

Queensland



SECOND-HAND DEALERS AND COLLECTORS ACT 1984

**Reprinted as in force on 27 April 1994
(includes amendments up to Act No. 40 of 1992)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 27 April 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26(1) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- omit provisions that are no longer required as permitted by section 39 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act;
- correct minor errors as permitted by section 44 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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SECOND-HAND DEALERS AND COLLECTORS ACT 1984

[as amended by all amendments that commenced on or before 27 April 1994²]

**An Act to regulate the activities of dealers and collectors of
second-hand goods and for other purposes**

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Second-hand Dealers and Collectors Act 1984*^{3–8}.

Commencement

2.(1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by proclamation.

Interpretation

6.(1) In this Act—

“arrest” means arrest of a person without any warrant other than this Act and the taking of that person to a police establishment, there to be detained (unless released upon recognisance) until the person can be brought before a justice to be dealt with according to law;

“authorised officer” means an officer or employee of the department who is an authorised officer;

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“authorised police officer” means an authorised officer who is a police officer;

“chief executive” means the chief executive of the department;

“collect” means to acquire, by way of purchase or otherwise, but does not include acquisition by way of purchase at a bona fide advertised auction;

“collector” means a person who collects or holds himself or herself out as being ready to collect, otherwise than at premises occupied by the person, second-hand goods, whether on the person’s own behalf or on behalf of another person, for the purpose of sale or trade;

“collector’s badge” means a badge issued as prescribed to a licensed collector;

“Commissioner” means the Commissioner of the Police Service;

“dealer” means a person who, wholly or partly, carries on the business of dealing in or buying, selling or exchanging second-hand goods whether on commission or otherwise and whether or not the person deals in any other goods, and includes an entrepreneur but does not include a person who—

- (a) is employed merely as a clerk or servant; or
- (b) whilst the person acts as an auctioneer as defined by the *Auctioneers and Agents Act 1971*, is licensed so to act under that Act or is not required to be so licensed thereunder; or
- (c) whilst the person acts as a motor dealer or motor salesperson each as defined in the *Auctioneers and Agents Act 1971*, is licensed as a motor dealer under that Act or holds a certificate of registration as a motor salesperson thereunder; or
- (ca) whilst the person acts as a dealer as defined in the *Weapons Act 1990*, is licensed so to act under that Act; or
- (cb) deals in, sells or exchanges second-hand goods only as incidental to the conduct by the person of the business of acquiring the ownership of those goods as new and letting them on hire to another; or
- (d) is a registered banking or life assurance company, trustee company, friendly society or building society;

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“entrepreneur” means the person in charge of and responsible for the running of—

- (a) a trash and treasure market; or
- (b) a flea market; or
- (c) an antique market; or
- (d) an antique fair;

“licence” means a licence issued or renewed under this Act and in force in all respects at the material time;

“licensed collector” means the person in whose name a collector’s licence which is in force at the material time has been issued;

“licensed dealer” means the person in whose name a dealer’s licence which is in force at the material time has been issued;

“licensee” means the person in whose name a licence which is in force at the material time has been issued;

“local government area” means the area in which, for the purposes of exercising its powers and authorities and performing its functions and duties, a local government has jurisdiction;

“officer in charge of police” includes a police officer of whatever rank or grade who is for the time being in charge of a police establishment;

“police establishment” includes any police station or station within a police district to which police officers are assigned for police purposes, and includes—

- (a) the Traffic Branch, Criminal Investigation Branch, the Water Police Station, Brisbane, and any watch-house;
- (b) any building or yard appropriated to the use of police officers for the time being attached to any police squad, section, unit, division or bureau;

“second-hand goods” includes goods or articles of any kind, class or description whatsoever which have been used, worn or otherwise employed, and includes second-hand vessels or outboard motors but does not include—

- (a) newspapers, books, pamphlets, periodicals or other printed publications; or

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- (b) stamps or coins; or
- (ba) goods or articles of any kind which have been returned for refund or exchange to the same person from whom they were purchased as new goods or articles; or
- (bb) motor vehicle batteries; or
- (bc) used tyres removed from a motor car, a motor utility truck, a motor cycle, a trailer or caravan trailer all as defined in the *Traffic Act 1949*, or from a motor utility panel van; or
- (c) such other goods or articles or class of goods or articles which the Governor in Council, by order in council, declares not to be second-hand goods for the purposes of this Act;

“**sell**” includes barter, exchange or agree or offer to sell;

“**vehicle**” means a conveyance of any kind, whether or not at the material time it is capable of being operated or moved in any manner, and includes any caravan or trailer.

(2) Where an application is made under section 11 or 17 in respect of an area within the meaning of the *Community Services (Aborigines) Act 1984* or the *Community Services (Torres Strait) Act 1984* the certificate required shall be that of the Aboriginal Council or Island Council that governs that area.

Application of Act

7. This Act does not apply to the collecting, buying, selling or dealing in second-hand goods by or on behalf of a charity registered under the *Collections Act 1966*.

Authorised officer

8.(1) Subject to subsection (2), the chief executive may appoint—

- (a) an officer or employee of the department; or
- (b) a police officer;

to be an authorised officer for the purposes of this Act.

(2) Before the chief executive appoints a police officer to be an authorised

officer, the chief executive must obtain the consent of the Commissioner.

(3) The Commissioner may consent to an appointment either generally, in relation to a class of police officers or in a particular case.

(4) An appointment made under subsection (1) must be in, or evidenced by, writing.

Identity cards

8A.(1) The chief executive must issue an identity card to each authorised officer (other than a police officer).

(2) The identity card must—

- (a) contain a recent photograph of the authorised officer; and
- (b) be in a form approved, in writing, by the chief executive.

(3) A person who ceases to be an authorised officer must, as soon as practicable, return his or her card to the chief executive.

Proof of authority

8B. An authorised officer (other than a police officer) must not exercise any power under this Act in relation to a person unless the authorised officer first produces his or her identity card for inspection by the person.

PART 2—LICENCES

Issue of licences

9. The chief executive may issue and renew licences under this Act.

Limitation on issue of licence

10.(1) A licence shall not be issued to a person who—

- (a) is under the age of 18 years; or

- (b) is for the time being in a state of mental infirmity or mental disease, whether temporary or otherwise; or
 - (c) is not a fit and proper person to hold a licence.
- (2) A collector's licence shall not be issued—
- (a) in the name of a body corporate; or
 - (b) to the holder of a dealer's licence; or
 - (c) to a pawnbroker licensed under the *Pawnbrokers Act 1984*.
- (3) A dealer's licence must not be issued to a licensed collector.

