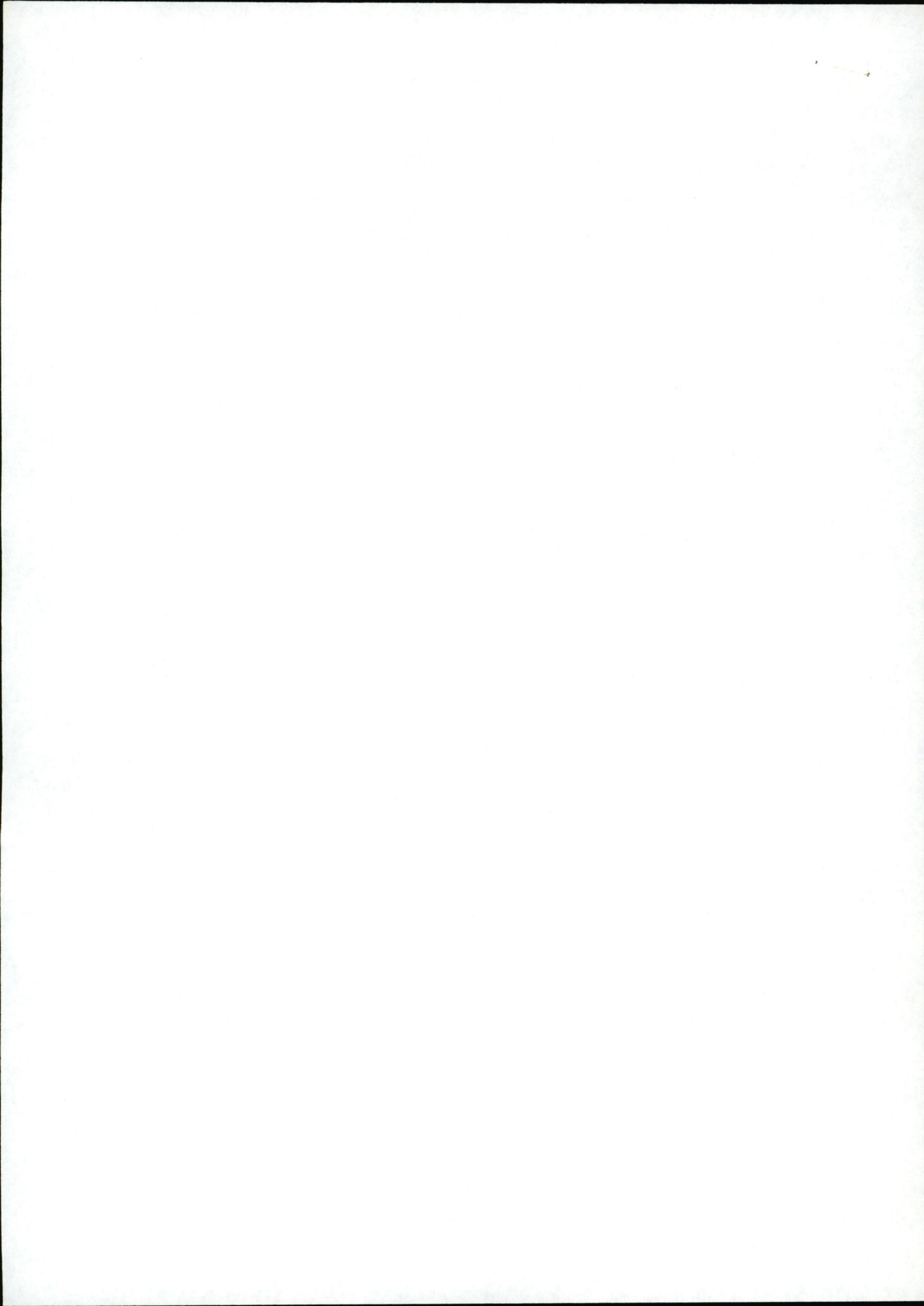


WOOL, HIDE AND SKIN DEALERS (AMENDMENT) BILL, 1992

<sup>COUNCIL</sup>  
LEGISLATIVE ~~ASSEMBLY~~ FOLDER

CONTENTS

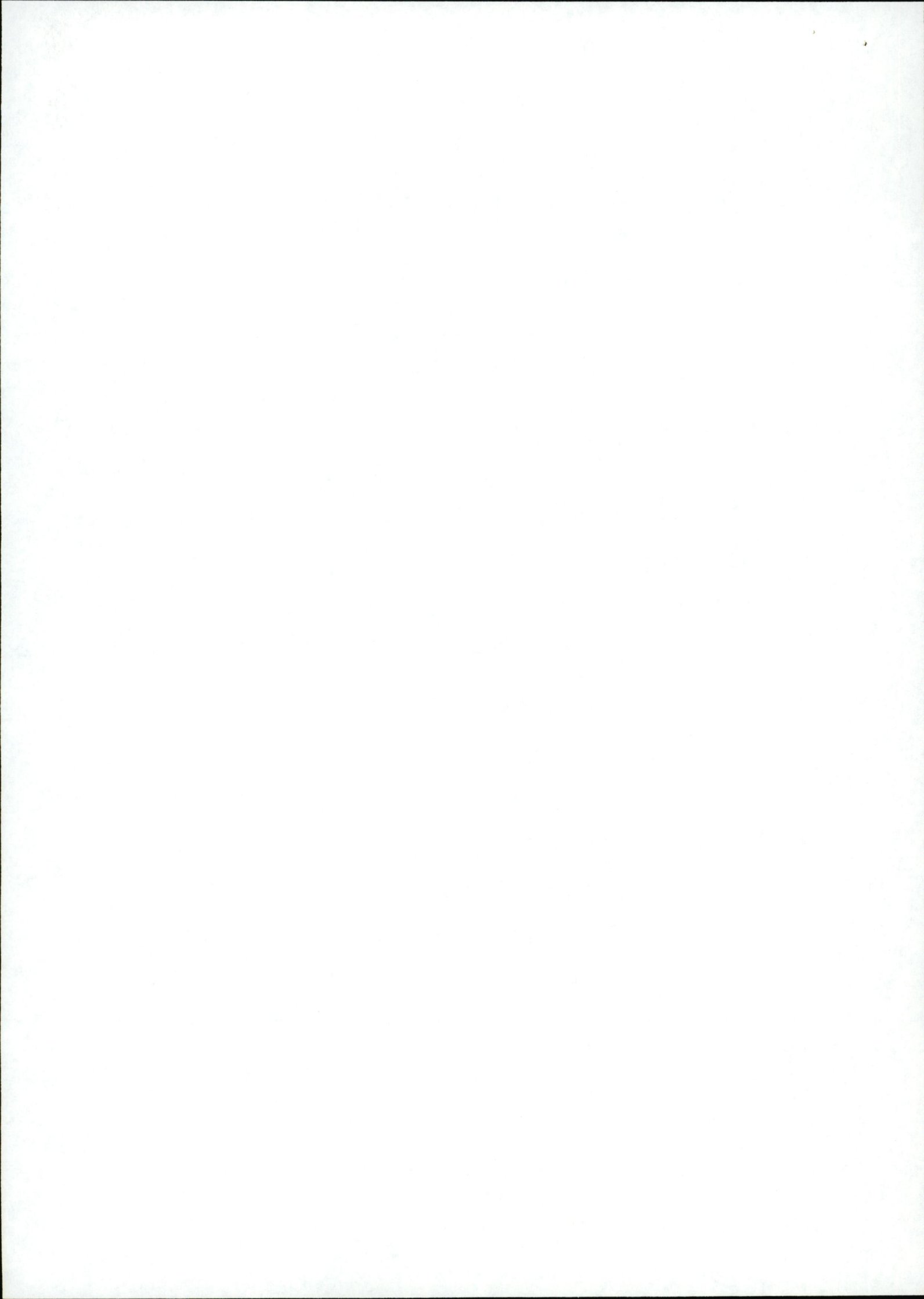
- A MINISTER'S SECOND READING SPEECH
- B COPY OF BILL AND EXPLANATORY NOTES
- C SECOND READING DEBATE
- D THIRD READING
- E COPY OF WOOL, HIDE AND SKIN DEALERS ACT, 1935
- F COPY OF CABINET BRIEF



