (f) to amend the Schedule of second-hand goods excluded from the application of the Act (Schedule 1 (12)); and
- (g) to make other provisions of a minor or consequential nature.

The Bill also contains a transitional provision.

**SECOND-HAND DEALERS AND COLLECTORS
(AMENDMENT) BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the Second-hand Dealers and Collectors Act, 1906, in relation to the receipt and disposal of goods, to increase penalties and for other purposes.

See also Crimes (Amendment) Bill, 1985; Pawnbrokers (Amendment) Bill, 1985; Hawkers (Amendment) Bill, 1985; Liquor (Amendment) Bill, 1985; Registered Clubs (Amendment) Bill, 1985.

Second-hand Dealers and Collectors (Amendment) 1985

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:—

5 Short title.

1. This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

15 3. The Second-hand Dealers and Collectors Act, 1906, is referred to in this Act as the Principal Act.

Amendment of Act No. 30, 1906.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional provision.

20 5. Section 8B (3) of the Principal Act applies to second-hand goods purchased or received by a second-hand dealer before the commencement of Schedule 1 (5) (e) as if that subsection had not been amended by this Act.

SCHEDULE 1.

25 (Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2, definition of "Goods"—

After the definition of "Court", insert:—

"Goods" includes coins, stamps, antiques and paintings.

Second-hand Dealers and Collectors (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 4 (1)—

5 Omit “An application for a second-hand dealer’s license shall be made in the prescribed manner and such application”, insert instead “A separate application for a second-hand dealer’s license shall be made in the prescribed manner in respect of each of the premises at which the business of a second-hand dealer is proposed to be carried on and such an application”.

10 (b) Section 4 (1)—

Omit “of such application”, insert instead “of such an application”.

(c) Section 4 (3), (4)—

After section 4 (2), insert:—

15 (3) A separate second-hand dealer’s license is required in respect of each of the premises at which a second-hand dealer carries on business.

20 (4) Every second-hand dealer’s license is subject to a condition that the agents and employees of the licensee who are engaged in the business of second-hand dealing at the premises in respect of which the license is granted shall, so far as is practicable, comply with the provisions of this Act and the regulations that apply to the licensee.

(3) Section 5 (2)—

25 At the end of section 5, insert:—

(2) The senior officer of police or a person authorised by that officer may object to the granting of an application referred to in subsection (1) (other than an application for a market indorsement) on the ground that—

30 (a) the applicant is not of good fame or character;

*Second-hand Dealers and Collectors (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) the applicant is not a fit and proper person to hold a license;
 (c) the applicant has improperly obtained a license;
 5 (d) in the case of an application for renewal of a second-hand dealer's license—a condition of the license has been breached; or
 (e) the applicant has been convicted of an offence against this Act or the regulations,
 10 or on more than one of those grounds.
- (4) Section 8 (1)—
 Omit "the premises in respect of which his second-hand dealer's license is granted", insert instead "any premises in respect of which the dealer holds a second-hand dealer's license".
- 15 (5) (a) Section 8B (2) (a)—
 Omit "to which his second-hand dealer's license applies", insert instead "in respect of which the dealer holds a second-hand dealer's license".
 (b) Section 8B (2) (a1) (ii)—
 20 Omit "the premises in respect of which he holds a second-hand dealer's license", insert instead "premises in respect of which the dealer holds a second-hand dealer's license".
 (c) Section 8B (2) (d)—
 Omit "the".
- 25 (d) Section 8B (2) (d)—
 Omit "either", insert instead "any".
 (e) Section 8B (3)—
 Omit "5 days", insert instead "14 days".
- (6) Section 9 (2)—
 30 Omit "the premises", insert instead "any premises".
- (7) Section 17 (1)—
 Omit "his licensed premises", insert instead "premises of the dealer".
- (8) (a) Section 18—
 35 After "relates,", insert "or that a condition to which a second-hand dealer's license is subject has been breached,".

Second-hand Dealers and Collectors (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) Section 18—
 After “thereon”, insert “, as the case may require,”.
- 5 (c) Section 18 (2)—
 At the end of section 18, insert:—
- 10 (2) Where a court orders the cancellation of a second-hand dealer’s license under subsection (1) on the ground that a condition to which the license is subject has been breached, the court may, of its own volition or on the application of any person, by order cancel all other second-hand dealers’ licenses held by the licensee if it is satisfied that the breach of the condition—
- 15 (a) occurred with the knowledge of the licensee; or
 (b) arose through a failure of the licensee adequately to supervise the agents or employees of the licensee.
- (9) Section 20—
 Omit “the place of business” wherever occurring, insert instead “a place of business”.
- 20 (10) Section 23—
 Omit “two hundred dollars”, insert instead “\$1,000”.
- (11) Section 24—
 Omit “one hundred dollars”, insert instead “\$1,000”.
- (12) Seventh Schedule, paragraphs (f), (h)—
 25 Omit the paragraphs.

1870
The first of the year
was a very cold one
and the snow lay
on the ground for
many days. The
frost was very
severe and the
wind was very
strong. The
people were
very much
concerned
for the
crops. The
government
sent out
a number of
soldiers to
protect the
crops. The
soldiers were
very brave
and they
did their
best to
protect the
crops. The
crops were
saved and
the people
were very
happy.