Application for licence

11.(1) An application for a licence must be made to the chief executive in the prescribed form.

(2) Subject to subsections (4) and (5) an application shall be accompanied by—

- (a) in the case of an application for a dealer's licence—a certificate in or to the effect of the prescribed form of the local government for each local government area in which the applicant proposes to carry on business as a dealer (which local government is hereunto required to supply such a certificate) stating whether or not the local government objects to the applicant so doing in that area or objects to the premises and locations or either of them specified in the application; and
- (b) the prescribed fee (if any).

(2A) A certificate referred to in subsection (2) may be issued under the seal of the local government or under the hand of an employee of the local government authorised by the local government to issue such a certificate.

(3) An applicant for a dealer's licence shall specify in the application the premises (being not more than 1) and locations at which the applicant proposes to carry on business as a dealer.

(4) It shall not be necessary for an application for a licence to carry on business as a dealer to be accompanied by a certificate of the local government where—

- (a) the applicant already holds a licence under the *Pawnbrokers Act 1984* in respect of the same premises; or
- (b) the application is in respect of locations for which a dealer's licence has been issued to an entrepreneur; or
- (c) the application is in respect of premises and locations or either of them situated on Crown Land.

(5) Where an application for a licence to carry on business as a dealer is accompanied by an application for a licence under the *Pawnbrokers Act 1984* both in respect of the same premises 1 certificate only of the local government is required to accompany both applications.

Inquiries into application

12. If an application is made for a licence, the chief executive may—

- (a) make or cause to be made any inquiry or investigation in respect of the applicant, the application or the person nominated as representative of the applicant;
- (b) require, at any time prior to the determination of the application, the furnishing by the applicant or the person nominated as representative of the applicant of any information, further information, authority, certificate, form, photograph, fingerprint, palm print or footprint;
- (c) make or cause to be made any inspections of or inquiry or investigation in respect of the premises and locations the subject of the application;
- (d) furnish any report relevant to such applicant, application, person nominated as representative of the applicant or inquiry;
- (e) make such recommendation in relation to the application as the chief executive thinks proper.

(2) For the purposes of subsection (1), the chief executive may obtain—

- (a) a report from the Commissioner in relation to the applicant and, if the applicant is a body corporate, in relation to an executive officer of the body corporate; and
- (b) if an applicant, or an executive officer of the body corporate that is

an applicant, holds, or previously held, a licence or certificate of registration (or similar accreditation) in relation to the business of second-hand dealer and collector in another State or a Territory—a report from the appropriate licensing authority in the State or Territory.

Application to be determined by chief executive

13.(1) The chief executive may, after considering any information at the chief executive's disposal—

- (a) approve an application for a licence either unconditionally or subject to conditions; or
- (b) reject the application.

(2) If the application is approved, the chief executive must issue a licence in the prescribed form.

Renewal of licences

14.(1) An application to renew a licence must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fee;

not more than 60, and not less than 14, days before the expiry of the licence.

(2) The chief executive may—

- (a) approve the application either unconditionally or subject to any conditions; or
- (b) reject the application.

(3) If the application is approved, the chief executive must issue a licence in the prescribed form.

(4) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive does not approve or reject the application before the expiry of the licence;

the licence is taken to continue in force until the day the chief executive approves or rejects the application.

Conditions to be endorsed on licence

14A.(1) A licence or a renewed licence that is issued subject to conditions must be endorsed with the conditions.

(2) A condition or other matter may be endorsed on a licence or a renewed licence as a symbol the meaning of which is prescribed by regulation.

Duration of licence

15.(1) Subject to section 20 and this section, a licence shall, unless sooner surrendered, revoked or cancelled, be in force for a period of 12 months from the date of issue or renewal.

(2) Where the chief executive is of the opinion that a licence should be in force for a lesser period than 12 months, the chief executive may issue or renew a licence for such lesser period as the chief executive thinks fit and endorse this period on the licence.

Restoration of licence

15A.(1) If an application to renew a licence is not made within the time provided under section 14(1), the person who held the licence may, within 3 months after the expiry of the licence (the “**previous licence**”), apply for restoration of the licence.

(2) The application must—

- (a) be made to the chief executive in the prescribed form; and
- (b) be accompanied by the prescribed fees for restoration and renewal.

(3) If—

- (a) an application is made under subsection (1); and
- (b) the chief executive has not approved or rejected an application;

the previous licence is taken to have continued in force.

(4) If the chief executive approves the application, the renewed licence is taken to have been in force from the expiry of the previous licence.

(5) If the chief executive rejects the application, the previous licence is taken to expire on the day the chief executive rejects the application.

Notice of refusal to issue or renew licence

16. Where an application for or for the renewal of a licence is rejected by the chief executive, the chief executive must issue a notice of rejection in or to the effect of the prescribed form and shall forward the notice to the applicant by certified mail at the applicant's address as shown in the application.

Licence not transferable

17.(1) A licence cannot be transferred to another person.

(2) An application by a licensee to—

(a) replace the premises, or a location, endorsed on the licensee's licence with other premises (being not more than 1) or another location; or

(b) add another location to those endorsed on the licensee's licence;

must be made to the chief executive in the prescribed form.

(3) Subject to subsections (5) and (6) an application shall be accompanied by—

(a) a certificate in or to the effect of the prescribed form of the local government for each local government area in which the licensee proposes to carry on business as a dealer at the premises and locations or either of them specified in the application (which local government is hereunto required to supply such a certificate) stating whether or not the local government objects to the licensee so doing in that area or objects to the premises and locations or either of them specified in the application; and

(b) the prescribed fee (if any).

(4) A certificate referred to in subsection (3) may be issued under the seal of the local government or under the hand of an employee of the local

government authorised by the local government to issue such a certificate.

(5) It shall not be necessary for an application under this section to be accompanied by a certificate of the local government where—

- (a) the applicant has already had the same replacement premises endorsed on a licence under the *Pawnbrokers Act 1984*; or
- (b) the application is in respect of locations for which a dealer's licence has been issued to an entrepreneur; or
- (c) the application is in respect of premises and locations or either of them situated on Crown land.

