



AUSTRALIAN CAPITAL TERRITORY

Second-hand Dealers and Collectors (Amendment) Act 1990

No. 34 of 1990

An Act to amend the Second-hand Dealers and Collectors Act 1906 of the State of New South Wales in its application in the Territory

[Notified in ACT Gazette S 72: 30 October 1990]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Second-hand Dealers and Collectors (Amendment) Act 1990*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the Second-hand Dealers and Collectors Act 1906 of the State of New South Wales in its application in the Territory.

Interpretation

4. Section 2 of the Principal Act is amended by omitting all the words from and including “unless” to and including “(that is to say)” and substituting “unless the contrary intention appears”.

Dealers must be licensed

5. Section 3 of the Principal Act is amended—

- (a) by omitting “under this Act”; and
- (b) by adding at the foot of the section the following penalty:
“Penalty: \$1,000.”.

Duties of dealers

6. Section 8 of the Principal Act is amended—

- (a) by omitting “does not” and substituting “, without reasonable excuse, fails to”;
- (b) by omitting subsection (6);
- (c) by omitting from subsection (7) “and” (last occurring) and substituting “or”; and
- (d) by omitting “he shall be guilty of an offence under this Act” and substituting “the dealer is guilty of an offence punishable, on conviction, by a fine not exceeding \$500”.

Insertion

7. After section 8 of the Principal Act the following section is inserted:

Goods suspected of being stolen, embezzled or fraudulently obtained

“8A. A person shall as soon as is reasonably practicable give notice to a police officer if an article comes into the person's possession which answers the description of an article described to the person by any police officer, whether orally or by notice in writing, as having been stolen, embezzled or fraudulently obtained.

Penalty: \$500.”.

Substitution

8. Section 9 of the Principal Act is repealed and the following section substituted:

Dealers—carrying on business

“9. (1) A licensed second-hand dealer shall not carry on the business of a second-hand dealer on premises other than those specified in the licence.

“(2) A licensed second-hand dealer shall not, without reasonable excuse, fail to produce his or her licence on demand made by a police officer at any time on the premises specified in the licence.

“(3) A licensed second-hand dealer shall not purchase or receive old wares from any person who is or is reasonably believed by the dealer to be under the age of 14 years.

“(4) A licensed second-hand dealer shall not carry on business before 7 a.m.

“(5) A person who contravenes this section is guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) in the case of a contravention of subsection (1)—\$1,000; or
- (b) in the case of a contravention of subsection (2), (3) or (4)—\$500.”.

Collector's address

9. Section 11 of the Principal Act is amended—

- (a) by omitting “shall not” and substituting “, without reasonable excuse, fails to”;

- (b) by omitting from subsection (3) “, without reasonable excuse; and” and substituting “; or”; and
- (c) by omitting “he shall be guilty of an offence under this Act” and substituting “the collector is guilty of an offence punishable, on conviction, by a fine not exceeding \$500”.

Substitution

10. Section 12 of the Principal Act is repealed and the following sections substituted:

Licence not to be hired or lent

“12. A collector shall not hire or lend his or her licence to another person with the intention of enabling that person to carry on the business of collector.

Penalty: \$1,000.

Hours of business

“12A. A person shall not, before 7 a.m. or after 6 p.m., buy, sell or carry on the business of collecting old wares.

Penalty: \$500.”.

Substitution

11. Section 13 of the Principal Act is repealed and the following section substituted:

Collectors to be licensed

“13. (1) A person who is not licensed shall not act as a collector.

“(2) A person shall not act as a collector under a licence issued in a false name.

“(3) A person shall not hire or borrow a licence which has been issued to another person.

Penalty: \$1,000.”.

Repeal

12. Sections 15, 16 and 17 of the Principal Act are repealed and the following section is substituted:

Evidentiary certificates

“15. (1) The Clerk of the Magistrates Court may issue a certificate stating whether a specified person was or was not on a specified date or during a specified period the holder of a licence.

“(2) A certificate issued under subsection (1) is evidence of the facts stated in the certificate.”.

Repeal

13. Sections 20, 22 and 23 of the Principal Act are repealed.

Further amendments

14. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 14

FURTHER AMENDMENTS**Section 2 (definition of “Collector”)—**

Insert “or her” after “his”.

Section 5—

- (a) Insert “or her” after “his” (wherever occurring).
- (b) Insert “or her” after “him” (wherever occurring).

Subsection 8 (1)—

Insert “or her” after “his” (wherever occurring).

Subsection 8 (2)—

Insert “or she” after “he”.

Subsection 8 (5)—

- (a) Insert “or her” after “him” (wherever occurring).
- (b) Insert “or her” after “his”.

Subsections 8 (7) and (8)—

Insert “or her” after “him”.

Subsection 11 (2)—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his” (wherever occurring).
- (c) Insert “or her” after “him”.

Subsection 11 (3)—

- (a) Insert “or her” after “his”.
- (b) Insert “or she” after “he”.

Subsection 11 (4)—

- (a) Insert “or she” after “he” (wherever occurring).
- (b) Insert “or her” after “him”.

First Schedule—

Insert “or her” after “him” (wherever occurring).

Sixth Schedule—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his” (wherever occurring).

[Presentation speech made in Assembly on 18 September 1990.]