

# Wool, Hide and Skin Dealers Act 2004 No 7

[2004-7]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Civil and Administrative Legislation \(Repeal and Amendment\) Act 2013 No 95](#) (not commenced — to commence on 1.1.2014)

### Authorisation

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# Wool, Hide and Skin Dealers Act 2004 No 7



New South Wales

An Act to regulate wool, hide and skin dealers; to repeal the *Wool, Hide and Skin Dealers Act 1935*; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Wool, Hide and Skin Dealers Act 2004*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

In this Act:

**business address** of a corporation means:

- (a) in the case of a corporation that has a registered office in Australia—the address of the registered office, or
- (b) in any other case—the address of the corporation's principal or only place of business in Australia.

**buy** includes the following:

- (a) buy under an agreement to sell,
- (b) receive under an agreement to sell,
- (c) accept under an agreement to sell,
- (d) offer to receive or accept under an agreement to sell,
- (e) cause or suffer to be received or accepted under an agreement to sell.

**Commissioner** means the Commissioner of Police.

**executive officer** of a corporation means a person who is concerned in, or takes part in,

the management of the corporation (regardless of the person's designation and whether or not the person is a director of the corporation).

**hide** or **skin** means the hide or skin of:

- (a) any bovine animal, or
- (b) any ovine animal, or
- (c) any other animal or kind of animal prescribed by the regulations,

before treatment in any process of manufacture.

**Note—**

A reference to a bovine animal includes a reference to a bull, cow, ox, heifer, steer or calf. A reference to an ovine animal includes a reference to a ram, ewe, wether or lamb.

**licence** means a licence in force under this Act.

**licensed business** means a business authorised by a licence.

**licensee** means the holder of a licence.

**not entitled to be issued with a licence**—see section 9.

**record** means:

- (a) a documentary record, or
- (b) a record made by an electronic, electromagnetic, photographic or optical process, or
- (c) any other kind of record.

**sell** includes any of the following:

- (a) sell, barter or exchange,
- (b) agree to sell, barter or exchange,
- (c) offer, expose, store, have in possession, send, consign, or deliver for or on sale,
- (d) receive for sale,
- (e) cause or suffer to be sold, bartered or exchanged, or to be agreed to be sold, bartered or exchanged,
- (f) cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale,
- (g) cause or suffer to be received for sale,
- (h) attempt to do any such acts or things.

**show cause notice** means a notice under section 28.

**wool** means the fleece of:

- (a) any ovine animal, or
  - (b) any other animal or kind of animal prescribed by the regulations,
- before treatment in any process of manufacture, but does not include fellmongered wool.

**wool, hide or skin dealer**—see section 5.

#### 4 Notes

Notes included in this Act do not form part of this Act.

#### 5 Meaning of “wool, hide or skin dealer”

For the purposes of this Act, a **wool, hide or skin dealer** is a person who buys wool, hides or skins for the purpose of selling that wool or those hides or skins, or in connection with the person’s business of selling wool, hides or skins, except where the wool, hide or skin:

- (a) is bought by an overseas wool buyer at auction, or
- (b) is bought by a co-operative society registered under the [Co-operatives Act 1992](#) for the purposes of carrying out classing, repacking, weight adjusting, pooling or otherwise treating the wool, hide or skin for sale by an auctioneer accredited under the [Property, Stock and Business Agents Act 2002](#), or
- (c) is sold at public auction or after offer at public auction, or
- (d) is bought or sold for the purposes of education or research, or
- (e) is bought or sold in any other circumstances prescribed by the regulations.

#### 6 Restrictions on operation of this Act

- (1) This Act does not apply so as to affect any activities conducted in accordance with a licence, permit or other authority under another Act (for example, the [Property, Stock and Business Agents Act 2002](#)). In particular, this Act does not require a person to obtain a licence under this Act to carry on a business or any activity that is authorised by a licence, permit or other authority issued to that person under any other Act.
- (2) This Act does not apply:
  - (a) to the business of an auctioneer, or
  - (b) to the extent provided by the regulations, in relation to such persons and circumstances as the regulations may prescribe.

