

**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.

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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;

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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."

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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.