(6) Where an application to replace the premises endorsed on a licence with other premises is accompanied by a similar application under the *Pawnbrokers Act 1984* in respect of the same premises 1 certificate only of the local government is required to accompany both applications.

(7) The chief executive may—

- (a) approve the application either unconditionally or subject to conditions; or
- (b) reject the application.

(8) If the application is approved, details of—

- (a) the approval of the premises and locations; and
- (b) any conditions imposed;

must be endorsed on the licence.

Endorsement of licences

18. A person (other than the chief executive) shall not make, alter or erase any endorsement or any part thereof upon or from any licence.

Reporting loss, destruction or theft of licence

19. Where a licence is lost, destroyed or stolen the licensee shall forthwith on becoming aware of such loss, destruction or theft report the matter to the chief executive.

Replacement licence

20.(1) If, on application made by a licensee and payment of the prescribed fee, the chief executive is satisfied that the licensee's licence—

- (a) has been lost, destroyed or stolen; or
- (b) cannot easily be read;

the chief executive may issue a replacement licence.

(2) A replacement licence shall be endorsed with any current endorsement on the licence it is replacing.

(3) Subject to this Act a replacement licence shall, initially, remain in force for the unexpired period of the licence which it replaces.

Revocation of licence

21.(1) The chief executive may, in the chief executive's absolute discretion, revoke any licence by serving upon the licensee a notice of revocation in or to the effect of the prescribed form.

(2) A licence shall be revoked on and from the date specified in the notice of revocation being a date not prior to the date of service of the notice.

Effect of certain convictions on licences

22.(1) Where a licensee is convicted of any offence against any Act or law which offence involves the licensee dealing in or selling any goods fraudulently or dishonestly procured by the licensee or with the licensee's knowledge fraudulently or dishonestly procured by another person then, in addition to any other penalty imposed under any other Act or law, every licence issued to the licensee shall, by virtue of that conviction, be rendered null and void.

(1A) A person who has been convicted of an offence referred to in subsection (1) shall not be entitled to hold a licence for a period of 5 years from the date of that conviction.

(2) Subject to subsections (1) and (1A), where a licensee is convicted of an offence against this Act, the licensee's licence and all licences issued or renewed in the licensee's name within a period of 5 years from the date of the licensee's conviction shall be endorsed with the fact of the licensee's

conviction.

(3) For the purposes of making the endorsement referred to in subsection (2) or section 64(3), the chief executive may by notice in or to the effect of the prescribed form require a licensee to produce and deliver the licensee's licence and the licensee shall produce that licence at the place therein specified on or before the time and date therein specified.

Surrender notice

23.(1) If, at any time during the currency of a licence it is revoked or deemed by this Act to be void or surrendered, the chief executive shall cause a surrender notice in or to the effect of the prescribed form to be served on the licensee.

(2) The surrender notice must state the day, time and place at which, and the authorised officer to whom, the licence must be surrendered.

(3) When a surrender notice is to have effect forthwith, service shall be effected personally.

(4) Subject to subsections (5) and (6), a licensee who has been served with a surrender notice must surrender the licensee's licence in accordance with the notice.

(5) If the time in which the surrender notice is to take effect is other than forthwith, the person to whom it is directed may apply to the chief executive for an extension of the time in which the notice is to take effect.

(6) The chief executive may by written notice, extend the date of effect of such notice, in which case the provisions of this section shall apply as if such extended date were the date specified in the notice.

Change of licensee's address

24.(1) If a licensee changes address, the licensee must, not later than 7 days after the change—

- (a) give written notice of the change to the chief executive; and
- (b) produce the licensee's licence to the chief executive for endorsement of the change.

(2) If the chief executive is satisfied of the correctness of the change of

address notified under subsection (1), the chief executive must endorse the licence accordingly.

Effect of collector's licence

25. A licensed collector may carry on business as a collector within the part of the State specified in the licence or, where no part is specified, throughout the State.

Endorsement of premises and locations on dealer's licence

26. A dealer's licence shall be endorsed with the premises (being not more than 1) and locations at which the dealer is authorised to carry on business as a dealer.

Individual to be nominated to represent body corporate or firm

27.(1) If an applicant for a licence under section 11 (the “**proposed licensee**”) is—

- (a) a body corporate; or
- (b) a firm registered under the *Business Names Act 1962*; or
- (c) an association of persons who jointly apply for the licence;

the proposed licensee must apply to the chief executive, either in the application or the prescribed form, for the approval of a person as the applicant's nominee.

(2) A nominee is responsible for directly representing a licensee in the conduct of the licensee's business as dealer.

(3) A licence mentioned in subsection (1) may be granted only if a nominee is approved in relation to the licence.

(4) A nominee may be—

- (a) in the case of a body corporate—a director of the body corporate; and
- (b) in the case of a firm—a member of the firm; and
- (c) in the case of an association of persons—1 of those persons or

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another person who is not an applicant for the licence.

(5) A nominee must—

- (a) in the chief executive's opinion, be a fit and proper person; and
- (b) not be disqualified from holding a licence under this Act.

(6) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to a proposed nominee, the chief executive may approve the proposed nominee.

(7) If a licence mentioned in subsection (1) is granted, the chief executive must endorse the licence with the name of the approved nominee.

(8) A licensee may apply to the chief executive, in the prescribed form, to substitute the name of another nominee (the “**substitute nominee**”) for that of the nominee currently endorsed on the licence.

(9) The application under subsection (8) must be accompanied by the licensee's current licence.

(10) If the chief executive is satisfied that subsections (4) and (5) are complied with in relation to the substitute nominee, the chief executive may—

- (a) approve the substitute nominee; and
- (b) endorse the licence with the name of the substitute nominee.

(11) In deciding whether a person is a fit and proper person for the purposes of this section, the chief executive is to have regard to the fame, character and suitability of the person.

(12) Section 12 applies to an application under this section as if it were an application for a licence.

PART 3—CONDUCT OF BUSINESS

Division 1—Collectors

Collector to be licensed

28. A person shall not carry on business as a collector or hold himself or herself out as carrying on business as a collector—

- (a) unless the person holds a collector’s licence;
- (b) otherwise than in accordance with the terms and conditions of a licence granted to the person.