## **Part 2 Licensing of wool, hide and skin dealers**

### **Division 1 Requirement to be licensed**

#### **7 Dealers must be licensed**

- (1) A person must not carry on the business of a wool, hide or skin dealer except in accordance with a licence held by the person.

Maximum penalty: 100 penalty units or 12 months imprisonment (or both).

- (2) Any contract for the purchase or sale of any wool, hide or skin is not affected by a contravention of subsection (1).

#### **8 Unlicensed person must not pretend to be licensed**

Any person who is not a licensee is guilty of an offence if the person:

- (a) takes, uses or exhibits the name or title of, or in any way pretends to be, a licensee, or
- (b) takes, uses or exhibits any title or term that may be construed to mean that the person is licensed to carry on the business of a wool, hide or skin dealer.

Maximum penalty: 50 penalty units.

### **Division 2 Persons not entitled to be issued with a licence**

#### **9 Persons who are not entitled to be issued with a licence**

- (1) A natural person is ***not entitled to be issued with a licence*** if:

- (a) the person has a conviction in New South Wales or elsewhere for an offence involving dishonesty that was recorded in the last 10 years, unless the Commissioner has determined under subsection (3) that the offence should be ignored, or
- (b) the person is an undischarged bankrupt, or
- (c) the person is under 18 years of age, or
- (d) the person is a mentally incapacitated person, or
- (e) the person is an executive officer of a corporation that is not entitled to be issued with a licence, or
- (f) the person is precluded from being granted a licence by a determination made in relation to him or her under section 30, or
- (g) the person previously held a licence and breached one or more conditions of that



licence, unless the Commissioner has determined under subsection (4) that the breach should be ignored, or

- (h) the person is not entitled to be issued with a licence, certificate of registration or other authority under a corresponding law or is the holder of such a licence, certificate of registration or other authority that is suspended, or
- (i) the person is in breach of any provision of this Act or the regulations that is prescribed by the regulations as a breach that means a natural person is not entitled to be issued with a licence.

(2) A corporation is ***not entitled to be issued with a licence*** if:

- (a) none of its employees or directors are licensed, or
- (b) it has a conviction in New South Wales or elsewhere for an offence involving dishonesty that was recorded in the last 10 years, unless the Commissioner has determined under subsection (3) that the offence should be ignored, or
- (c) it is the subject of a winding up order or for which a controller or administrator has been appointed otherwise than by the corporation, or
- (d) it is precluded from being granted a licence by a determination made in relation to the corporation under section 30, or
- (e) it previously held a licence and breached one or more conditions of the licence, unless the Commissioner has determined under subsection (4) that the breach should be ignored, or
- (f) it is not entitled to be issued with a licence, certificate of registration or other authority under a corresponding law or is the holder of such a licence, certificate of registration or other authority that is suspended, or
- (g) it is in breach of any provision of this Act or the regulations that is prescribed by the regulations as a breach that means a corporation is not entitled to be issued with a licence, or
- (h) a director or other executive officer of the corporation is not entitled to be issued with a licence.

(3) When subsection (1) or (2) provides that a determination may be made under this subsection in relation to an offence committed by a person, the Commissioner may determine that the offence should be ignored for the purposes of this section on one or more of the following grounds:

- (a) the triviality of the acts or omissions giving rise to the offence,
- (b) the time that has passed since the offence was committed,

- (c) the offence was committed by the offender as a minor,
  - (d) the subsequent good behaviour of the offender,
  - (e) any other ground prescribed by the regulations.
- (4) When subsection (1) or (2) provides that a determination may be made under this subsection in relation to a breach of a licence held by a person, the Commissioner may determine that the breach should be ignored for the purposes of this section on one or more of the following grounds:
- (a) the triviality of the acts or omissions giving rise to the breach,
  - (b) the time that has passed since the breach occurred,
  - (c) the subsequent good conduct of the former licensee,
  - (d) any other ground prescribed by the regulations.
- (5) In this section:

**corresponding law** means a law of another Australian jurisdiction that is declared by the Minister from time to time by order published in the Gazette to be a law that corresponds to this Act.

