

**SECOND-HAND DEALERS AND COLLECTORS
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 30, 1971.

An Act to require collectors of second-hand goods to keep certain records; to make further provisions relating to the duties of second-hand dealers and collectors; for these and other purposes to amend the Second-hand Dealers and Collectors Act, 1906, and the Summary Offences Act, 1970; and for purposes connected therewith. [Assented to, 27th September, 1971.]

Second-hand Dealers and Collectors (Amendment).

No. 30, 1971 **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 and
commence-
ment.

1. (1) This Act may be cited as the "Second-hand Dealers and Collectors (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
30, 1906.

2. The Second-hand Dealers and Collectors Act, 1906, is amended—

Sec. 4.
(Application
for dealer's
license or
transfer
thereof.)

(a) (i) by omitting from section four the words "A second-hand dealer's license, in or to the effect of the Form in the First Schedule hereto, may be granted and issued, and a transfer thereof to any person or premises may be permitted by the court nearest to the premises in respect of which the license is applied for or was granted." and by inserting in lieu thereof the words "An application for a second-hand dealer's license shall be made in the prescribed manner and such application may, subject to subsection two of this section, be granted by the court nearest to the premises in respect of which the license is applied for. Upon the granting of such application the clerk of the court to which the application is made shall issue to the applicant a license in the prescribed form.";

(ii) by omitting from the same section the words "The sum of four dollars shall be paid for

every

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every such license, and for every renewal thereof." and by inserting in lieu thereof the following new paragraphs :—

An application for the transfer of a second-hand dealer's license to any person or premises shall be made in the prescribed manner and the transfer may be permitted by the court by which the license was granted.

Every application for a license or for the renewal or transfer thereof shall be accompanied by the prescribed fee.

(iii) by inserting at the end of the same section the following new subsection :—

(2) An application for a second-hand dealer's 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 referred to in the application and—

(a) a report made by that officer on the application has been lodged with the clerk of the court; or

(b) a period of one month has elapsed since the copy of that application has been referred to that officer.

(b) by omitting section five and by inserting in lieu thereof the following section :—

5. The senior officer of police for the police district in which are situated the premises referred to in an application for a second-hand dealer's license or for the renewal or transfer thereof, or any person authorised by him, may object to the granting of the application.

(c)

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Sec. 8.
(Name, &c.,
to be
painted
on outside of
premises.)

(c) (i) by omitting paragraphs two, three and four of section eight and by inserting in lieu thereof the following paragraph :—

(2) enter in such books as are prescribed in respect of second-hand dealers or the prescribed class of second-hand dealers to which he belongs, as the case may be, the particulars specified therein in such manner and at such times as may be prescribed; and;

(ii) by omitting from paragraph five of the same section the words "book or books by this Act" and by inserting in lieu thereof the words "prescribed book or books";

(iii) by omitting from the same section the words "Goods the purchase or receipt of which have been entered in the book required to be kept under paragraph (3) of this section and which have been purchased or received from the Crown in right of the Commonwealth of Australia or of any State (including this State) of the Commonwealth of Australia or any statutory body representing the Crown within the meaning of the Local Government Act, 1919, as subsequently amended, are exempt from paragraph (4) of this section.";

Sec. 8A.
(Offences
in respect
of keeping
of books.)

(d) (i) by omitting from subsection one of section 8A the words "wilfully makes or causes to be made, any false entry in any book required by this Act to be kept by him" and by inserting in lieu thereof the words "makes or causes to be made, any false entry in any prescribed book";

(ii) by omitting from subsection two of the same section the words "such book, any incomplete, defective"

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defective” and by inserting in lieu thereof the No. 30, 1971 words “prescribed book, any incomplete”;

- (iii) by inserting at the end of the same section the following new subsection :—

(3) It is a sufficient defence to a prosecution for making or causing to be made in any prescribed book any false entry or any misleading entry if the licensed second-hand dealer satisfies the court that the particulars comprised in the entry were furnished pursuant to a demand made under section 22A of this Act and that at the time when the particulars were given and the entry was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

- (e) by omitting section ten and by inserting in lieu thereof the following section :— Subst. sec. 10.

10. (1) An application for a collector's license shall be made in the prescribed manner, and such application may, subject to subsection four of this section, be granted by the court nearest to the place where the applicant resides. Upon the granting of such application the clerk of the court to which the application is made shall issue to the applicant a license in the prescribed form. Application for collector's license.

(2) Such license shall, unless sooner cancelled, entitle the holder thereof to carry on the business of a collector in all parts of the State and continue in force for one year from the date on which it is issued or where it is issued upon an application made by the holder of a license within one month before the date of expiration of that license, one year from that date.

(3)

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(3) Every application for a collector's license shall be accompanied by the prescribed fee.

(4) An application for a collector's 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 the applicant resides and—

(a) a report made by that officer on the application has been lodged with the clerk of the court; or

(b) a period of one month has elapsed since the copy of that application has been referred to that officer.

(5) The senior officer of police for the police district in which an applicant resides, or any person authorised by him, may object to the granting of an application.

(6) Where there is no objection made by or on behalf of an officer of the police force a collector's license may be granted and issued by the clerk of the court of petty sessions to which the application is made.

