

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

NEW SOUTH WALES



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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

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.

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.

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".

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.

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

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.

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