## Division 3 Applying for a licence

### 10 Licence applications

- (1) An application for the issue of a licence is to be made to the Commissioner in the form approved by the Commissioner.
- (2) If the applicant is a corporation, an application must also be accompanied by:
  - (a) the names of each of the directors of the applicant, and
  - (b) the name of at least one licensee who is an employee or director of the applicant.
- (3) An application must be accompanied by:
  - (a) in the case of an applicant that is a natural person—at least two forms of evidence of the identity of the applicant, or
  - (b) in the case of an applicant that is a corporation—at least two forms of evidence of the identity of the licensee or each of the licensees who are named in the application and who are employees or directors of the corporation,being forms of evidence of a kind required by clause 1 of Schedule 1.
- (4) An application must be lodged in the manner prescribed by the regulations.

- (5) It is a condition of a licence issued to a corporation that the Commissioner must be notified of any change in the directors of the corporation within 14 days of the change. If any of the directors nominated in the application as licensees cease to be a director that notice must also contain the name of another director, or of an employee, of the corporation who is a licensee.
- (6) It is a condition of a licence issued to a corporation that the Commissioner must be notified within 14 days if any of the employees nominated in the application for a licence ceases to be an employee of the corporation. That notice must also contain the name of another employee, or of a director, of the corporation who is a licensee.

## **11 Business and storage premises**

- (1) An applicant for a licence must nominate in the application all premises that the applicant intends to make regular use of, whether as business premises or storage premises or both, for the purposes of carrying on the proposed licensed business.
- (2) A licensee who for any reason ceases to carry on business or to store wool, hides or skins at the premises nominated under this section, or who commences to carry on business or to store wool, hides or skins at other premises and intends to make regular use of those other premises, must notify the Commissioner in writing of that fact and of the address of the other premises within 14 days of doing so.

Maximum penalty (subsection (2)): 50 penalty units.

- (3) It is a condition of a licence that the licensee carries on the licensed business only from, or stores wool, hides or skins only at, the premises nominated in the application for the licence, or later notified to the Commissioner under subsection (2).
- (4) It is not a breach of such a condition for the licensee to carry on the licensed business from, or store wool, hides or skins at, other premises for a period of up to 14 days if the licensee notifies the Commissioner of that fact within 14 days of commencing to use those premises.

## **Division 4 Dealing with licence applications**

### **12 Granting or refusing a licence**

- (1) After considering an application, the Commissioner must grant a licence to the applicant or refuse to grant a licence.
- (2) The Commissioner must grant a licence to the applicant unless the Commissioner is of the opinion:
  - (a) that the applicant is not entitled to be issued with a licence, or
  - (b) that the applicant has not provided satisfactory evidence of identity in accordance with section 10 (3).

- (3) If an applicant for a licence or a director of the applicant has been charged with an offence involving dishonesty, the Commissioner may await the outcome of the proceedings on the charge before determining the application.
- (4) A licence is to be granted in a form determined by the Commissioner and must specify the premises where the business is to be carried out or wool, hides or skins are to be stored.
- (5) A licence may be issued jointly to 2 or more natural persons who carry on a business in partnership. A reference in this Act to the licensee is a reference to any one of those licensees.

### **13 Term of licences**

A licence remains in force for a period of 3 years after the date of its grant, unless it is cancelled or suspended under this Act before that time.

### **14 Conditions of licences**

- (1) A licence is subject to any conditions:
  - (a) imposed by this Act, or
  - (b) imposed by the regulations, or
  - (c) that the Commissioner sees fit, in the public interest, to attach to it, by notice in writing, at the time when it is granted or at a later time while the licence is in force.
- (2) The regulations may make provision for or with respect to the attachment of conditions to the licence at the time when it is granted or at some later time.
- (3) The Commissioner may, by notice in writing served on a licensee, vary or revoke any condition attached to a licence by the Commissioner.

## **Division 5 Review of decisions**

### **15 Review by Administrative Decisions Tribunal**

A person may apply to the Administrative Decisions Tribunal for review of a decision of the Commissioner:

- (a) not to grant the person a licence, or
- (b) to grant the person a licence subject to any condition, or
- (c) to attach any condition to the person's licence after its grant, or
- (d) to vary any condition attached to the person's licence after its grant, or

- (e) to cancel or suspend the person's licence, or
- (f) that a licence is not to be granted to the person in future, unless that licence has one or more specified conditions attached to it, or
- (g) that a licence is not to be granted to a former licensee for a specified period.