The second of the year
was a very warm one
and the snow melted
and the water ran
in the streams. The
frost was very
light and the
wind was very
gentle. The
people were
very much
pleased
for the
crops. The
government
sent out
a number of
soldiers to
protect the
crops. The
soldiers were
very brave
and they
did their
best to
protect the
crops. The
crops were
saved and
the people
were very
happy.

The third of the year
was a very hot one
and the water dried
up in the streams. The
frost was very
light and the
wind was very
strong. The
people were
very much
concerned
for the
crops. The
government
sent out
a number of
soldiers to
protect the
crops. The
soldiers were
very brave
and they
did their
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protect the
crops. The
crops were
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the people
were very
happy.

**SECOND-HAND DEALERS AND COLLECTORS
(AMENDMENT) ACT, 1985, No. 8**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 8, 1985.

An Act to amend the Second-hand Dealers and Collectors Act, 1906, in relation to the receipt and disposal of goods, to increase penalties and for other purposes. [Assented to, 29th March, 1985.]

See also Crimes (Amendment) Act, 1985; Pawnbrokers (Amendment) Act, 1985; Hawkers (Amendment) Act, 1985; Liquor (Amendment) Act, 1985; Registered Clubs (Amendment) Act, 1985.

Second-hand Dealers and Collectors (Amendment) 1985

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.

1. This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Second-hand Dealers and Collectors Act, 1906, is referred to in this Act as the Principal Act.

Amendment of Act No. 30, 1906.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Transitional provision.

5. Section 8B (3) of the Principal Act applies to second-hand goods purchased or received by a second-hand dealer before the commencement of Schedule 1 (5) (e) as if that subsection had not been amended by this Act.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2, definition of "Goods"—

After the definition of "Court", insert:—

"Goods" includes coins, stamps, antiques and paintings.

Second-hand Dealers and Collectors (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 4 (1)—

Omit “An application for a second-hand dealer’s license shall be made in the prescribed manner and such application”, insert instead “A separate application for a second-hand dealer’s license shall be made in the prescribed manner in respect of each of the premises at which the business of a second-hand dealer is proposed to be carried on and such an application”.

(b) Section 4 (1)—

Omit “of such application”, insert instead “of such an application”.

(c) Section 4 (3), (4)—

After section 4 (2), insert:—

(3) A separate second-hand dealer’s license is required in respect of each of the premises at which a second-hand dealer carries on business.

(4) Every second-hand dealer’s license is subject to a condition that the agents and employees of the licensee who are engaged in the business of second-hand dealing at the premises in respect of which the license is granted shall, so far as is practicable, comply with the provisions of this Act and the regulations that apply to the licensee.

(3) Section 5 (2)—

At the end of section 5, insert:—

(2) The senior officer of police or a person authorised by that officer may object to the granting of an application referred to in subsection (1) (other than an application for a market indorsement) on the ground that—

(a) the applicant is not of good fame or character;

Second-hand Dealers and Collectors (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) the applicant is not a fit and proper person to hold a license;
 - (c) the applicant has improperly obtained a license;
 - (d) in the case of an application for renewal of a second-hand dealer's license—a condition of the license has been breached; or
 - (e) the applicant has been convicted of an offence against this Act or the regulations,
- or on more than one of those grounds.
- (4) Section 8 (1)—
Omit "the premises in respect of which his second-hand dealer's license is granted", insert instead "any premises in respect of which the dealer holds a second-hand dealer's license".
- (5) (a) Section 8B (2) (a)—
Omit "to which his second-hand dealer's license applies", insert instead "in respect of which the dealer holds a second-hand dealer's license".
- (b) Section 8B (2) (a1) (ii)—
Omit "the premises in respect of which he holds a second-hand dealer's license", insert instead "premises in respect of which the dealer holds a second-hand dealer's license".
- (c) Section 8B (2) (d)—
Omit "the".
- (d) Section 8B (2) (d)—
Omit "either", insert instead "any".
- (e) Section 8B (3)—
Omit "5 days", insert instead "14 days".
- (6) Section 9 (2)—
Omit "the premises", insert instead "any premises".
- (7) Section 17 (1)—
Omit "his licensed premises", insert instead "premises of the dealer".
- (8) (a) Section 18—
After "relates.", insert "or that a condition to which a second-hand dealer's license is subject has been breached,".

Second-hand Dealers and Collectors (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 18—

After “thereon”, insert “, as the case may require,”.

(c) Section 18 (2)—

At the end of section 18, insert:—

(2) Where a court orders the cancellation of a second-hand dealer's license under subsection (1) on the ground that a condition to which the license is subject has been breached, the court may, of its own volition or on the application of any person, by order cancel all other second-hand dealers' licenses held by the licensee if it is satisfied that the breach of the condition—

(a) occurred with the knowledge of the licensee; or

(b) arose through a failure of the licensee adequately to supervise the agents or employees of the licensee.

(9) Section 20—

Omit “the place of business” wherever occurring, insert instead “a place of business”.

(10) Section 23—

Omit “two hundred dollars”, insert instead “\$1,000”.

(11) Section 24—

Omit “one hundred dollars”, insert instead “\$1,000”.

(12) Seventh Schedule, paragraphs (f), (h)—

Omit the paragraphs.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 29th March, 1985.*





