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## **SECOND HAND WARES ACT**

Working Paper 21

Queensland Law Reform Commission  
April 1978



QUEENSLAND

LAW REFORM COMMISSION

CONFIDENTIAL

WORKING PAPER ON A BILL TO REPEAL "THE SECOND-HAND  
WARES ACT OF 1921" AND TO UPDATE LEGISLATION  
CONCERNING DEALERS AND COLLECTORS

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Q.L.R.C.W. 21

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LAW REFORM COMMISSION

WORKING PAPER ON A BILL TO REPEAL "THE SECOND-HAND  
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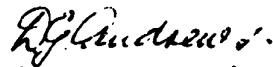
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The previous Minister for Justice and Attorney-General has requested the Law Reform Commission to review "The Second-hand Wares Act of 1921" with a view to modernising its provisions and, if necessary, introducing an up to date Statute in substitution for the existing legislation.

The Commission has prepared a draft bill to provide for the licensing of any person who carries on the business or functions of a dealer or collector of second-hand wares. Neither the draft bill nor the brief commentary contained within this Working Paper represents the final views of the Commission.

The working paper is being circulated to persons and bodies known to be interested, from whom comment and criticism are invited. It is circulated on a confidential basis and recipients are reminded that any recommendations for the reform of the law must have the approval of the Governor in Council before being laid before Parliament. No inferences should be drawn as to any Government Policy.

It is requested that any observations you may desire to make be forwarded to the Secretary, Law Reform Commission, P.O. Box 312, North Quay, Queensland, 4000, so as to be received no later than Friday, 30th June, 1978.

  
(D.G. ANDREWS)  
Chairman.

BRISBANE. 17th April, 1978

SECOND-HAND WARES ACT

COMMENTARY ON DRAFT BILL

The Second-hand Wares Act of 1921 is one of a number of Acts which the Law Reform Commission has been asked by the Honourable the Minister to review with a view to modernising its provisions, and, if considered necessary, to introducing more up to date legislation.

The Act has been in force in Queensland for more than 55 years during which time its provisions have remained unaltered, although the New South Wales Statute on which the Queensland Act was modelled, namely the "Second-hand Dealers and Collectors Act 1906", has undergone substantial amendments throughout that time.

Police Officers have reported on a number of occasions on the increased trading in second-hand goods in Queensland. Members of the Police Department, including the former Commissioner of Police, have drawn the attention of the Law Reform Commission to certain illegal practices carried on in this field and have suggested a number of amendments to the Statute.

The recommendations made by the Commission in the draft Bill altering the method of applying for and granting licences, and in regard to the records required to be kept by persons licensed, will, it is hoped, curtail the illegal practices of which the Police have complained.

The Commission has considered the corresponding legislation in all other Australian States, and, whilst, generally, the format of the present Queensland Statute has been adhered to, a number of the provisions in the Statutes in force in other States, particularly that of Victoria, have been incorporated in the New Queensland draft Bill.

The Commission has also modernised the language and the scope of the Queensland Act with a view to bringing the legislation more into line with present day conditions as they affect the operation of second-hand dealers and collectors today.

Specific reference has been made in the following commentary to any significant changes in the existing Statute.

1. Short title. As the draft Bill is concerned principally with the licensing and control of second-hand Dealers and Collectors rather than with the trading in second-hand goods, it is proposed that the title to be given to the new Act be altered accordingly.

2. Repeals. Formal.

3. Arrangement of Act. Formal.

4. Savings and transitional. This Act will apply in dealing with applications made under the repealed Act which have not been determined as at the commencement of this Act. A licence issued under the former Act remains in force until it expires or is cancelled, revoked or suspended under this Act.

5. Introduction. All the terms in this clause are defined in the Queensland Act (Section 2). In the definition of "Dealer" in that section a "ships chandler" is exempted. This exemption has been deleted in this draft. According to the Police, this exemption has proved a hindrance to their investigating illegal trafficking in motors and other items stolen from small vessels and craft. The exemption, in any event, is considered redundant. The definition "second-hand wares" in the Queensland Act is considered by the Commission to be unduly cumbersome and the suggested innovation has been adapted from the comparable South Australian legislation.