MR SPEAKER, I MOVE THAT THIS BILL BE NOW READ A SECOND TIME.

THE WOOL, HIDE AND SKIN DEALERS ACT WAS ESTABLISHED IN 1935 MAINLY TO ASSIST IN THE PREVENTION OF STOCK STEALING FOR THE PURPOSE OF SELLING THE WOOL, HIDE OR SKINS. WHERE THEFT HAS OCCURRED, THE ACT ASSISTED POLICE TO LOCATE AND APPREHEND OFFENDERS.

THE ACT COVERS MOST ANIMAL HIDES EXCEPT THOSE PROTECTED UNDER THE NATIONAL PARKS AND WILDLIFE ACT 1974. IT HAS REMAINED SUBSTANTIALLY THE SAME SINCE ITS INTRODUCTION IN 1935. THERE ARE PRESENTLY 130 LICENSED DEALERS. THEY ARE LICENSED THROUGH A LOCAL COURT



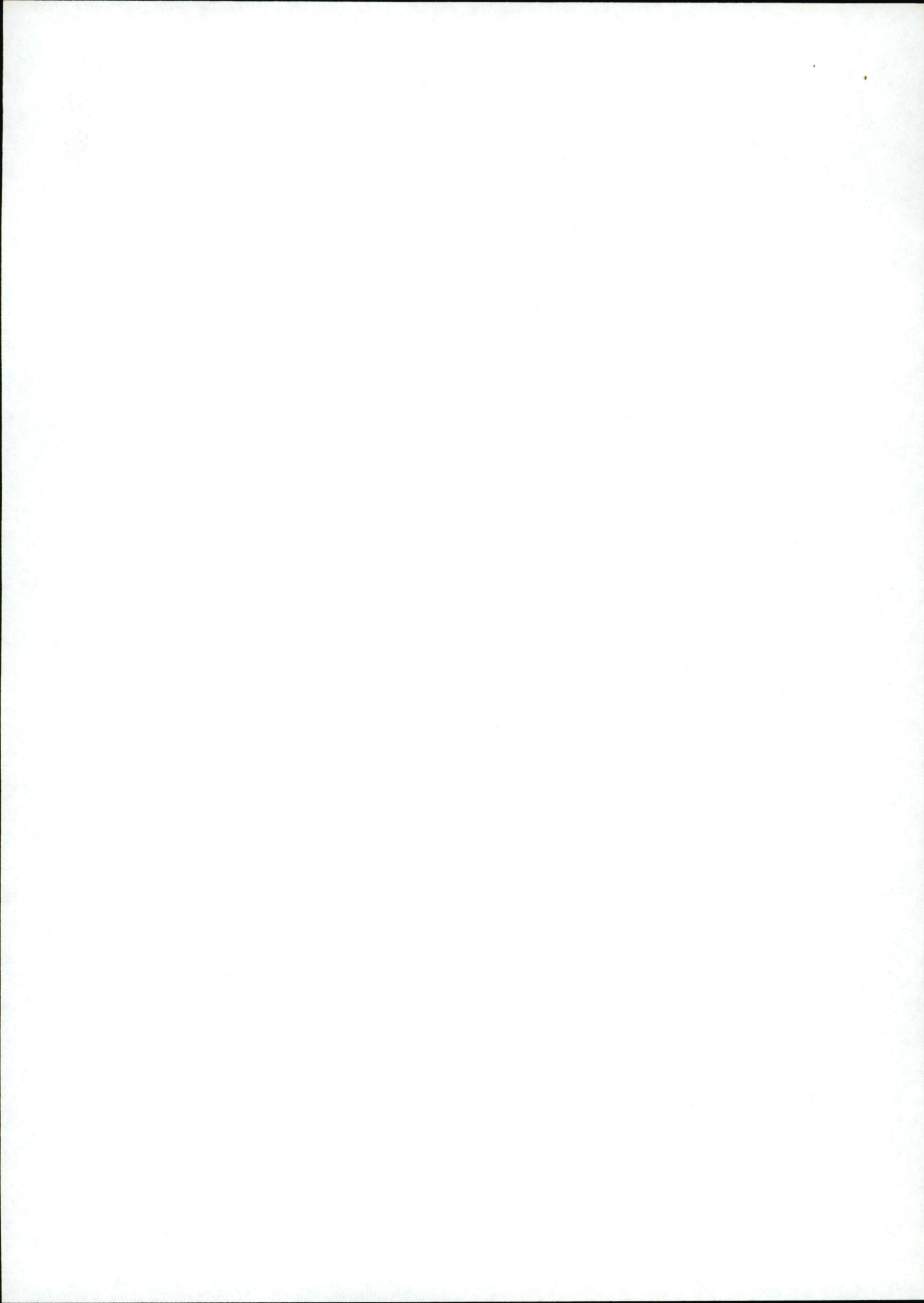
WITH ANNUAL RENEWALS.

THE MAIN OBJECT OF THIS BILL IS TO AMEND THE ACT, TO DISPENSE WITH THE PRESENT COURT LICENSING OF BUYERS AND SELLERS OF WOOL HIDES AND SKINS. IT IS PROPOSED INSTEAD TO REPLACE IT WITH A POLICE NOTIFICATION SYSTEM. SOME ADMINISTRATIVE ARRANGEMENTS IN THE ACT ARE ALSO UPDATED.

MR SPEAKER, I NOW TURN NOW TO THE PROVISIONS OF THE WOOL, HIDE AND SKIN DEALERS (AMENDMENT) BILL:

SCHEDULES 1, (1-6, 10-12, 14-15) INVOLVE CHANGING THE PRESENT LICENSING SYSTEM INTO A NOTIFICATION SYSTEM.