## **Division 6 Miscellaneous provisions**

### **16 Register of licences**

- (1) The Commissioner must cause a register of licences to be maintained, in which are to be recorded the names, business premises and storage premises and other particulars relating to licensees that are considered relevant by the Commissioner and any other particulars required to be recorded by the regulations.

### **17 Failure to display licence details**

A licensee must conspicuously display the following particulars on all premises used for the carrying on of the licensed business of the licensee:

- (a) in the case of a licensee that is a natural person—the initials of the licensee and the licensee's surname,
- (b) in the case of a licensee that is a corporation—the licensee's name,
- (c) the words "Licensed Dealer in Wool, Hides and Skins",
- (d) any other particulars prescribed by the regulations.

Maximum penalty: 10 penalty units.

## **Part 3 Obligations and duties of licensees**

### **18 Application of this Part**

This Part imposes obligations and duties on a licensee in relation to the buying or selling of, or the custody of, wool, hides or skins even if the wool, hides or skins are not bought or sold in the course of the business of a wool, hide or skin dealer.

### **19 Evidence of consent to sale and of identity of deliverer**

- (1) Before accepting any wool, hides or skins offered for sale, a licensee must obtain, or must ensure that an employee of the licensee obtains, the following evidence of consent to the sale by the person offering the wool, hides or skins for sale (whether or not the wool, hides or skins are being delivered by another person):
  - (a) if the person offering the wool, hides or skins for sale is a natural person—the signature of the person or a statement signed by the person consenting to the

sale,

- (b) if the person offering the wool, hides or skins for sale is a corporation—a statement signed by an executive officer of the corporation, or an employee authorised in writing by an executive officer of the corporation, consenting to the sale.

Maximum penalty: 50 penalty units.

- (2) Before accepting any delivery of wool, hides or skins, a licensee must inspect, or must ensure that an employee of the licensee inspects, documentary evidence of the identity of the person delivering the wool, hides or skins (whether or not that person is delivering the wool, hides or skins on behalf of another person), being a document that shows each of the following:
  - (a) a photograph of the person,
  - (b) the date of birth of the person,
  - (c) the residential address of the person.

That document may be, but is not limited to, the forms of identification specified in clause 2 of Schedule 1.

Maximum penalty: 50 penalty units.

- (3) A licensee must not accept any wool, hides or skins delivered to the licensee if the licensee knows or has reasonable cause to suspect that the documentary evidence of the identity of the person delivering the wool, hides or skins is false in a material particular.

Maximum penalty: 50 penalty units.

- (4) A licensee, or employee of a licensee, who has previously been satisfied as to the identity of a person who has delivered wool, hides or skins by inspecting the evidence of identity required by subsection (2) is not required by that subsection to again inspect that evidence of identity on any subsequent occasion that the person delivers wool, hides or skins to the licensee.

## **20 Retention period for wool, hides and skins**

- (1) The Commissioner, or a police officer authorised by the Commissioner, may serve on a licensee a written order requiring the licensee:
  - (a) to refrain, during a specified period not exceeding 5 days, from disposing of any wool, hides or skins (including any containers) that are specified in the order, and
  - (b) to retain during that period the wool, hides or skins and containers to which the order relates without altering or obliterating any brand, marking or writing on

them.

(2) The Commissioner or any such authorised police officer may revoke such an order.

(3) A licensee must comply with any such order served on the licensee.

Maximum penalty: 50 penalty units.

### **21 Duty to refuse suspicious wool, hides or skins**

A licensee must not accept any wool, hides or skins offered for sale if the licensee has reasonable grounds to believe that the wool, hides or skins concerned are not the property of the person by whom they are offered or of any person for whom that person is authorised to make the offer.

Maximum penalty: 50 penalty units.

### **22 Duty to report suspicious wool, hides or skins offered for sale**

If a licensee, or any employee of a licensee, suspects for any reason that any wool, hides or skins that are offered to the licensee or employee for sale may have been stolen or otherwise unlawfully obtained, the licensee or employee must without delay inform a police officer of the cause of that suspicion.