6. Dealers and Collectors to be licensed. This section provides for the necessity for obtaining a licence. Here the New South Wales provisions have been preferred to the existing Queensland Section 6, which in the opinion of the Commission, is far too brief.

## PART II - DEALERS

7 - 10. These clauses deal with the application for a Dealer's licence, its renewal and transfer, the mode of dealing with the application and any objections. The recommendations in regard to these procedural matters are similar to those made in connection with the report on the Pawnbrokers Act.

11. This has been adapted from Section 8 of the Queensland Act and specifies the omissions which will constitute an offence by a Dealer. However, not all the provisions of the existing Section 8 have been included. Some appear elsewhere in the Bill, whilst others have been omitted altogether for reasons set out later in the commentary.

12. Police may enter licensed premises to inspect books and second-hand wares. They already have this authority under the existing section 9.

13. Magistrates Court may order delivery of goods. A dealer can be summoned to appear before a Magistrates Court in relation to being in possession of goods suspected of being stolen. The Court may order the return of the goods to the person appearing lawfully entitled to them. The clause also deals with the consequences of disobeying the summons in the first instance and also the order to return the goods. This clause is not in the present Act but it has been inserted in the Commission's recommended draft Pawnbrokers Bill.

## PART III - COLLECTORS

14. This clause and the two (2) clauses which follow provide the same procedures for the licensing of Collectors as do clauses 7, 9 and 10 for the licensing of Dealers. It is considered by the Commission that the procedure should be uniform.

17. This follows Section 4 of the Queensland Act and sets out a number of offences for which a Collector may be liable. However, not all Section 4 has been retained.

The new procedure for obtaining a licence renders the provisions of Section 4(i) unnecessary. Paragraphs (v) to (viii) and (x) to (xiii) of this Section are considered somewhat anachronistic and should be deleted. There is already adequate legislation dealing with offensive language and behaviour, and accordingly paragraph (xvi) of the same section would seem unnecessary.

The Commission also considers that a provision for revocation of a licence by a Court (Clause 2~~3~~ of the enclosed Bill) is preferable to the requirements of the penultimate paragraph of Section 4.

#### PART IV - MISCELLANEOUS

18. This is formal and sets out the fee period for a licence.

19. Renewal of licences. This clause states that a licence remains in force for 12 months unless it is cancelled, revoked or suspended. A licence may be renewed. The provisions for applying for a new licence apply to renewals also.

20. Magistrates Court's order is final. There can be no appeal against the grant or refusal to grant a new licence or a renewal.

21. Licenses may be revoked. A Magistrates Court may, in some circumstances, order revocation of the licence.

22. Books to be kept. This is an important clause dealing with the books that licensees are required to keep, the penalties for failing to keep them and for making any false entry in such books. Section 8 of the present Queensland Act already contains certain provisions regarding the books a dealer should keep. It has been decided, however, to adopt the Victorian provision in preference to the Queensland one. It is more specific and it has also been applied to Collectors as well as Dealers. The wording of the Victorian Section has been extended to include "purchase receipt or despatch" to ensure a record is kept of all incoming and outgoing second-hand wares.

23. This is the present Queensland Section 14(2) but has been widened to include Collectors.

24 and 25. These clauses are formal and provide for the summary determination of proceedings and for the making of regulations.

Several other sections of the present Act have been deleted, for example Section 11.

The Commission does not consider that any one other than a Police Officer should be empowered to make an arrest except as provided by the Criminal Code.

The terms of Clause 6 of the draft Bill are preferred to Section 5(i) of the existing Act and accordingly this section has been deleted.

None of the other paragraphs of this Section are considered necessary and they have also been deleted.

The new Clause 25 provides a general power to make Regulations and is more in keeping with the format of recent legislation and has been substituted for the existing Section 16.