Possession of licence

29. A collector, whilst actually carrying on business as a collector shall carry a licence issued to the collector.

Hours of business

30.(1) A person shall not carry on business as a collector—

- (a) in an area of the State during any hours when shops of a prescribed class of business in that area are required under section 61 of the *Factories and Shops Act 1960* or pursuant to an order under Part 7A of the *Industrial Conciliation and Arbitration Act 1961* to be kept closed; and
- (b) except between the hours of 7 a.m. and 6 p.m.

(2) In this section—

“shops of a prescribed class of business” means shops included for the time being in an order made pursuant to section 96B of the *Industrial Conciliation and Arbitration Act 1961* and titled ‘Order—Trading Hours—Non-exempted Shops trading by retail—State’ or such other class of business as the Governor in Council by order in council from time to time prescribes.

Collector to display name, occupation and licence number

31. A licensed collector shall not fail to display and keep displayed the collector's name, the words 'Licensed Collector' and the number of the licence issued to the collector in letters of the prescribed size and style on a conspicuous part of every vehicle whilst it is being used by the collector in connection with the collector's business as a collector.

Collector's badge

32.(1) Upon the issue of a collector's licence, the licensed collector shall be issued with a badge of the prescribed size, colour and shape.

(1A) The badge shall be endorsed with the words 'Licensed Collector' and the letter 'Q' followed by such number as an authorised officer approves in respect of that collector.

(2) A person must, within 7 days of ceasing to be a licensed collector, deliver his or her collector's badge to the chief executive.

(3) A licensed collector whose collector's badge is lost, destroyed or stolen must, immediately on becoming aware of that fact, report the matter to the chief executive.

(4) If, on application by the collector and payment of the prescribed fee, the chief executive is satisfied that the licensed collector's badge has been lost, destroyed or stolen, the chief executive may issue a replacement badge.

Collector to wear badge

33. A collector shall at all times whilst carrying on business as a collector wear in such manner as to be clearly visible, the collector's badge issued to the collector.

Collector to keep register

34.(1) Every licensed collector shall keep a Register of Transactions in the prescribed form.

(1A) No page or any part of the register shall be removed therefrom.

(2) In respect of every transaction relating to the collection or sale of second-hand goods the collector concerned shall forthwith enter in the

Register of Transactions the prescribed particulars.

(3) An entry in a Register of Transactions shall not be altered or in any manner erased or disguised, and where in relation to any entry therein the maker detects an error, the maker shall not correct the matter but shall make a fresh entry.

Collecting from children prohibited

35.(1) A collector shall not collect goods from a person under the age of 17 years.

(2) It is a defence to a charge of an offence defined in subsection (1) to prove that the person from whom the goods were collected reasonably appeared to the defendant not to be a person under the age of 17 years.

Entry of premises by collector etc.

36. A collector shall not enter or remain in or on any premises without the permission of the owner or occupier of the premises.

Collector to produce licence if requested

37. A collector, who, within 24 hours of collecting any goods, is requested by the person from whom the collector collected the goods to produce the collector's licence, shall produce for inspection the collector's licence to that person.

Collector to retain goods for 7 days

38.(1) Upon collecting any goods, a collector shall keep and maintain those goods in the same state and condition as they were in when the collector collected them until—

- (a) the expiration of 7 days after collection; or
- (b) the collector delivers them to a licensed dealer;

whichever shall first occur.

Maximum penalty—\$500 or imprisonment for 2 months.

(2) A collector who delivers goods to a licensed dealer within 7 days of collecting them shall deliver those goods in the same state and condition as they were in when the collector collected them.

Maximum penalty—\$500 or imprisonment for 2 months.

Disposal of goods by collector

39.(1) Subject to subsection (2), a collector shall not sell or dispose of goods collected by the collector to any person other than a licensed dealer or by public auction conducted by an auctioneer licensed under the *Auctioneers and Agents Act 1971*.

(2) A collector may sell or deliver any bottle bearing a registered trade mark or trade name to the owner of the trade mark or trade name or the owner's agent.

Division 2—Dealers

Dealers to be licensed

40.(1) Subject to this Act, a person shall not be or act as a dealer unless the person first obtains a dealer's licence.

(2) Subsection (1) does not apply to a person who is an agent or employee of a licensed dealer whilst acting as such agent or employee.

Dealer's premises etc. to be identified

41. Every licensed dealer shall maintain above the entrance to or in a prominent position in or at the premises or location where the dealer carries on business as a dealer—

- (a) the name of the licensed dealer in legible characters at least 50 mm high; and
- (b) the words 'licensed dealer in second-hand goods' in close proximity to the name of the licensed dealer; and
- (c) where the name of a person has been endorsed upon the licence as representative of the licensed dealer—

- (i) the name of the representative in legible characters at least 50 mm high; and
- (ii) the words ‘endorsed representative’ in close proximity to the name of the representative;

so that the same may be easily seen and read by any member of the public.

Dealer to sell only at premises or locations endorsed on licence or by auction

42. A licensed dealer shall not sell second-hand goods except in the premises or at the locations endorsed upon the dealer’s licence pursuant to section 26 or by public auction conducted by an auctioneer licensed under the *Auctioneers and Agents Act 1971*.

Hours of business

43.(1) Subject to this Act, a dealer shall not by himself or herself or by any other person on the dealer’s behalf carry on the business of a dealer during any hours when shops of a prescribed class of business in the area where the premises are located are required under section 61 of the *Factories and Shops Act 1960* or pursuant to an order under Part 7A of the *Industrial Conciliation and Arbitration Act 1961* to be closed.

(2) In this section—

“shops of a prescribed class of business” means shops included for the time being in an order made pursuant to section 96B of the *Industrial Conciliation and Arbitration Act 1961* and titled ‘Order—Trading Hours—Non-exempted Shops trading by retail—State’ or such other class of business as the Governor in Council by order in council from time to time prescribes.

Dealer to keep register

44.(1) Every licensed dealer shall keep at the premises and locations endorsed upon the dealer’s licence a Register of Transactions in the prescribed form.

(1A) Such register shall consist of a book bound to the satisfaction of an

authorised officer.

(1B) No page or any part of the register shall be removed therefrom.

(2) Subject to subsection (2A), in respect of every transaction relating to the acquisition, sale or disposal of second-hand goods the dealer concerned shall forthwith enter in the Register of Transactions the prescribed particulars.

(2A) It shall not be necessary for a dealer to enter in the Register of Transactions any particulars in respect of second-hand goods with a resale value of less than \$50 except where those goods bear identifying marks or are jewellery or precious metals.