(7) A collector's license shall not be issued to any person who is under the age of sixteen years.

Sec. 11.
(Collector
to leave
address with
police officer
and report
himself.)

(f) by inserting at the end of paragraph four of section eleven the following word and new paragraphs :—

and

(5) enter in such books as are prescribed in respect of collectors or the prescribed class of collectors to which he belongs, as the case may be, the particulars specified therein in such manner and at such times as may be prescribed; and

(6)

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- (6) produce to any member of the police force, No. 30, 1971 whenever requested, the prescribed book or books required to be kept by him, and any second-hand goods purchased or received by him then in his possession,;
- (g) by inserting next after section eleven the following new section :— New sec.
11A.
- 11A. (1) Any licensed collector who neglects or fails to make any entry required by this Act to be made by him, or who makes or causes to be made, any false entry in any prescribed book shall be guilty of an offence against this Act. Offences in
respect of
keeping of
books.
- (2) Any licensed collector who makes or causes to be made, in any prescribed book, any incomplete or misleading entry, shall be guilty of an offence against this Act.
- (3) It is a sufficient defence to a prosecution for making or causing to be made in any prescribed book any false entry or any misleading entry if the licensed collector satisfies the court that the particulars comprised in the entry were furnished pursuant to a demand made under section 22A of this Act and that at the time when the particulars were given and the entry was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.
- (h) by inserting in section sixteen after the word "dealer" the words "or collector"; Sec. 16.
(Presump-
tion of
possession
of second-
hand
goods.)
- (i) (i) by inserting in section seventeen after the word "kept" the word "by"; Sec. 17.
(Entries in
dealer's or
collector's
books
deemed
made by
him.)
- (ii)

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- (ii) by inserting at the end of the same section the following new subsection :—

(2) Every entry in any book kept by or belonging to any collector, or found on premises used by him in connection with his business as a collector, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such collector.

Sec. 20.
(Inspectors,
&c., may
visit dealer's
and collec-
tor's pre-
mises.)

- (j) (i) by inserting in section twenty after the word "dealer" wherever occurring the words "or collector";

- (ii) by omitting from the same section the words "the books by this Act required to be kept" and by inserting in lieu thereof the words "any prescribed book";

- (iii) by inserting at the end of the same section the following new paragraph :—

A reference in this section to the place of business of a collector shall be construed as a reference to any premises used by the collector in connection with his business as a collector, and includes any structure, building, vehicle, vessel or place, whether built upon or not, and any part thereof.

Sec. 22.
(Suspicious
offering of
second-
hand
goods.)

- (k) (i) by inserting in section twenty-two after the word "agent" where firstly occurring the words ", or to any collector,";

- (ii) by inserting in the same section after the word "agent" where secondly occurring the words ", or to such collector,";

(iii)

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(iii) by inserting in the same section after the word "agent" where thirdly occurring the words "or such collector,"; No. 30, 1971

(1) by inserting next after section twenty-two the following new section :— New sec. 22A.

22A. Any person—

(a) from whom any second-hand goods are purchased or received by a second-hand dealer or collector; or

(b) to whom any such goods are sold or disposed of by a second-hand dealer or collector,

Particulars
to be
furnished.

and who, upon demand being made of him by that second-hand dealer, his servant or agent or by that collector, at the time of the purchase, receipt, sale or disposition for any of the prescribed particulars, does not furnish to the person by whom the demand is made such particulars, or wilfully furnishes any false particulars, shall be guilty of an offence against this Act.

(m) by omitting from section twenty-three the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred dollars"; Sec. 23.
(Proceedings and penalty.)

(n) by inserting next after paragraph six of section twenty-four the following new paragraphs :— Sec. 24.
(Regulations.)

(7) the form to be used for any license issued under this Act and any application relating thereto and the manner in which any application shall be given;

(8)

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(8) the fee to be paid for or in relation to any license issued under this Act and different fees for different licenses;

(9) the books to be kept by persons or classes of persons licensed under this Act and the particulars to be entered therein;

(10) the times at and the manner in which any particulars prescribed pursuant to paragraph nine of this section are to be entered;

(11) the circumstances in which any class of persons licensed under this Act is exempted from keeping or entering any particulars in any of the books prescribed to be kept by holders of licenses of that class pursuant to paragraph nine of this section;

Schedules.

(o) by omitting the First, Second, Third, Fourth, Fifth and Sixth Schedules.

Savings.

3. (1) For the purposes of paragraph five of section eight of the Second-hand Dealers and Collectors Act, 1906, as amended by this Act, the book or books required to be kept by a second-hand dealer under the Second-hand Dealers and Collectors Act, 1906, as in force immediately before the commencement of this Act, shall be deemed to be prescribed books.

(2) Any application for a license or for the renewal or transfer thereof made but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted.

4.

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4. The Summary Offences Act, 1970, is amended by No. 30, 1971 inserting in Schedule One next after the matter relating to the Vagrancy (Amendment) Act, 1905, the following new matter :—

Amendment
of Act No.
96, 1970.
(Schedule
One.)

1906, No. 30	Second-hand Dealers and Collectors Act, 1906.	Omit section 21.
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TRUSTEES