Recipients of the working paper will note that no special provisions have been included for licensing bodies corporate. It is the Commission's view that such provisions would be unnecessary because by virtue of s.36 of the Acts Interpretation Act 1914 - 1971 the term "person" used in the Bill would include a body corporate. However should some of the bodies corporate who presently hold licenses under the existing Act wish to submit that caution indicates they should be provided for, the Commission is prepared to reconsider the matter.



An Act to provide for the licensing and regulating of Dealers and Collectors of second-hand wares.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

PART I - PRELIMINARY

1. Short title and commencement. (1) This Act may be cited as the Second-hand Dealers and Collectors Act, 197

(2) This Act shall commence on a day to be fixed by Proclamation.

2. Repeals. The Second-hand wares Act of 1921 in this Act referred to as the 'repealed act' is repealed.

3. Arrangement of Act. This Act is arranged in Parts as follows :-

PART I - PRELIMINARY:  
PART II - DEALERS:  
PART III - COLLECTORS:  
PART IV - MISCELLANEOUS:

FIRST SCHEDULE

SECOND SCHEDULE

4. Savings and Transitional.

(a) Any application for a licence under the repealed act which has not been determined before the commencement of this Act shall be deemed to have been duly made under this Act and shall be heard and determined in accordance with this Act.

(b) Every licence granted under the repealed act in force immediately prior to the commencement of this Act shall continue in force as if it had been granted under this Act until it expires or is cancelled, revoked or suspended under this Act, and shall be deemed to be granted and issued under this Act.

5. Interpretation. In this Act, save where a contrary intention appears -

"Buy" and "Sell" include, respectively, exchange, pledge and barter and any dealing, and the derivatives of these terms have a corresponding signification; "Seller" includes any person acting or representing himself to be acting for a seller;

"Collector" - A person engaged in collecting second-hand wares of any kind, whether on his own behalf or on behalf of an employer, for the purpose of sale or trade: the term does

not include a person who buys second-hand wares at an advertised auction sale conducted by a licensed auctioneer;

"Complaint" - A complaint pursuant to the Justices Act 1866 - 1977;

"Court" - A Magistrates Court duly constituted under the Justices Act 1886 - 1977;

"Dealer" - A person other than a licensed auctioneer or licensed pawnbroker who deals in or carries on the business of dealing in or buying selling on commission or otherwise or exchanging any second-hand wares, whether such person deals in any other goods or not.

"Justice" - A justice of the peace;

"Police Officer" - Any constable or other member of the police force;

"Police Station" - Includes a police office, watchhouse, stationhouse, and lockup;

"Prescribed" - Prescribed by this Act;

"Regulations" - Regulations made under this Act;

"Second-hand Wares" - Includes any goods which have been used, worn or otherwise employed and which have not been exempted by the regulations;

"This Act" - This Act and all regulations made thereunder.

6. Dealers and Collectors to be licensed. Any person who -

- (a) exercises or carries on;
- (b) advertises, notifies or states that he exercises or carries on or is willing to exercise or carry on; or
- (c) in any way holds himself out to the public as ready to exercise or to carry on,

the business of a dealer or collector of second-hand wares whether on his own behalf or on behalf of any other person without being the holder of a licence as such commits an offence against this Act.

Penalty \$ .....

## PART II - DEALERS

7. Applications for licence. Every person who desires to

obtain a Dealer's licence under this Act -

- (a) shall apply for the licence to the Magistrates Court for the Magistrates Courts District in which are situated the premises where he intends to carry on business; and
- (b) shall, fourteen days at least before the day on which the application is to be made to the court, give to the clerk of the court and to the member of the police force in charge of the police district in which those premises are situated -
  - (i) notice in writing in the form in the First Schedule to this Act of his intention to apply for the licence specifying the day on which the application will be made; and
  - (ii) a certificate of each of two householders residing in the city, town or locality in which those premises are situated that the applicant is a person of good character.

8. Transfer of Licence. (1) A person who holds a dealer's licence may apply to the clerk of the Magistrates Court nearest his place of business to transfer his licence to other premises or to another person, and give at least seven days' notice of his application to the clerk of the court and to the member of the police force in charge of the police station nearest that place.

(2) The Court may grant or refuse his application.