(3) An entry in a Register of Transactions shall not be altered or in any manner erased or disguised, and where in relation to any entry therein the maker detects an error, the maker shall not correct the matter but shall make a fresh entry.

Age of employees

45. A licensed dealer shall not employ a person under the age of 17 years to purchase or receive second-hand goods of any description.

Acquiring goods from children prohibited

46.(1) A dealer shall not by himself or herself or by any other person collect goods from a person apparently under the age of 17 years.

(2) It is a defence to a charge of an offence defined in subsection (1) to prove that the person from whom the goods were collected reasonably appeared to the defendant not to be a person under the age of 17 years.

Dealer to inform police if stolen article comes into the dealer's possession

47. A dealer who comes into possession of any article or goods which answer the description of any article or goods described as having been stolen or otherwise unlawfully obtained in any written, printed or oral information given to the dealer by any police officer shall forthwith give

notice to the officer in charge of the police establishment nearest to the place where the dealer carries on business as a dealer.

Holding period for certain goods

47A. A dealer shall keep in the dealer's possession for a period of 7 clear working days after receipt by the dealer the following second-hand goods—

- (a) articles which are identifiable (except items of household furniture);
- (b) electrical goods (except refrigerators, washing machines, clothes dryers, stoves and dishwashers);
- (c) jewellery;
- (d) precious metals;
- (e) musical instruments;
- (f) photographic equipment;
- (g) natural diamonds and gem stones.

Dealer may require information

48.(1) A licensed dealer shall require a person who offers to the dealer any goods to—

- (a) supply the person's name, address and occupation and verification thereof;
- (b) state whether or not the person is the owner of the goods;
- (c) if the person is not the owner thereof—state the name and address of the owner;
- (d) state how the person came into possession of the goods.

(2) A person, when required as provided in subsection (1), shall forthwith supply the information required.

(3) Where a person fails to comply with a requirement pursuant to subsection (1) or the licensed dealer suspects on reasonable grounds that any goods offered to the dealer have been stolen or otherwise unlawfully obtained then such dealer—

- (a) may seize and detain the goods;
- (b) may detain that person;

using such force as is necessary for that purpose and, as soon as reasonably practicable thereafter, the dealer shall deliver any goods detained and any person detained to a police officer whereupon that detention shall cease.

(4) For the purposes of this section—

“**licensed dealer**” includes a person endorsed on the licensed dealer’s licence as representative of the dealer.

PART 4—OFFENCES

Offences generally

49. A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and if a specific penalty is not otherwise provided is liable—

- (a) for a first offence—to a penalty not exceeding 8 penalty units or to imprisonment for a term not exceeding 3 months; or
- (b) for a second or subsequent offence—to a penalty not exceeding 16 penalty units or to imprisonment for a term not exceeding 6 months.

Fraud and unlawful possession of licence etc.

50.(1) A person shall not—

- (a) in any written application, notice or other document made or given to the chief executive or to an authorised officer make a statement that to the person’s knowledge is false; or
- (b) by a false statement or misrepresentation obtain or attempt to obtain a licence or collector’s badge; or
- (c) furnish any information that to the person’s knowledge is false or misleading with respect to particulars required to be furnished in

connection with an application for a licence or collector's badge;
or

- (d) forge (within the meaning of the Criminal Code) any licence or collector's badge.

(2) Unless the person has reasonable cause for so doing, a person shall not have in the person's possession—

- (a) a licence or collector's badge; or
- (b) any article resembling a licence or a collector's badge and calculated to deceive; or
- (c) any document that was formerly a licence but that is void, cancelled, surrendered or expired.

(3) A person shall not—

- (a) use a licence unless it is a licence duly issued to the person; or
- (b) use a collector's badge unless it is a collector's badge duly issued to the person; or
- (c) lend a licence or collector's badge duly issued to the person to another person for use by that other person; or
- (d) permit or suffer to be used by another person a licence or collector's badge duly issued to the person.

(4) Unless he is authorised by or under this Act a person shall not make or cause, permit or allow to be made any endorsement (other than the person's signature) or any addition or alteration or erasure whatsoever on or from a licence.

(5) A licence in respect to which any act or attempted act referred to in this section has been done shall be null and void.

False entries in Register of Transactions

51. A licensed collector or a licensed dealer shall not make or cause to be made a false entry in a Register of Transactions kept by the collector or dealer pursuant to section 34 or 44.

Receipt of second-hand goods from collectors

52. A person shall not collect any second-hand goods from a collector unless the collector is authorised under this Act to sell, dispose of or deliver those goods to that person.

Collector not to use offensive language or behaviour

53. A collector in the course of carrying on business as a collector shall not—

- (a) use insulting or offensive language;
- (b) behave in an insulting manner.

Attempts to commit offences

54. A person who attempts to contravene any provision of this Act commits an offence against this Act.

PART 5—POWERS OF AUTHORISED OFFICERS**Name and address**

55.(1) Any authorised police officer who—

- (a) finds any person committing or reasonably suspects any person of having committed or being about to commit any offence against this Act; or
- (b) is making investigations with a view to establishing whether or not an offence against this Act has been or is about to be committed by any person and believes, on reasonable grounds, that such information will assist in the conduct of the investigations;

may demand from that person the person's name and address or the person's name or address and if the officer has reasonable ground to suspect that the name or address given is false may require evidence of the

correctness thereof.

(1A) If that person fails upon demand to give the person's name, address or such evidence as is demanded, the authorised police officer shall caution the person, and, if the person still persists in such failure, or gives a name or address which in the opinion of the authorised police officer is false, may arrest the person without warrant, and take the person as soon as practicable before a justice to be dealt with according to law.

(2) A person who, when required under this section fails to give the person's name and address or the person's name or address, or gives a false name or address or gives false evidence with respect thereto, commits an offence against this Act.

Power to demand production of licence etc.

56.(1) Where under this Act any person is required to be the holder of a licence or to keep any register or record, any authorised officer may at any time require that person, or, where a representative has been endorsed on a licence, the representative, to forthwith produce and deliver to that authorised officer for inspection, the licence, the register or record.

(2) A person who, without reasonable excuse (the proof of which shall be upon the person), fails to forthwith produce and deliver a licence, register or record when requested by an authorised officer commits an offence against this Act.