Maximum penalty: 50 penalty units.

### **23 Duty to report suspicious wool, hides or skins in custody of licensee**

If a licensee, or any employee of a licensee, suspects for any reason that any wool, hides or skins in the custody of the licensee or employee in the course of the licensee's business may have been stolen or otherwise unlawfully obtained, the licensee or employee must without delay inform a police officer of the cause of that suspicion.

Maximum penalty: 50 penalty units.

### **24 Duty to report disentitlement**

A licensee must advise the Commissioner if the licensee becomes a person who would not be entitled to be issued with a licence. That advice must be given immediately and must be in writing.

Maximum penalty: 50 penalty units.

## **Part 4 Records**

### **25 Application of this Part**

This Part applies to the buying or selling of wool, hides or skins even if the wool, hides or skins are not bought or sold in the course of the business of a wool, hide or skin dealer.

## 26 Transaction records

- (1) A licensee must keep records of the following matters in relation to any transaction for the buying of wool, hides or skins entered into by the licensee:
- (a) the date of the transaction,
  - (b) if the person who sold the wool, hides or skins is:
    - (i) a natural person—the name, residential address, date of birth and signature of the natural person, or
    - (ii) a corporation—the name, business address and Australian Business Number of the corporation, and a statement signed by an executive officer of the corporation, or an employee authorised in writing by an executive officer of the corporation, consenting to the sale,
  - (c) if the sale was conducted by a natural person acting as agent for the seller, the name, residential address, date of birth and signature of the agent,
  - (d) details of the evidence of consent to sale that was obtained when the wool, hides or skins were accepted,
  - (e) the name, date of birth and residential address of the person who delivered the wool, hides or skins and details of the evidence as to identity that was provided by the person (whether on the occasion of that sale or an earlier sale when such evidence was provided),
  - (f) a fair and reasonable description of the wool, hides or skins (including the quantity and quality of the wool, hides or skins),
  - (g) the price paid by the licensee for the wool, hides or skins bought by the licensee,
  - (h) details of any subsequent sale or disposal of the wool, hides or skins,
  - (i) any other matters prescribed by the regulations.

Maximum penalty: 50 penalty units.

- (2) A licensee must keep records of the following matters in relation to any transaction for the sale of wool, hides or skins entered into by the licensee:
- (a) the date of the transaction,
  - (b) if the person who bought the wool, hides or skins is:
    - (i) a natural person—the name, residential address, date of birth and signature of the natural person, or
    - (ii) a corporation—the name, business address and Australian Business Number of



the corporation, and a statement signed by an executive officer of the corporation consenting to the purchase,

- (c) if the sale was conducted by a natural person acting as agent for the person who bought the wool, hides or skins—the name, residential address, date of birth and signature of the agent,
- (d) a fair and reasonable description of the wool, hides or skins (including the quantity and quality of the wool, hides or skins),
- (e) the price of the wool, hides or skins,
- (f) any other matters prescribed by the regulations.

Maximum penalty: 50 penalty units.

- (3) A record required to be kept under this section must be made as soon as practicable after the buying or selling of the wool, hides or skins.
- (4) Records required to be kept under this section may be kept in written form or electronic form.

## **27 Records must be kept for 5 years**

- (1) A licensee required by section 26 to keep a record must retain the record for a period of 5 years after it is made.

Maximum penalty: 50 penalty units.

- (2) A person who was a licensee and who was, at the time of being a licensee, required by section 26 to keep a record must retain the record for a period of 5 years after it is made.

Maximum penalty: 50 penalty units.

## **Part 5 Action against licensees**

### **28 Notices to show cause why licence should not be cancelled**

- (1) The Commissioner may serve a notice (known as a **show cause notice**) on any licensee:
  - (a) who has become not entitled to be issued with a licence, or
  - (b) who, in the opinion of the Commissioner, made false or misleading statements in or in connection with an application for the licence that the licensee obtained, or
  - (c) who, or one of whose directors or employees, has contravened a provision of this Act, or the regulations, whether or not the licensee, director or employee has been prosecuted for or convicted of an offence in respect of the contravention, or

(d) who the Commissioner considers, in light of evidence acceptable to the Commissioner, is probably receiving or dealing in stolen wool, hides or skins, or

(e) who has failed to comply with a condition of the licence,

requiring the licensee to show cause, within a period of time (being not less than 14 days) specified by the notice, as to why the licensee's licence should not be cancelled.