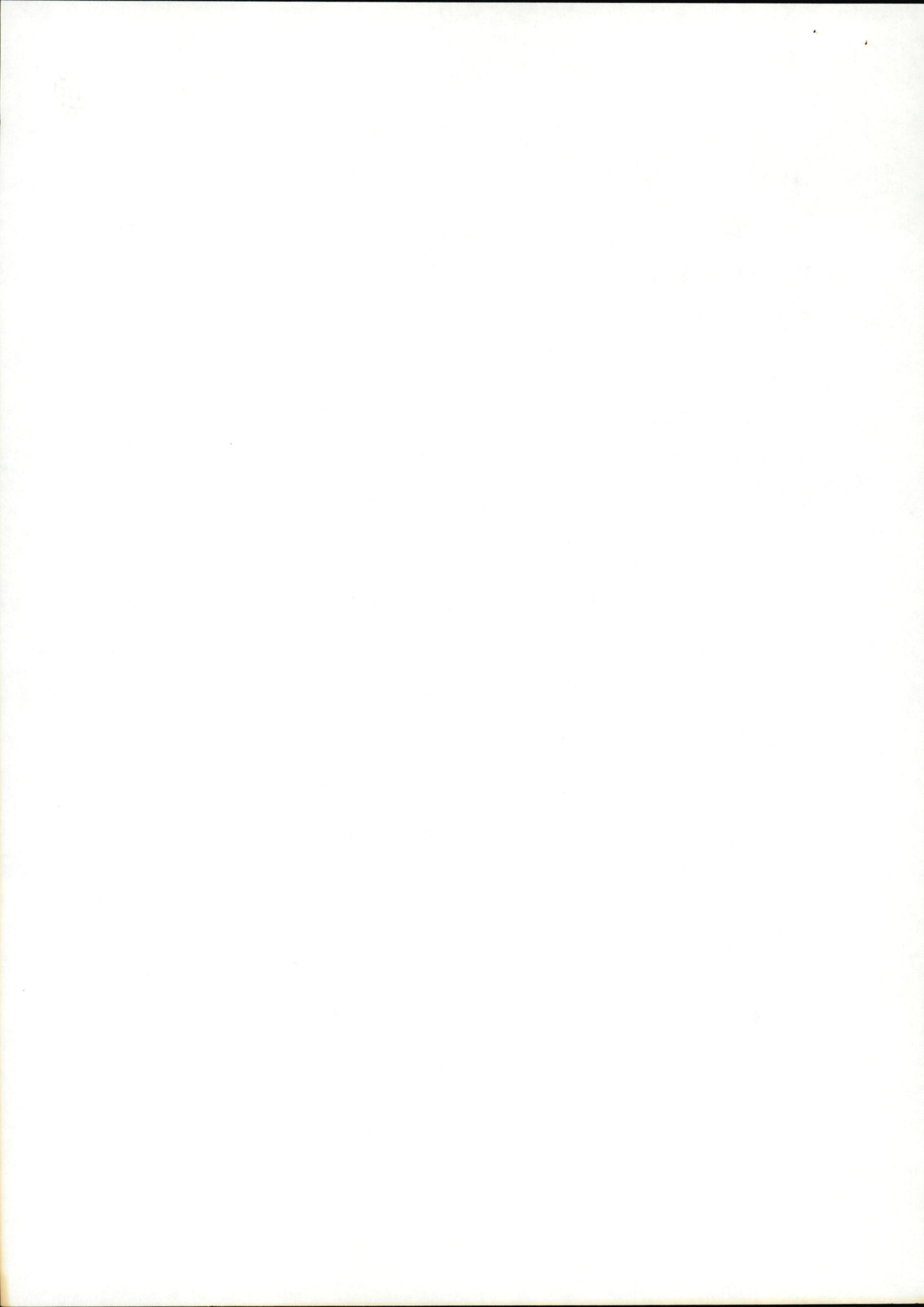
DEALERS WILL BE REQUIRED TO UNDERTAKE A ONCE ONLY WRITTEN NOTIFICATION AT THE NEAREST POLICE STATION TO THEIR



BUSINESS OF AN INTENT TO DEAL IN WOOL, HIDES AND SKINS. PRESENT LICENSEES WILL UNDERTAKE NOTIFICATION WHEN THEIR PRESENT LICENSE EXPIRES. THERE WILL BE NO FEE.

NOTIFICATION WILL BE IN A FORM APPROVED BY THE MINISTER. BESIDES THE NAME OF THE DEALER, IT WILL MAINLY INCLUDE LOCATIONAL INFORMATION SUCH AS THE DEALER'S PRIVATE ADDRESS, BUSINESS ADDRESS OR REGISTERED OFFICE AND PRINCIPAL AREA INTENDED TO CONDUCT BUSINESS.

POLICE WILL ACKNOWLEDGE THE NOTIFICATION BY AN APPROPRIATE ENDORSEMENT ON THE COPY OF THE NOTIFICATION. WHENEVER PARTICULARS SPECIFIED IN THE NOTIFICATION CHANGE, A NEW DEALER'S NOTIFICATION IS TO BE LODGED WITHIN 7 DAYS OF THE CHANGE.