Authorised officer may enter premises

57.(1) An authorised police officer who suspects on reasonable grounds that an offence against this Act has been, is being or is about to be committed may at any time by day or night demand entrance into a dealer's premises or location where the business of a dealer is carried on and if admittance is refused or unreasonably delayed may use such force as is necessary to enter those premises or location.

(1A) An authorised officer may at any time when a dealer's premises or location are open for business enter those premises or locations.

(2) An authorised officer whilst in or on a dealer's premises or at a location where the business of a dealer is carried on may—

- (a) inspect any second-hand goods; and
- (b) inspect the Register of Transactions and any record, licence, notice or other writing and take such copies or extracts therefrom as the officer desires and may record in the register the day and hour of the officer's visit and write the officer's initials or name opposite the entry of any article inspected by the officer; and
- (c) make such other search or inquiry as the officer considers necessary to establish whether the provisions of this Act or of any licence are being complied with.

(3) A person must not, without reasonable excuse, obstruct, prevent or delay, or attempt to obstruct, prevent or delay, the entry by an authorised officer exercising the powers given to the officer under this Act into—

- (a) a dealer's premises; or
- (b) a location where the business of a dealer is being carried on.

(4) Upon the request of an authorised officer a dealer shall produce and deliver to the officer for inspection the Register of Transactions and all records, books, documents and articles referred to in subsection (2).

Search warrant

58.(1) Upon complaint on oath before any justice by an authorised police officer, that such officer believes that a dealer or a collector has in or upon any place or premises, goods that have been stolen or otherwise unlawfully obtained, such justice may grant a warrant to an authorised police officer to enter and search such place or premises, and search any person found therein or thereon and to seize and detain any goods suspected of being stolen or otherwise unlawfully obtained found therein or thereon.

(2) A warrant may be executed at any time and shall be sufficient authority for an authorised police officer and for all persons acting in aid of the officer—

- (a) to enter the place or premises specified in the warrant;
- (b) to search such place or premises and any person found there;
- (c) to exercise therein the powers conferred upon an authorised police officer by this Act;

- (d) to use such force as may be necessary to perform any of the things referred to herein.

(3) For the purpose of gaining entry to any place or premises or to search such place, premises or any person an authorised police officer may call to the officer's aid such persons as the officer thinks necessary and those persons, while acting in aid of that officer in the lawful exercise by the officer of the officer's power of entry and search shall have a like power of entry and search.

Seizure and detention of suspected goods

59. An authorised officer may at any time seize and detain any goods in the possession of a dealer or collector which goods the officer suspects on reasonable grounds to have been stolen or otherwise unlawfully obtained and for those purposes may stop, detain and search—

- (a) any vehicle in the possession of a dealer or a collector;
(b) the person of a dealer or a collector.

Fingerprints etc.

60.(1) Where a person has been arrested for an offence against this Act, the officer in charge of police at the police establishment to which the person is taken after arrest or where the person is in custody may take or cause to be taken all such particulars as the officer may consider necessary for the identification of such person including the person's voice print, photograph, fingerprints, palm prints, footprints, toe prints and handwriting.

(1A) Except in the case of voice prints or handwriting, such force as is necessary may be used in the taking of those particulars.

(2) A court which convicts a person, who appears personally before it, of an offence against this Act may in its discretion order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsection (1) and that police officer and any police officer acting in aid of the officer shall take (using such force as is necessary for that purpose) that person to a place where those particulars can adequately be taken and take those particulars.

(2A) However, whether or not those particulars are obtained, that custody

shall cease at the expiration of 1 hour after the court makes its order.

(3) Where a person arrested upon a charge of an offence against this Act is not proceeded against or is found not guilty of that offence any voice print, photograph, fingerprints, palm prints, footprints, toe prints or specimens of handwriting taken from the person pursuant to this section consequent upon the person's arrest shall at the person's request be destroyed in the person's presence.

Authorised officer may prosecute

61. In any proceedings under this Act, an authorised officer (whether or not the complainant), may appear and act in court on behalf of the prosecution.

PART 6—MISCELLANEOUS PROVISIONS

Proceedings for offences

62.(1) An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886*.

(2) A prosecution for any offence against this Act must be commenced within 1 year from the time when the matter of complaint arose.

Fees and penalties

63. All fees paid and all penalties recovered and costs incurred in relation to proceedings under this Act shall be payable to the Consolidated Fund.

Persons other than offender liable to penalties

64.(1) Where an offence against this Act is committed by a body corporate a person who at the time the offence is committed is a director or member of the governing body of the body corporate or the manager of or an officer concerned in the management, administration or government of the business of the body corporate in Queensland shall be deemed to have

committed a like offence and be liable therefor unless the person proves that the offence occurred without the person's consent or connivance and that the person exercised all due diligence to prevent the commission of an offence such as that committed.

(2) Where an offence against this Act is committed by a person who carries on business as a licensed dealer in association with other persons whether or not under a business name each of those other persons shall be deemed to have committed a like offence and be liable therefor unless the person proves that the offence occurred without the person's consent or connivance and that the person exercised all due diligence to prevent the commission of an offence such as that committed.

(3) Where a person commits an offence against this Act as an agent or employee of a licensee, and is convicted of the offence, then the fact of that conviction shall be endorsed on the licence of the principal or employer, as the case may be.

(4) A person is not liable to be convicted for an offence against this Act committed by the person as an employee if the person satisfies the court that the offence was committed while the business of the person's employer was being conducted under the personal superintendence of that employer or of another person as manager or other representative of that employer, and that the offence was committed with the knowledge of that employer, manager or representative.

(5) For the purposes of this section, a person whose name has been endorsed on a dealer's licence as representative of the licensed dealer shall be deemed to be the agent of the licensed dealer and the licensed dealer shall be deemed to be the principal of the representative.

Service of notice, orders etc.

65.(1) Any notice, order or other document issued pursuant to this Act shall be properly served upon the person to whom it is directed if it is served in accordance with this section, that is to say—

- (a) by delivering a copy thereof to the person personally; or
- (b) if the person cannot reasonably be found—by leaving a copy thereof with some person for the person at the person's usual place of business or residence or at the place of business or

residence last known to the person who serves the order, notice or document; or

- (c) by posting by means of registered post a copy thereof addressed to the person at the person's place of business or residence last known to the person who issued the notice, order or other document at least 14 days before the date on which the order, notice or document is to take effect.

