

**New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 56, 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. [Assented to, 27th October, 1976.]

**BE**

*Second-hand Dealers and Collectors (Amendment).*

**B**E 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, 1976".

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

(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.

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

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

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

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

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**SCHEDULE**

*Second-hand Dealers and Collectors (Amendment).*

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SCHEDULE 1.

Sec. 4.

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

(1) (a) Section 4 (1)—

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”.

(c) Section 4 (1)—

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

(2) Section 4A—

After section 4, insert :—

4A. (1) In this section, “exhibition license” means ~~Exhibition license.~~

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

(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 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.*

(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 in respect of which the license has been applied for and—

(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

(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—

(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.

(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

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*Second-hand Dealers and Collectors (Amendment).*

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**SCHEDULE 1—continued.**

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

(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.

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

(3) **Section 5—**

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)—**

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—

After section 8A, insert :—

Certain  
goods to be  
retained.

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—

- (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.

(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;
- (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 business he is authorised to carry on by section 4A (8);

## SCHEDULE

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*Second-hand Dealers and Collectors (Amendment).*

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SCHEDULE 1—*continued.*

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

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

(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);
- (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.

(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”.

(b) Section 9 (2)—

After “license”, insert “or licenses”.

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SCHEDULE

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*Second-hand Dealers and Collectors (Amendment).*

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Sec. 4.

## SCHEDULE 2.

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

## (1) Section 10 (1)—

Omit “subsection”, insert instead “subsections (1A) and”.

## (2) Section 10 (1A)—

After section 10 (1), insert :—

(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)—

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

## (4) Section 10 (5)—

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”.

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