### **29 Licensee may adduce evidence**

A licensee on whom a show cause notice is served may, within the period of time specified by the notice, make a written submission and adduce evidence in relation to the matters raised by the notice.

### **30 Action by Commissioner**

- (1) The Commissioner may undertake any inquiry and investigation in relation to the matters to which a show cause notice relates, and any submission made or evidence adduced by or on behalf of the licensee in relation to those matters, that the Commissioner thinks fit.
- (2) If, after such inquiry and investigation, the Commissioner is satisfied on the balance of probabilities that the ground of any show cause notice has been substantiated against the licensee, the Commissioner may do one or more of the following:
  - (a) cancel the licence, or suspend it for any portion of the remainder of its duration that the Commissioner thinks fit,
  - (b) attach one or more conditions to it,
  - (c) determine that a licence is not to be granted to the same licensee in future, unless one or more conditions are attached to it on grant.
- (3) The Commissioner, on cancelling a licence, may specify a period during which the licensee cannot be granted a further licence, and such a specification precludes the grant of a licence to the former licensee during that period.

### **31 Action against former licensees**

- (1) The provisions of section 30 apply to a former licensee in the same way as they apply to a licensee, but not in respect of matters that occurred or came into being after the person ceased to be a licensee.
- (2) However, a show cause notice may only be served under section 28 (as applied by this section) on a person who has held a licence within the period of 12 months ending with the date of service of the notice.
- (3) The provisions of section 30 apply to a former licensee on whom:

- (a) a show cause notice has been served under section 28 when the person was a licensee, or
  - (b) a show cause notice has been served under section 28 (as applied by this section) after the person ceased to be a licensee,
- in the same way as they apply to a licensee.
- (4) The Commissioner may undertake any inquiry and investigation in relation to the matters to which any such notice relates, and any submission made or evidence adduced by or on behalf of the former licensee in relation to those matters, that the Commissioner thinks fit.
- (5) If, after such inquiry and investigation, the Commissioner is satisfied on the balance of probabilities that the ground of any such notice has been substantiated against the former licensee, the Commissioner may make either or both of the following determinations:
- (a) a determination that a licence is not to be granted to the former licensee for a specified period,
  - (b) a determination that a licence is not to be granted to the former licensee, or that a licence held by the former licensee is not to be renewed, in future unless one or more specified conditions are attached to it.
- (6) A determination under subsection (5) (a) precludes the grant of a licence to the former licensee for the specified period.
- (7) If:
- (a) a show cause notice has been served on a person who was a licensee when the notice was served, and
  - (b) the person ceases to be licensed before the matters raised by the notice are finalised,
- the matters may continue to be dealt with under this Part, as if anything done or omitted to be done under sections 28–30 in relation to the person as a licensee had been done or omitted to be done under this section in relation to the person as a former licensee.

### **32 Decision to take no further action**

The Commissioner may, at any stage of a matter that is the subject of consideration by the Commissioner under this Part, determine to take no further action in respect of the matter, whether or not the matter is the subject of a show cause notice (under section 28 or that section as applied by section 31) and whether or not the Commissioner determines that the ground of any such notice has been substantiated.

### 33 Surrender of licence

When a licence is cancelled under this Part, the licensee must immediately surrender it to the Commissioner.

Maximum penalty: 10 penalty units.

## Part 6 Police powers

### 34 Search warrants

- (1) A police officer may apply to an authorised officer for the issue of a search warrant for premises if the police officer believes on reasonable grounds:
  - (a) that a provision of this Act or the regulations is being or has been contravened on the premises, or
  - (b) that there is on the premises evidence of a contravention of a provision of this Act or the regulations.
- (2) An authorised officer to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising a police officer named in the warrant:
  - (a) to enter and inspect the premises, and
  - (b) to exercise on the premises any function of a police officer under this Part.
- (3) Division 4 of Part 5 of the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#) applies to a search warrant issued under this section.
- (4) In this section, **authorised officer** has the same meaning as in the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#).