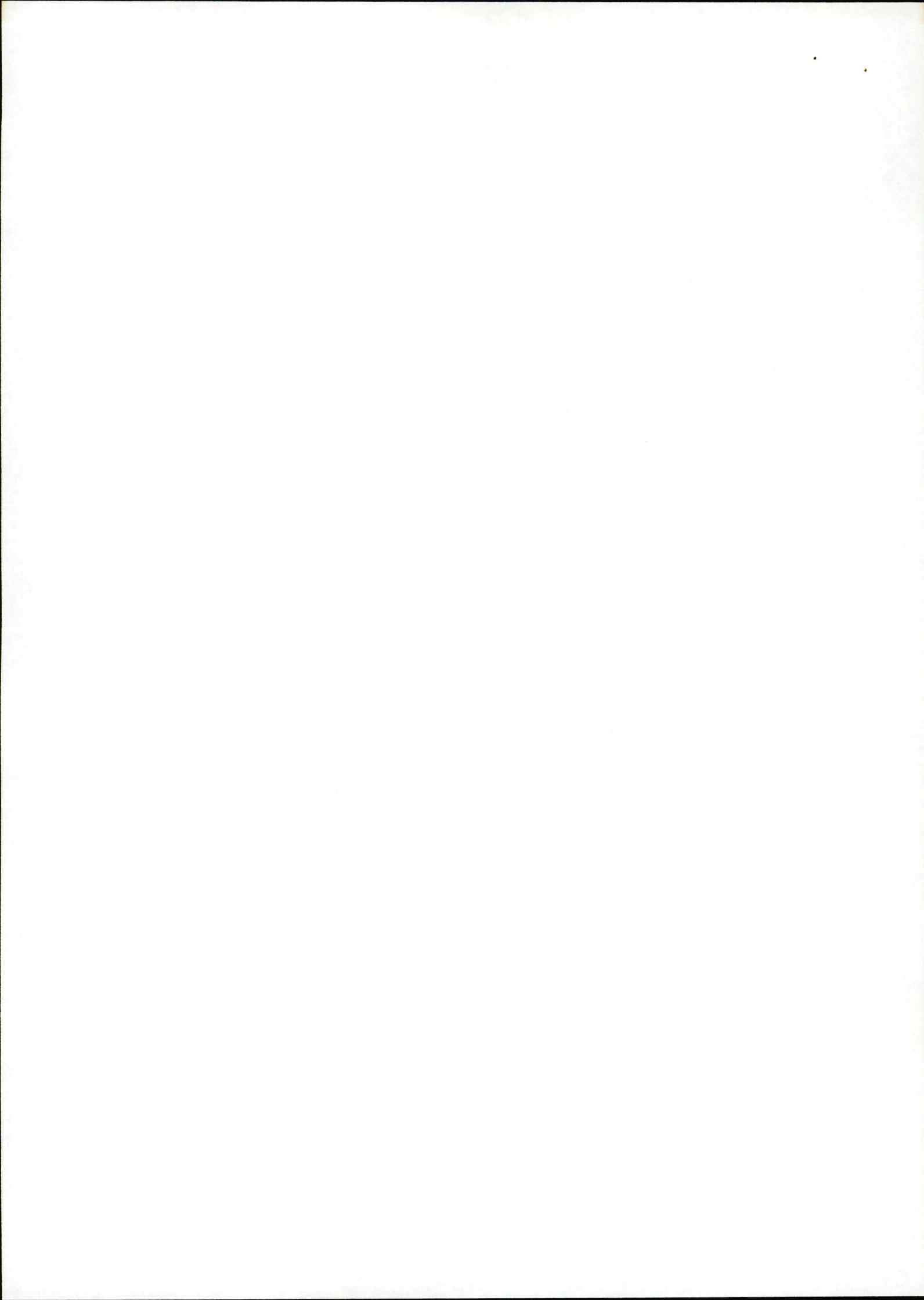




IN APPROPRIATE CIRCUMSTANCES THE COMMISSIONER OF POLICE MAY TAKE A DEALER BEFORE A LOCAL COURT, CONSTITUTED BY ONE MAGISTRATE, TO SEEK A PROHIBITION ON THE DEALER BEING INVOLVED IN THE BUSINESS FOR AN INDEFINITE PERIOD OR A STATED PERIOD. AN APPEAL TO THE DISTRICT COURT IS PROVIDED IN THIS SITUATION.

SCHEDULE 1, (7) REVISES PRESENT RECORD KEEPING REQUIREMENTS SO THAT THE KEEPING OF A CART BOOK IS DISPENSED WITH AND DEALERS ARE ONLY REQUIRED TO KEEP A STORE BOOK AS PRESCRIBED. THE NEED FOR A DEALER TO PERSONALLY SIGN EACH ENTRY IS DISPENSED WITH.

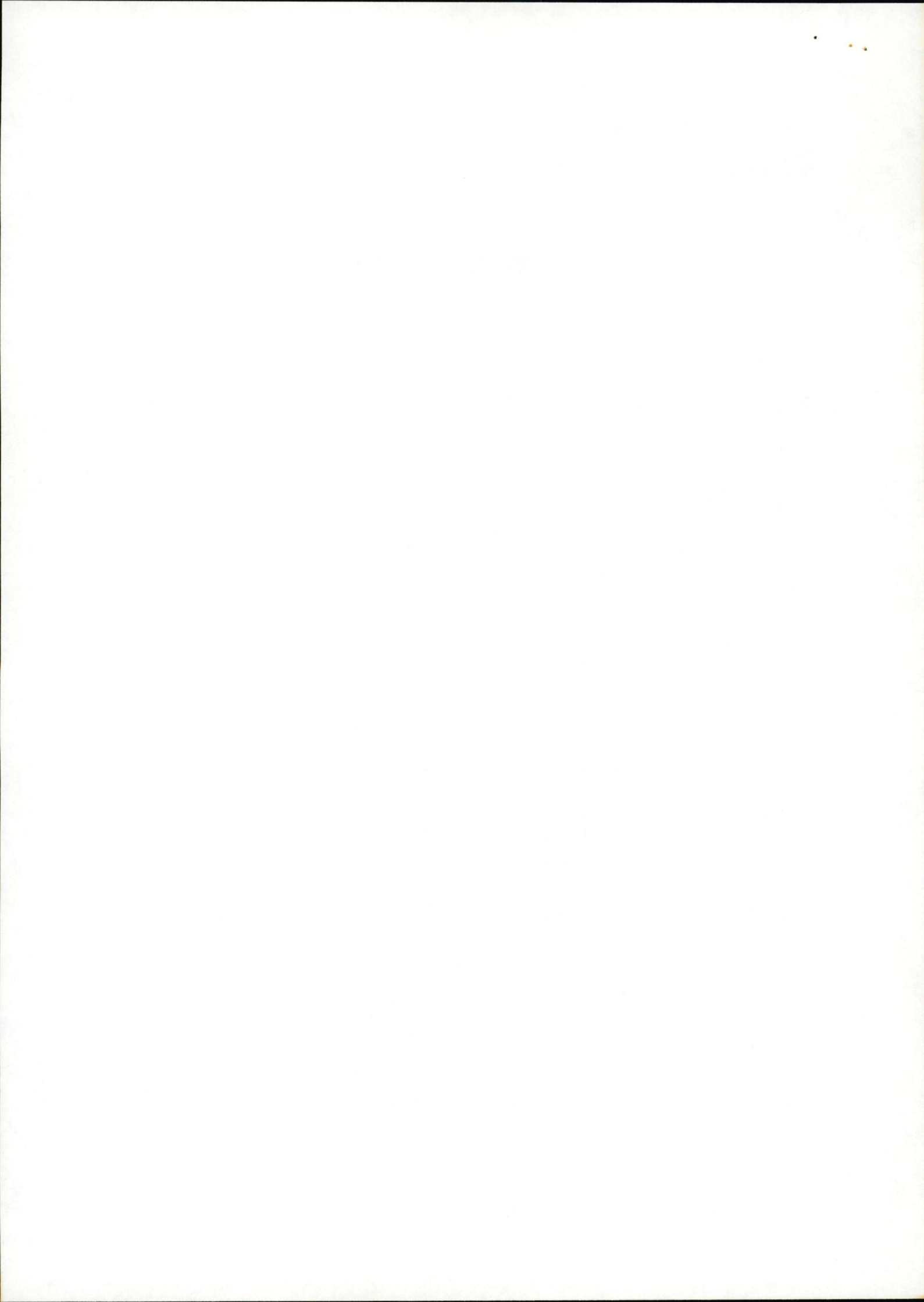
DEALERS PREVIOUSLY HAD TO RETAIN THEIR GOODS FOR 24 HOURS HOWEVER THIS HAS INTERFERED WITH THE EFFICIENT CONDUCT OF BUSINESS. INSTEAD IT IS PROPOSED THAT



THE COMMISSIONER OF POLICE BE ABLE TO SERVE A WRITTEN ORDER TO RETAIN GOODS FOR A PERIOD NOT GREATER THAN 5 DAYS IN APPROPRIATE CIRCUMSTANCES.