(2) When an order, notice or document is served, the person who serves same may attend before a justice and depose on oath and in writing endorse on a copy of the order, notice or document to the manner of service thereof showing therein the date of personal delivery, leaving or posting as the case may be of such order, notice or document.

(3) Every such deposition shall upon production in any court be evidence of the matters contained therein and shall be sufficient proof of the service of such order, notice or document on the person to whom it was directed.

Appeals

66.(1) Subject to this section, a person who feels aggrieved by—

- (a) the refusal of the person's application for a licence or for the endorsement on the licence of a representative of the licensed dealer or of any premises or location for the carrying on of the person's business as a dealer or for the renewal of a licence;
- (b) the imposition or variation at any time of any terms or conditions imposed upon a licence issued to the person;
- (c) the revocation of a licence issued to the person;

may, within 28 days after the date of service of the notice of refusal, imposition, variation or revocation, appeal to the Magistrates Court exercising jurisdiction at or nearest the place where the applicant carries or, as the case may be, proposes to carry on business as a dealer or collector.

(1A) An appeal shall be instituted by—

- (a) lodging with the clerk of the court having jurisdiction written notice of appeal; and
- (b) serving a copy of that notice on the authorised officer.

(1B) A notice of appeal—

- (a) shall specify fully the grounds of appeal and the facts upon which the appellant relies; and
- (b) if a form is prescribed—shall be in or to the effect of that form.

(1C) Before the appeal is determined the appellant is entitled to be informed of the grounds upon which the application has been refused, the appellant's licence has been endorsed or revoked or conditions imposed or varied in respect of the appellant's licence.

(2) Jurisdiction is hereby conferred on Magistrates Courts to hear and determine appeals instituted under subsections (1) and (1A).

(3) Rules of court may be made, under the *Magistrates Courts Act 1921* with respect to the institution, conduct and disposal of appeals to the Magistrates Court pursuant to the provisions of this section.

(4) Until those rules are made or in so far as those rules do not extend—

- (a) the procedure for obtaining subpoenas to witnesses requiring them to attend on such an appeal shall, subject however to all such modifications and adaptations thereof as are necessary to give operation and effect to this section, be that provided by the rules of court made under the *Magistrates Courts Act 1921*, as if that appeal were a proceeding under those last mentioned rules of court;
- (b) a Stipendiary Magistrate may, in any particular case, give such directions as the Magistrate thinks fit, including directions in relation to obtaining subpoenas where the procedure under paragraph (a) does not extend or is inappropriate, and such directions shall, according to their tenor, have the force and effect of rules of court made for the purposes of the appeal.

(5) Notwithstanding that an appeal has been lodged, any refusal, imposition, variation or revocation under this Act shall be effective as such until the Magistrates Court makes its determination upon the appeal.

(6) A person who has duly appealed against:—

- (a) the refusal to renew the person's licence; or
- (b) the revocation of the person's licence;

shall be entitled to carry on business in all respects as if the person's licence had been renewed or had not been revoked pending the determination of the appeal.

Protection

67.(1) The chief executive or an authorised officer incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.

(2) A liability that would, apart from this section, attach to the chief executive or an authorised officer attaches instead to the State.

Dealer deemed in possession of second-hand goods

68. Notwithstanding that second-hand goods are not found in or on premises or at the location endorsed upon the dealer's licence, a dealer shall be deemed to be in possession of those goods if—

- (a) they are found in any place occupied by the dealer; or
- (b) without having bona fide been sold by the dealer they have been removed to any other place.

Evidentiary provisions

69. In a proceeding for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the chief executive, the Commissioner or an authorised officer to do any act or take any proceeding;
- (b) a signature purporting to be that of the Minister, the chief executive, the Commissioner or an authorised officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be certified by an authorised officer and purporting to be a copy of a licence, order or other authority under this Act shall, upon its production in that proceeding, be evidence of that licence, order or other authority and of any terms, conditions or other matters endorsed thereon;

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- (d) a document purporting to be signed by an authorised officer stating that at a specified time or during a specified period there was or was not in force a licence, exemption, order or other authority under this Act as described in the document issued to a specified person and that such licence, exemption, order or other authority was or was not subject to the terms, conditions or restrictions set out in the document shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the document;
- (e) every entry in any book, register or record kept by or belonging to any person pursuant to this Act or found on the person's premises shall be taken, unless the contrary is shown, to have been made by or with the authority of that person;
- (f) proof of any exemption from any provision of this Act shall be upon the person who relies thereon;
- (g) where the age of any person is material, the court may decide, upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age, but nothing herein shall be construed to prevent the age of that person being proved.

Tabling of orders in council

70. Section 28A of the *Acts Interpretation Act 1954* (Tabling of regulations) shall apply with respect to orders in council made for the purposes of this Act as if they were regulations.

Delegations

70A. The chief executive may delegate the chief executive's powers under this Act to—

- (a) an authorised officer; or
- (b) another officer or employee of the department.

Regulations

71. The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to—

- (a) the keeping of any books or registers of matters or things as may be required for the purposes of this Act;
- (b) the prescribing of forms under this Act, and the respective purposes for which such forms shall be used;
- (c) the duties of collectors and the duties of dealers which duties may include the keeping of records, in addition to the duties imposed by or under this Act;
- (d) prescribing any terms and conditions to which any licence issued under this Act may or shall be subjected;
- (e) prescribing times within which anything required by the regulations to be done or achieved shall be done or achieved;
- (f) prescribing the fees payable under this Act and the bases upon which such fees shall be assessed and payable;
- (g) prescribing the manner and situation in which names of licensed dealers shall be painted on, affixed to or displayed at premises and locations endorsed upon licences;
- (h) prescribing penalties not exceeding 8 penalty units for any breach of the regulations;
- (i) all matters that are required or permitted by this Act to be prescribed or that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

(2) A regulation may make provision with respect to any matter for which provision may be made by order in council.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992 section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 April 1994. Future amendments of the Second-hand Dealers and Collectors Act may be made in accordance with this reprint under the Reprints Act 1992 section 49.