### 35 Powers of entry and search

- (1) A police officer may, at any reasonable time, enter any premises where a licensed business is carried on and inspect wool, hides or skins kept at the premises.
- (2) A police officer may, at any reasonable time, enter any premises used by any person (whether or not that person is a licensee) for the purpose of storing wool, hides or skins, or that the police officer has reasonable cause to believe is being used for the purpose of storing wool, hides or skins, and may inspect that wool or those hides or skins.
- (3) A police officer may, at any reasonable time, enter any storage premises used in connection with a licensed business and inspect any wool, hides or skins there, and for that purpose may require a person apparently in charge of the storage premises to open them.

- (4) A police officer may search, or stop and search, any vehicle used, whether by a licensee or not, for the purpose of carrying wool, hides or skins, or that the police officer has reasonable cause to believe is being used for such a purpose, and may inspect any wool, hides or skins found in or on such a vehicle.
- (5) In the exercise of the power conferred by this section, the police officer may enter the premises concerned in company with a person claiming to be the true owner of any wool, hides or skins believed to be kept on the premises, or with any technical expert, and may take photographs of, or video-tape, any wool, hides or skins found there and tender them for inspection by the person accompanying the officer.
- (6) In the exercise of the power conferred by this section, the police officer may remain on premises only for as long as is reasonably necessary in the circumstances.
- (7) This section does not authorise a police officer to enter a part of premises used for residential purposes except:
  - (a) with the consent of the occupier of the part, or
  - (b) under the authority of a search warrant.
- (8) A person must not fail to comply with a requirement under this section.  
Maximum penalty: 50 penalty units.

### **36 Inspection of records**

- (1) A police officer may, at any reasonable time, enter any premises at which any record required to be kept under this Act is kept, or at which the police officer has reasonable cause to believe such a record is being kept, and may inspect that record.
- (2) This section does not authorise a police officer to enter a part of premises used for residential purposes except:
  - (a) with the consent of the occupier of the part, or
  - (b) under the authority of a search warrant.

### **37 Production of records and other things**

- (1) A police officer who has lawfully entered any premises where the buying, selling or storage of wool, hides or skins is being carried on may require any person apparently in charge of the premises to do immediately any of the following:
  - (a) to produce for inspection any record required to be kept by the person or by the licensee under this Act,
  - (b) to identify and locate records kept by the person or the licensee that correspond to particular wool, hides or skins bought, sold or kept by the person or licensee,

- (c) to identify and locate wool, hides or skins kept by the person or the licensee that correspond to particular records kept by the licensee,
  - (d) to reveal the whereabouts of any wool, hides or skins or records referred to in paragraph (b) or (c),
  - (e) in the case of premises used for a licensed business, to produce the licence or a copy of the licence.
- (2) In the case of a record that is electronically stored, a provision of this section conferring power on a police officer to compel production of the record for inspection empowers the officer, for the purpose of exercising that power:
- (a) to view the record and to copy or take extracts from it by electronic means, or
  - (b) to require that it be reproduced in hard copy, or copied on to computer diskette or reduced to some other portable form suitable for removal and capable of reproducing the record for viewing.
- (3) A person must comply with a requirement made of the person under this section.
- Maximum penalty: 50 penalty units.

### **38 Seizure of records**

- (1) A police officer may take temporary possession of any record produced to the police officer under this Act for the purpose of making copies or notes of some or all of it.
- (2) When possession of a record is taken under this section, a receipt is to be issued for it at the time it is taken and, as soon as practicable after that, the record or a copy of it must be returned to the person from whom it was taken.

## **Part 7 Miscellaneous**

### **39 Act binds the Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

### **40 Nature of proceedings for offences**

Proceedings for an offence under this Act or the regulations may be dealt with summarily.

### **41 Offences by corporations**

- (1) If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each executive officer of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the act or omission constituting the offence.

- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in subsection (1) prejudices or affects any liability imposed by a provision of this Act or the regulations on any corporation by which an offence against the provision is actually committed.