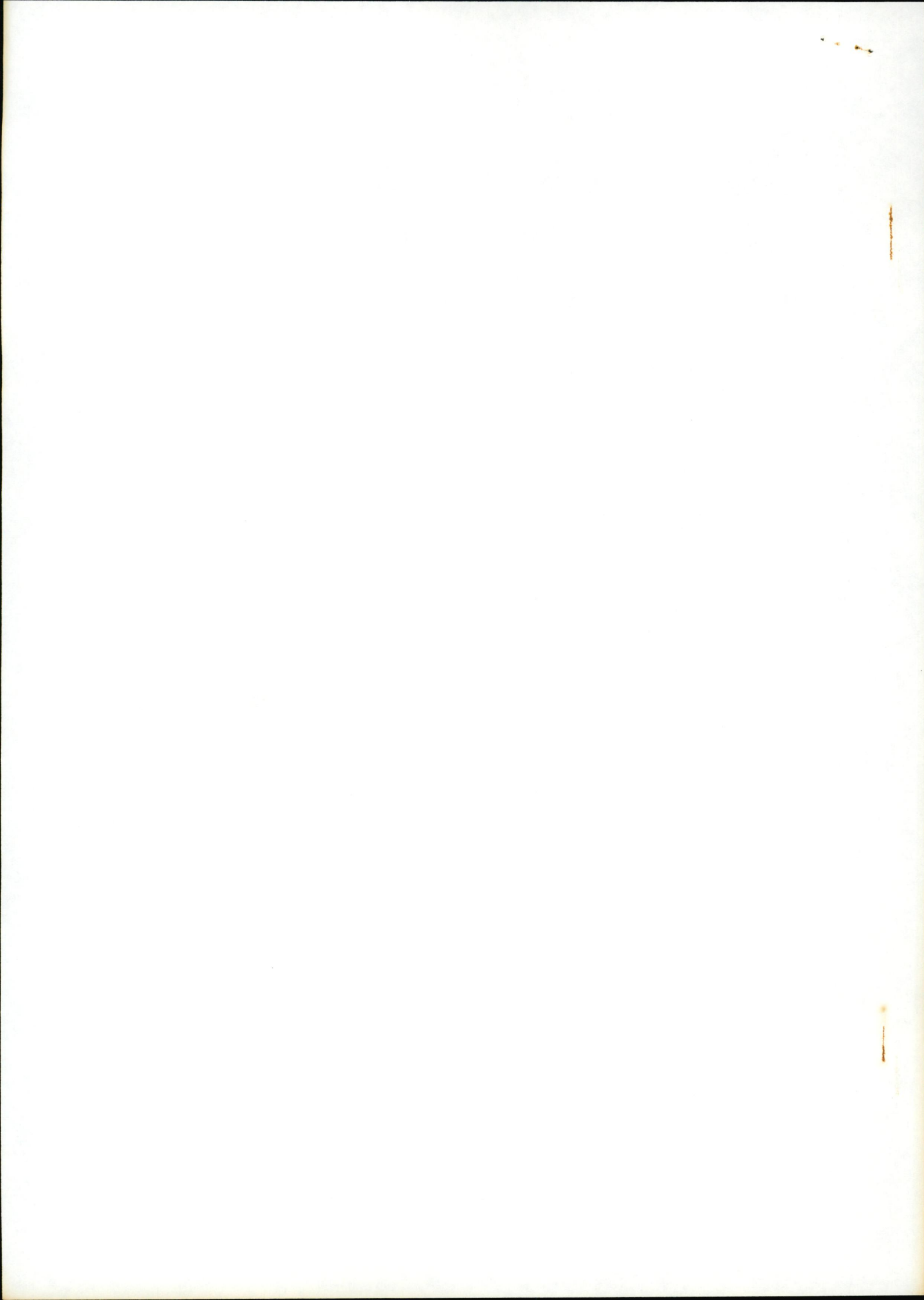
SCHEDULE 1, (8-9) RETAINS PRESENT POLICE POWERS UNDER THE ACT HOWEVER THEY ARE QUALIFIED IN RESPECT OF ENTRY ON PREMISES SO THAT THEY ARE IN ACCORDANCE WITH RECENT LEGISLATIVE PROVISIONS CONCERNING THE EXERCISE OF THOSE POWERS.

SCHEDULE 1, (13) ENABLES PENALTY NOTICES TO BE ISSUED FOR CERTAIN OFFENCES SO THAT A PERSON HAS THE OPTION OF PAYING A FINANCIAL PENALTY FOR AN ALLEGED OFFENCE WITHOUT BEING REQUIRED TO APPEAR IN COURT. THE PRESENT MAXIMUM PENALTY FOR AN OFFENCE IS \$100 OR IMPRISONMENT FOR 12 MONTHS. IT IS PROPOSED TO CHANGE THIS TO A MAXIMUM



PENALTY OF 50 UNITS WHICH IS PRESENTLY  
EQUIVALENT TO \$5,000 UNDER THE  
INTERPRETATION ACT 1987.

MR SPEAKER, I COMMEND THE BILL TO THE  
HOUSE.



FIRST PRINT

**WOOL, HIDE AND SKIN DEALERS (AMENDMENT)  
BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The object of this Bill is to amend the Wool, Hide and Skin Dealers Act 1935 in order to dispense with the licensing of buyers and sellers of wool, hides and skins. It is proposed instead to introduce a "negative" licensing system. A person who wishes to carry on the business of a wool, hide and skin dealer will be required only to give to a police officer a suitable written notification of intention to do so. The Local Court will be given a power to prohibit any such person from engaging in that business.

The present maximum penalty for an offence against the Act is \$100 or imprisonment for 12 months. It is proposed to change this to a maximum penalty of 50 penalty units.

The expression "penalty unit" has its basis in section 56 of the Interpretation Act 1987. At present, 1 penalty unit is equivalent to \$100.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by the Governor.

Clause 3 amends the Wool, Hide and Skin Dealers Act 1935 as set out in Schedule 1.

Schedule 1 (1) inserts appropriate definitions, including a definition of "dealer's notification". A dealer's notification is a written notification to a police officer of intention to carry on the business of buying and selling of wool, hides and skins.

Schedule 1 (2) provides that a dealer's notification is to be lodged at the nearest police station.

Schedule 1 (3) makes consequential amendments to the provisions of the Act which make it an offence for a person to carry on a business of dealing in wool, hides or skins without a licence. In future a dealer will only commit an offence if the dealer engages in business without first giving a dealer's notification.

*Wool, Hide and Skin Dealers (Amendment) 1992*

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Schedule 1 (4) and (5) make consequential amendments.

