

Act 1992 No. 79

**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.

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.

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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.

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.