3 List of legislation**Second-hand Dealers and Collectors Act 1984 No. 59**

date of assent 15 May 1984

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1984 (proc pubd Gaz 28 July 1984 p 1869)

Second-hand Dealers and Collectors Act Amendment Act 1985 No. 57

date of assent 20 September 1985

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1985 (proc pubd Gaz 28 September 1985 p 390)

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 ss 2(1)(g), 163 Sch 1

date of assent 14 August 1992

s 2(1)(g) commenced on date of assent

remaining provisions commenced 28 February 1994 (1994 SL No. 33)

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement of Act

s 3 om 1992 No. 40 s 163 Sch 1

Act repealed

s 4 om 1992 No. 40 s 163 Sch 1

Savings and transitional

s 5 om 1992 No. 40 s 163 Sch 1

Interpretation

s 6 amd 1985 No. 57 s 3
 def “**authorised officer**” sub 1992 No. 40 s 163 Sch 1
 def “**authorised police officer**” ins 1992 No. 40 s 163 Sch 1
 def “**chief executive**” ins 1992 No. 40 s 163 Sch 1
 def “**Commissioner**” sub 1992 No. 40 s 163 Sch 1
 def “**dealer**” amd 1985 No. 57 s 3; 1992 No. 40 s 163 Sch 1
 def “**entrepreneur**” ins 1985 No. 57 s 3
 def “**Local Authority**” om 1992 No. 40 s 163 Sch 1
 def “**Magistrates Court**” om 1992 No. 40 s 163 Sch 1
 def “**Minister**” om 1992 No. 40 s 163 Sch 1
 def “**police officer**” om (see RA s 39)
 def “**second-hand goods**” amd 1985 No. 57 s 3

Authorised officer

s 8 sub 1992 No. 40 s 163 Sch 1

Identity cards

s 8A ins 1992 No. 40 s 163 Sch 1

Proof of authority

s 8B ins 1992 No. 40 s 163 Sch 1

Issue of licences

s 9 amd 1985 No. 57 s 4
sub 1992 No. 40 s 163 Sch 1

Limitation on issue of licence

s 10 amd 1992 No. 40 s 163 Sch 1

Application for licence

s 11 amd 1985 No. 57 s 5; 1992 No. 40 s 163 Sch 1

Inquiries into application

s 12 amd 1985 No. 57 s 6; 1992 No. 40 s 163 Sch 1

Application to be determined by chief executive

s 13 amd 1985 No. 57 s 7
sub 1992 No. 40 s 163 Sch 1

Renewal of licences

s 14 amd 1985 No. 57 s 8
sub 1992 No. 40 s 163 Sch 1

Conditions to be endorsed on licence

s 14A ins 1992 No. 40 s 163 Sch 1

Duration of licence

s 15 sub 1985 No. 57 s 9
amd 1992 No. 40 s 163 Sch 1

Restoration of licence

s 15A ins 1992 No. 40 s 163 Sch 1

Notice of refusal to issue or renew licence

s 16 amd 1992 No. 40 s 163 Sch 1

Licence not transferable

s 17 sub 1985 No. 57 s 10
amd 1992 No. 40 s 163 Sch 1

Endorsement of licences

s 18 amd 1992 No. 40 s 163 Sch 1

Reporting loss, destruction or theft of licence

s 19 amd 1992 No. 40 s 163 Sch 1

Replacement licence

s 20 amd 1985 No. 57 s 11; 1992 No. 40 s 163 Sch 1

Revocation of licence

s 21 amd 1992 No. 40 s 163 Sch 1

Effect of certain convictions on licences

s 22 amd 1992 No. 40 s 163 Sch 1

Surrender notice

s 23 amd 1992 No. 40 s 163 Sch 1

Change of licensee's address

s 24 sub 1992 No. 40 s 163 Sch 1

Endorsement of premises and locations on dealer's licence

s 26 amd 1985 No. 57 s 12

Individual to be nominated to represent body corporate or firm

s 27 sub 1992 No. 40 s 163 Sch 1

Collector's badge

s 32 amd 1992 No. 40 s 163 Sch 1

Disposal of goods by collector

s 39 amd 1985 No. 57 s 13

Dealer to sell only at premises or locations endorsed on licence or by auction

s 42 amd 1985 No. 57 s 14

Dealer to keep register

s 44 amd 1985 No. 57 s 15

Holding period for certain goods

s 47A ins 1985 No. 57 s 16

Offences generally

s 49 amd 1992 No. 40 s 163 Sch 1

Fraud and unlawful possession of licence etc.

s 50 amd 1992 No. 40 s 163 Sch 1

PART 5—POWERS OF AUTHORISED OFFICERS

Pt hdg sub 1992 No. 40 s 163 Sch 1

Name and address

s 55 amd 1992 No. 40 s 163 Sch 1

Power to demand production of licence etc.

s 56 amd 1992 No. 40 s 163 Sch 1

Authorised officer may enter premises

s 57 amd 1992 No. 40 s 163 Sch 1

Search warrant

s 58 amd 1992 No. 40 s 163 Sch 1

Seizure and detention of suspected goods

s 59 amd 1992 No. 40 s 163 Sch 1

Authorised officer may prosecute

s 61 sub 1992 No. 40 s 163 Sch 1

Proceedings for offences

s 62 amd 1992 No. 40 s 163 Sch 1

Appeals

s 66 amd 1992 No. 40 s 163 Sch 1

Protection

s 67 sub 1992 No. 40 s 163 Sch 1

Evidentiary provisions

s 69 amd 1992 No. 40 s 163 Sch 1

Delegations

s 70A ins 1992 No. 40 s 163 Sch 1

Regulations

s 71 amd 1992 No. 40 s 163 Sch 1

5 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Consolidated (Revenue Fund) (local) authority (member of the) police force	Consolidated Fund local government police officer	s 112 Financial Administration and Audit Act 1977 s 755(1)(a) Local Government Act 1993 s 11.1(1)(c) Police Service Administration Act 1990 (see also s 1.4)

6 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def "police officer"	Acts Interpretation Act 1954 s 36

7 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 section 44

Provision	Description
66(4)(b)	om 'subparagraph (i)' ins 'paragraph (a)'

8 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 section 43

Previous	Renumbered as
22(1)(a)	22(1)
22(1)(b)	22(1A)
32(1) (2nd sentence)	32(1A)
34(1) (2nd sentence)	34(1A)
44(1) (2nd sentence)	44(1A)
44(1) (3rd sentence)	44(1B)
60(2) (proviso)	60(2A)
66(1B)(c)	66(1B)(a)
66(1B)(d)	66(1B)(b)