Schedule 1 (6) enables a Local Court constituted by a Magistrate, on the application of the Commissioner of Police, to prohibit a dealer from engaging in the business of buying and selling wool, hides or skins if satisfied as to the grounds on which the application is made. An appeal to the District Court is provided against any such prohibition order made by a Local Court.

Schedule 1 (7) revises the provisions relating to the records required to be kept by dealers, including dispensing with special cart books and with the need for the dealer to personally sign each entry.

Schedule 1 (7) also inserts provision to enable the Commissioner of Police to require a dealer to retain for a period of up to 5 days specified lots of wool, hides or skins. The existing provision for a dealer to retain wool, hides and skins for a mandatory period of 24 hours is being removed.

Schedule 1 (8) amends the present provisions conferring powers of entry on premises by a police officer by qualifying the powers so that they are in accordance with recent legislative provisions concerning the exercise of those powers.

Schedule 1 (9)-(11) make consequential amendments.

Schedule 1 (12) changes the penalty for offences against the Act from a fine not exceeding \$100 or imprisonment not exceeding 12 months to a fine not exceeding 50 penalty units (currently \$5,000).

Schedule 1 (13) enables penalty notices to be issued for certain offences under the Act. A penalty notice gives a person the option of paying a penalty for an alleged offence without being required to appear in court.

Schedule 1 (14) and (15) make consequential amendments.

Schedule 1 (16) and (17) authorise the making of regulations of a transitional nature consequent on the enactment of the proposed Act. The provisions also include transitional provisions for the procedure to be followed by a presently licensed dealer following that enactment.

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FIRST PRINT

**WOOL, HIDE AND SKIN DEALERS (AMENDMENT)  
BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Wool, Hide and Skin Dealers Act 1935 No. 40

**SCHEDULE 1—AMENDMENTS**

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**WOOL, HIDE AND SKIN DEALERS (AMENDMENT)  
BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

An Act to amend the Wool, Hide and Skin Dealers Act 1935 in order to replace the licensing of dealers with a notification system; and for other purposes.

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*Wool, Hide and Skin Dealers (Amendment) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Wool, Hide and Skin Dealers (Amendment) Act 1992.

**5 Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Wool, Hide and Skin Dealers Act 1935 No. 40**

10 3. The Wool, Hide and Skin Dealers Act 1935 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 2 (**Definitions**):

- 15 (a) From section 2 (1), omit the definitions of "Applicant", "Licence", "Licensee" and "This Act".
- (b) In section 2 (1), insert the following definitions in alphabetical order:
- 20 "Dealer" means a person who carries on business as a buyer and seller of wool, hides or skins;
- "Dealer's notification" means a written notification to the effect that a named person proposes to carry on business as a buyer and seller of wool, hides or skins, but does not include a notification that has ceased to have effect under this Act because of a change in the
- 25 particulars specified in the notification;

(2) Section 2A:

After section 2, insert:

**Dealer's notification**

30 2A. (1) A dealer's notification is to be lodged by the dealer at the police station nearest the principal place at which the dealer's business is to be carried on.

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

- (2) A dealer's notification:
- (a) is to be in a form (if any) approved by the Minister; and
- (b) is to specify the name of the dealer, the principal place of business of the dealer and such other particulars as are required by any such approved form; and 5
- (c) is to be accompanied by a copy of the notification.
- (3) A police officer who receives a dealer's notification is required to give the dealer an acknowledgment of its receipt by an appropriate endorsement on the copy of the notification. 10
- (4) Whenever the particulars specified in a dealer's notification change, a new dealer's notification is to be lodged within 7 days after the change. If the dealer fails to lodge the new notification within that time, the earlier notification ceases to have effect for the purposes of this Act. 15
- (5) A person who lodges a dealer's notification knowing that it contains false information is guilty of an offence against this Act. 20
- (3) Section 3 (Offence—buying and selling wool, hides or skins without giving dealer's notification):
- (a) Omit section 3 (1), insert instead:
- (1) A person who buys any wool, hide or skin for the purposes of or in connection with a business is guilty of an offence against this Act unless the person has lodged a dealer's notification in accordance with this Act. 25
- (b) Omit section 3 (3), insert instead:
- (3) A person who sells any wool, hide or skin for the purposes of or in connection with a business is guilty of an offence against this Act unless: 30
- (a) the person has lodged a dealer's notification in accordance with this Act; and
- (b) the wool, hide or skin is sold to a dealer.
- (c) From section 3 (4), omit "licensee" wherever occurring, insert instead "dealer". 35

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(d) After section 3 (4), insert:

5 (4A) In any proceedings for an offence under subsection (1) or (3), the fact that a dealer's notification has been lodged may be established by the production of a copy of the acknowledgment duly endorsed by a police officer. However, if the copy is not produced, the defendant is required to establish that the notification was duly lodged.

(4) Section 4 (**Licences**):

10 Omit the section.

(5) Section 5 (**Procedure**):

Omit the section.

(6) Section 6:

Omit the section, insert instead:

15 **Dealer may be prohibited by Local Court from carrying on business**

20 6. (1) A Local Court may, on application made by the Commissioner of Police or a person authorised by the Commissioner of Police, order a dealer not to be involved in the business of buying and selling wool, hides and skins:

(a) in any way; or

(b) in any way stated in the order; or

(c) otherwise than in a way stated in the order.

25 (2) An application for an order is to state the grounds on which the order is sought and the order is not to be made unless the Local Court is satisfied that the person is not a fit and proper person to be a dealer.

(3) An order may be made to operate for an indefinite period or for a stated period only.

30 (4) The Local Court may make an order after giving the dealer notice of the hearing of the matter even though the dealer fails to appear at the hearing.

35 (5) The Local Court may, by order, require the dealer to deliver up the copy of the endorsed dealer's notification held by the dealer.

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(6) A Local Court may, by order, vary or revoke a previous order on the application of the person subject to the order or of the person who applied for, or could have applied for, the order.

5

(7) An appeal against an order lies to the District Court in the same way as an appeal lies under Division 4 of Part 5 of the Justices Act 1902 against an order of a Local Court.

(8) A person who contravenes an order is guilty of an offence against this Act.

10

(7) Sections 7, 7A:

Omit section 7, insert instead:

**Keeping of records by dealers**

7. (1) A dealer must keep in a legible manner a written record containing full particulars of dealings in wool, hides and skins by the dealer.

15

(2) The record is to be kept in such form (if any) as is approved by the Minister.

(3) The record is to be kept for at least 5 years after the last entry in the record.

20

(4) The dealer must produce the record for inspection if required by a police officer to do so at any reasonable time.

(5) A dealer who contravenes this section is guilty of an offence against this Act.

**Retention period for wool, hides and skins**

25

7A. (1) The Commissioner of Police, or a police officer authorised by the Commissioner, may serve on a dealer a written order requiring the dealer:

(a) to refrain, during a specified period not exceeding 5 days, from disposing of such lots or parcels of wool, hides or skins (including their containers) as are specified in the order; and

30

(b) to retain during that period the lots, parcels and containers to which the order relates without altering or obliterating any brand, marking or writing on them.