#### **42 Service of documents**

- (1) A document that is authorised or required by this Act or the regulations to be served on any person may be served by:
  - (a) in the case of a natural person:
    - (i) delivering it to the person personally, or
    - (ii) sending it by post to the address specified by the person for the giving or service of documents or, if no such address is specified, the residential or business address of the person last known to the person giving or serving the document, or
    - (iii) sending it by facsimile transmission to the facsimile number of the person, or
  - (b) in the case of a corporation:
    - (i) leaving it with a person apparently of or above the age of 16 years at, or by sending it by post to, the head office, a registered office or a principal office of the body corporate or to an address specified by the body corporate for the giving or service of documents, or
    - (ii) sending it by facsimile transmission to the facsimile number of the corporation.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.

#### **43 Regulations**

- (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) In particular, regulations may be made for or with respect to the following:
  - (a) the documents or information that must accompany an application for the issue of a licence,
  - (b) the replacement of licences that are lost, stolen or destroyed,

- (c) the recognition of licences issued in other Australian jurisdictions,
- (d) the carrying on of a licensed business by legal personal representatives or trustees of the licensee,
- (e) the electronic transmission by a licensee to the Commissioner of information required by or under this Act to be furnished to the Commissioner,
- (f) requirements as to what is a fair and reasonable description of specified wool, hides or skins or kinds of wool, hides or skins for the purposes of section 26 (1) (f) or (2) (d).

(3) The regulations may create offences punishable by a penalty not exceeding 20 penalty units.

#### **44 Repeals**

The following Acts are repealed:

- (a) the *Wool, Hide and Skin Dealers Act 1935*,
- (b) the *Wool, Hide and Skin Dealers (Amendment) Act 1992*.

#### **45 (Repealed)**

#### **46 Savings and transitional provisions**

Schedule 3 has effect.

#### **47 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

## **Schedule 1 Evidence of identity**

(Sections 10 and 19)

### **1 Forms of evidence of identity to accompany licence application**

The forms of evidence of the identity of a person required by section 10 are the original, or a photocopy, of any of the following documents in the name of the person:

- (a) a current driver licence,



- (b) a birth certificate,
- (c) a current passport,
- (d) an entitlement card that, on the face of it, appears to be issued by the Government or a statutory authority of New South Wales or the Commonwealth or another State or Territory,
- (e) the most recent income tax return lodged by, and the most recent income tax assessment issued in relation to, the person,
- (f) a marriage certificate,
- (g) a certificate evidencing the person's educational, professional or trade qualifications,
- (h) evidence of electoral enrolment, issued under the provisions of any Commonwealth, State or Territory Act,
- (i) a certificate of naturalisation or citizenship,
- (j) a certificate of identification or discharge papers issued by any branch of the armed services of the Commonwealth,
- (k) any other document prescribed by the regulations.

## **2 Forms of evidence of identity of deliverer**

It is sufficient evidence of the identity of a person required by section 19 if the person can produce the original, or a photocopy, of one of the following documents in the name of the person:

- (a) a current driver licence,
- (b) a current passport,
- (c) any other document prescribed by the regulations.

## **Schedule 2 (Repealed)**

## **Schedule 3 Savings and transitional provisions**

(Section 46)

### **Part 1 Preliminary**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its 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 its publication.

## **Part 2 Provisions consequent on enactment of this Act**

### **2 Saving of existing licences**

- (1) A licence issued under the repealed Act that was in force immediately before the commencement of section 7 of this Act is taken to have been issued under this Act for a period of 60 days after that date of commencement unless the licence is sooner suspended or cancelled as a result of:
  - (a) proceedings pending under the repealed Act at the commencement of this clause, or
  - (b) action under this Act.
- (2) Such a licence is subject to any limitations and conditions that were imposed on it under the repealed Act and any further conditions that the Commissioner may attach under section 14 of this Act.
- (3) In this clause, **repealed Act** means the [Wool, Hide and Skin Dealers Act 1935](#).

### **3 Action against existing licensees**

Part 5 of this Act extends to a licensee who holds a licence that is taken to have been issued under this Act by clause 2. For the purposes of the application of that Part, the Commissioner may have regard to conduct or events that occurred before the commencement of that Part in determining whether the licensee is entitled to be issued with a licence or is otherwise subject to Part 5.