35

(2) The Commissioner of Police or any such authorised police officer may revoke any such order.

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(3) A dealer who fails to comply with any such order served on the dealer is guilty of an offence against this Act.

(8) Section 8 (**Powers of police officers**):

5 (a) Omit "Any member of the police force may at all reasonable times", insert instead "A police officer may, with the written authority of the Commissioner of Police".

(b) From section 8 (a) and (b), omit "licensee" wherever occurring, insert instead "dealer".

10 (c) At the end of section 8, insert:

(2) An authority issued under this section is to contain the following information:

(a) the fact that the authority is issued under this Act by the Commissioner of Police;

15 (b) the name of the authorised police officer;

(c) the text of subsection (1).

(3) The powers conferred on a police officer by this section may be exercised only:

(a) at a reasonable time; and

20 (b) after giving reasonable notice, unless the giving of notice would defeat the purpose for which the powers are to be exercised; and

(c) by using no more force than is reasonably necessary.

25 (4) If damage is caused by the exercise of the powers conferred by this section, the Minister is to pay reasonable compensation for the damage unless the exercise of the powers was obstructed by the occupier of the premises.

(5) This section does not apply to any part of premises used for residential purposes.

30 (9) Section 9 (**Obstruction of police officers**):

Omit "member of the police force", insert instead "police officer".

(10) Section 10 (**Name etc. to be kept posted up**):

Omit the section.



*Wool, Hide and Skin Dealers (Amendment) 1992*

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**SCHEDULE 1—AMENDMENTS—*continued***

- (11) **Section 11 (Unlicensed person pretending to be licensed):**  
Omit the section.
- (12) **Section 12:**  
Omit the section, insert instead: 5  
**Penalties and proceedings for offences**  
12. (1) A person who is guilty of an offence against this Act is liable to a penalty not exceeding 50 penalty units.  
(2) Proceedings for an offence against this Act or the regulations are to be disposed of summarily before a Local Court constituted by a Magistrate sitting alone. 10  
(3) An application for an order under section 6 may be made in proceedings for an offence by the dealer against this Act or the regulations.
- (13) **Section 12A:** 15  
After section 12, insert:  
**Penalty notices**  
12A. (1) A police officer may serve a penalty notice on a person if it appears to the police officer that the person has committed an offence against this Act stated by the regulations to be an offence to which this section applies. 20  
(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court the person may pay within a time, and to a person, specified in the notice the amount of penalty prescribed by the regulations for the offence if dealt with under this section. 25  
(3) A penalty notice may be served personally or by post.  
(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence. 30  
(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence. 35

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(6) The regulations may:

- 5 (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and
- (b) prescribe the amount of penalty payable for the offence if dealt with under this section; and
- (c) prescribe different amounts of penalties for different offences or classes of offences.

10 (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

15 (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

(14) Section 13 (**Appeal**):

Omit the section.

(15) Section 14:

Omit the section, insert instead:

20 **Regulations**

25 14. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.

(16) Section 15:

After section 14, insert:

30 **Savings and transitional provisions**

15. Schedule 1 has effect.

*Wool, Hide and Skin Dealers (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(17) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1—SAVINGS AND TRANSITIONAL  
PROVISIONS** 5

(Sec. 15)

**Part 1—Preliminary**

**Regulations**

1. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Wool, Hide and Skin Dealers (Amendment) Act 1992. 10

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to that Act or from a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate: 15

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of the person existing before the date of publication; or 20

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

**Part 2—Provisions consequent on enactment of the  
Wool, Hide and Skin Dealers (Amendment) Act 1992** 25

**Definition**

2. In this Schedule:

“1992 Act” means the Wool, Hide and Skin Dealers (Amendment) Act 1992.

**Existing licensees** 30

3. A person who was a licensee under this Act immediately before the repeal of section 4 of this Act by the 1992 Act is not required to lodge a dealer’s notification under this Act until the person’s licence would have expired but for the enactment of the 1992 Act. 35

*Wool, Hide and Skin Dealers (Amendment) 1992*

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**SCHEDULE 1—AMENDMENTS—*continued***

**Existing records**

4. Any records kept by such a licensee under this Act before the amendment of section 7 by the 1992 Act are taken to have been kept under that section as so amended.

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**WOOL, HIDE AND SKIN DEALERS (AMENDMENT)  
ACT 1992 No. 79**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Wool, Hide and Skin Dealers Act 1935 No. 40

**SCHEDULE 1—AMENDMENTS**

---

**WOOL, HIDE AND SKIN DEALERS (AMENDMENT)  
ACT 1992 No. 79**

**NEW SOUTH WALES**



**Act No. 79, 1992**

An Act to amend the Wool, Hide and Skin Dealers Act 1935 in order to replace the licensing of dealers with a notification system; and for other purposes. [Assented to 23 November 1992]

*Wool, Hide and Skin Dealers (Amendment) Act 1992 No. 79*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Wool, Hide and Skin Dealers (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Wool, Hide and Skin Dealers Act 1935 No. 40**

3. The Wool, Hide and Skin Dealers Act 1935 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 2 (**Definitions**):

- (a) From section 2 (1), omit the definitions of "Applicant", "Licence", "Licensee" and "This Act".
- (b) In section 2 (1), insert the following definitions in alphabetical order:

**"Dealer"** means a person who carries on business as a buyer and seller of wool, hides or skins;

**"Dealer's notification"** means a written notification to the effect that a named person proposes to carry on business as a buyer and seller of wool, hides or skins, but does not include a notification that has ceased to have effect under this Act because of a change in the particulars specified in the notification;

(2) Section 2A:

After section 2, insert:

**Dealer's notification**

2A. (1) A dealer's notification is to be lodged by the dealer at the police station nearest the principal place at which the dealer's business is to be carried on.

*Wool, Hide and Skin Dealers (Amendment) Act 1992 No. 79*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) A dealer's notification:

- (a) is to be in a form (if any) approved by the Minister; and
- (b) is to specify the name of the dealer, the principal place of business of the dealer and such other particulars as are required by any such approved form; and
- (c) is to be accompanied by a copy of the notification.

(3) A police officer who receives a dealer's notification is required to give the dealer an acknowledgment of its receipt by an appropriate endorsement on the copy of the notification.

(4) Whenever the particulars specified in a dealer's notification change, a new dealer's notification is to be lodged within 7 days after the change. If the dealer fails to lodge the new notification within that time, the earlier notification ceases to have effect for the purposes of this Act.

(5) A person who lodges a dealer's notification knowing that it contains false information is guilty of an offence against this Act.

(3) Section 3 (**Offence—buying and selling wool, hides or skins without giving dealer's notification**):

(a) Omit section 3 (1), insert instead:

(1) A person who buys any wool, hide or skin for the purposes of or in connection with a business is guilty of an offence against this Act unless the person has lodged a dealer's notification in accordance with this Act.

(b) Omit section 3 (3), insert instead:

(3) A person who sells any wool, hide or skin for the purposes of or in connection with a business is guilty of an offence against this Act unless:

(a) the person has lodged a dealer's notification in accordance with this Act; and

(b) the wool, hide or skin is sold to a dealer.

(c) From section 3 (4), omit "licensee" wherever occurring, insert instead "dealer".



*Wool, Hide and Skin Dealers (Amendment) Act 1992 No. 79*

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SCHEDULE 1—AMENDMENTS—*continued*

(d) After section 3 (4), insert:

(4A) In any proceedings for an offence under subsection (1) or (3), the fact that a dealer's notification has been lodged may be established by the production of a copy of the acknowledgment duly endorsed by a police officer. However, if the copy is not produced, the defendant is required to establish that the notification was duly lodged.

(4) Section 4 (**Licences**):

Omit the section.

(5) Section 5 (**Procedure**):

Omit the section.

(6) Section 6:

Omit the section, insert instead:

**Dealer may be prohibited by Local Court from carrying on business**

6. (1) A Local Court may, on application made by the Commissioner of Police or a person authorised by the Commissioner of Police, order a dealer not to be involved in the business of buying and selling wool, hides and skins:

- (a) in any way; or
- (b) in any way stated in the order; or
- (c) otherwise than in a way stated in the order.

(2) An application for an order is to state the grounds on which the order is sought and the order is not to be made unless the Local Court is satisfied that the person is not a fit and proper person to be a dealer.

(3) An order may be made to operate for an indefinite period or for a stated period only.

(4) The Local Court may make an order after giving the dealer notice of the hearing of the matter even though the dealer fails to appear at the hearing.

(5) The Local Court may, by order, require the dealer to deliver up the copy of the endorsed dealer's notification held by the dealer.

*Wool, Hide and Skin Dealers (Amendment) Act 1992 No. 79*

---

SCHEDULE 1—AMENDMENTS—*continued*

(6) A Local Court may, by order, vary or revoke a previous order on the application of the person subject to the order or of the person who applied for, or could have applied for, the order.

(7) An appeal against an order lies to the District Court in the same way as an appeal lies under Division 4 of Part 5 of the Justices Act 1902 against an order of a Local Court.

(8) A person who contravenes an order is guilty of an offence against this Act.

(7) Sections 7, 7A:

Omit section 7, insert instead:

**Keeping of records by dealers**

7. (1) A dealer must keep in a legible manner a written record containing full particulars of dealings in wool, hides and skins by the dealer.

(2) The record is to be kept in such form (if any) as is approved by the Minister.

(3) The record is to be kept for at least 5 years after the last entry in the record.

(4) The dealer must produce the record for inspection if required by a police officer to do so at any reasonable time.

(5) A dealer who contravenes this section is guilty of an offence against this Act.

**Retention period for wool, hides and skins**

7A. (1) The Commissioner of Police, or a police officer authorised by the Commissioner, may serve on a dealer a written order requiring the dealer:

(a) to refrain, during a specified period not exceeding 5 days, from disposing of such lots or parcels of wool, hides or skins (including their containers) as are specified in the order; and

(b) to retain during that period the lots, parcels and containers to which the order relates without altering or obliterating any brand, marking or writing on them.

(2) The Commissioner of Police or any such authorised police officer may revoke any such order.

SCHEDULE 1—AMENDMENTS—*continued*

(3) A dealer who fails to comply with any such order served on the dealer is guilty of an offence against this Act.

**(8) Section 8 (Powers of police officers):**

(a) Omit “Any member of the police force may at all reasonable times”, insert instead “A police officer may, with the written authority of the Commissioner of Police”.

(b) From section 8 (a) and (b), omit “licensee” wherever occurring, insert instead “dealer”.

(c) At the end of section 8, insert:

(2) An authority issued under this section is to contain the following information:

(a) the fact that the authority is issued under this Act by the Commissioner of Police;

(b) the name of the authorised police officer;

(c) the text of subsection (1).

(3) The powers conferred on a police officer by this section may be exercised only:

(a) at a reasonable time; and

(b) after giving reasonable notice, unless the giving of notice would defeat the purpose for which the powers are to be exercised; and

(c) by using no more force than is reasonably necessary.

(4) If damage is caused by the exercise of the powers conferred by this section, the Minister is to pay reasonable compensation for the damage unless the exercise of the powers was obstructed by the occupier of the premises.

(5) This section does not apply to any part of premises used for residential purposes.

**(9) Section 9 (Obstruction of police officers):**

Omit “member of the police force”, insert instead “police officer”.

**(10) Section 10 (Name etc. to be kept posted up):**

Omit the section.

SCHEDULE 1—AMENDMENTS—*continued*

- (11) Section 11 (Unlicensed person pretending to be licensed):

Omit the section.

- (12) Section 12:

Omit the section, insert instead:

**Penalties and proceedings for offences**

12. (1) A person who is guilty of an offence against this Act is liable to a penalty not exceeding 50 penalty units.

(2) Proceedings for an offence against this Act or the regulations are to be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.

(3) An application for an order under section 6 may be made in proceedings for an offence by the dealer against this Act or the regulations.

- (13) Section 12A:

After section 12, insert:

**Penalty notices**

12A. (1) A police officer may serve a penalty notice on a person if it appears to the police officer that the person has committed an offence against this Act stated by the regulations to be an offence to which this section applies.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court the person may pay within a time, and to a person, specified in the notice the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

SCHEDULE 1—AMENDMENTS—*continued*

(6) The regulations may:

- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and
- (b) prescribe the amount of penalty payable for the offence if dealt with under this section; and
- (c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

(14) Section 13 (**Appeal**):

Omit the section.

(15) Section 14:

Omit the section, insert instead:

**Regulations**

14. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.

(16) Section 15:

After section 14, insert:

**Savings and transitional provisions**

15. Schedule 1 has effect.

SCHEDULE 1—AMENDMENTS—*continued*

(17) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS**

(Sec. 15)

**Part 1—Preliminary****Regulations**

1. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Wool, Hide and Skin Dealers (Amendment) Act 1992.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to that Act or from a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of the person existing before the date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

**Part 2—Provisions consequent on enactment of the Wool, Hide and Skin Dealers (Amendment) Act 1992****Definition**

2. In this Schedule:

“1992 Act” means the Wool, Hide and Skin Dealers (Amendment) Act 1992.

**Existing licensees**

3. A person who was a licensee under this Act immediately before the repeal of section 4 of this Act by the 1992 Act is not required to lodge a dealer’s notification under this Act until the person’s licence would have expired but for the enactment of the 1992 Act.

*Wool, Hide and Skin Dealers (Amendment) Act 1992 No. 79*

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SCHEDULE 1—AMENDMENTS—*continued*

**Existing records**

4. Any records kept by such a licensee under this Act before the amendment of section 7 by the 1992 Act are taken to have been kept under that section as so amended.

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*[Minister's second reading speech made in—  
Legislative Assembly on 15 October 1992  
Legislative Council on 17 November 1992]*