(3) If the Court grants the application the fact and date of the transfer, and the name and description of the person to whom or description of the premises to which, the licence is to be transferred, shall be indorsed upon the licence and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the licence was granted.

9. Objection to application. [Vic. 6269 s.7]. (1) The member of the Police Force in charge of the police district in which are situated the premises where the Dealer proposes to carry on business may object to the granting or renewal of a licence on the ground that he has reason to believe that the applicant is not a fit and proper person to hold a licence.

(2) Notice in writing of any such objection shall be given to the clerk of the court and to the applicant for the licence at least seven days before the hearing by the Magistrates Court of the application for the licence or renewal of the licence.

This subsection shall not be construed to prejudice the right of a Magistrates Court to take into consideration any objection to the grant of a licence made by a member of the Police Force in the course of a hearing by the court of an application for a licence.

10. Hearing of applications. (1) The Magistrates Court shall consider every application for a licence duly made under this Act and in respect thereof shall take into consideration every objection duly made by a member of the Police Force under section 10 and every objection to the grant of the licence duly made to the court by such member of the Police Force being such an objection as he might have made under section 10.

(2) A member of the Police Force who is entitled to make objection to the grant of a licence is entitled to appear, in person or by his counsel, solicitor or agent, before the Magistrates Court hearing an application for a licence, to lead evidence and to cross-examine witnesses and to be heard on such application.

(3) If upon the hearing of an application for a licence an objection is made by a member of the Police Force otherwise than in accordance with section 10 the Magistrates Court shall, at the request of the applicant, adjourn the hearing for such time as the court considers reasonable to enable the applicant to make answer to the objection.

(4) If upon the hearing of an application for a licence the Magistrates Court is satisfied that the applicant is a fit and proper person to hold a licence it may grant a licence in the form in the schedule to this Act to the applicant.

(5) Upon the grant of a licence by the Magistrates Court the clerk of the court shall cause a licence in the form in the schedule to this Act to be issued in accordance with the grant.

11. Every licensed dealer who:-

- (a) Name, etc., to be painted on outside of premises. Does not cause to be painted and kept painted, in such manner as may be prescribed, his name in full and the words "licensed dealer in second-hand wares" upon some conspicuous part of the outside of the premises in respect of which his licence is granted;
- (b) Dealer to inform police when article supposed to be stolen came into his possession. Does not, without delay, give notice to the police officer on duty at the police station nearest to the place where he carries on business of any article which comes into his possession answering the description of any article described as having been stolen or fraudulently obtained in any written or printed or oral information given to him by any police officer;
- (c) Form of second-hand wares not to be changed for seven days. Does not keep all second-hand wares purchased or received by him (except second-hand wares purchased from a licensed auctioneer) without removing any identifying features or changing the form in which they were when so purchased or disposing of the same in any way for a period of seven days after such second-hand wares have been purchased or received;

- (d) Dealer to carry on in licensed premises only. Carries on the business of a dealer upon any other premises than those to which his licence applies;
- (e) Dealer to produce licence. At any time, upon demand made to him, upon any part of the premises upon which he carries on the business of a dealer, by any police officer, refuses or (without reasonable excuse the proof whereof shall lie upon him) fails to produce and show to such officer his licence in force at the time of such demand;
- (f) Second-hand wares not to be purchased from children. By himself or any other person on his behalf, purchases or receives any second-hand wares from any person apparently under the age of eighteen years;
- (g) Restriction on purchase or receipt of second-hand wares. By himself or any other person on his behalf, at the premises to which his licence applies, purchases or receives any second-hand wares of any description on Sundays or public holidays or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening of any other day,

commits an offence against this Act.

Penalty \$.....

12. Police entitled to enter and inspect books and second-hand wares. (1) A member of the police force may at any time when the premises of a licensed dealer are open for business enter the licensed premises of a dealer and therein -

- (a) inspect all books and documents that are required by this Act to be kept by the licensed dealer and make copies thereof or extracts therefrom; and
- (b) inspect all second-hand wares in the dealer's possession.

(2) Any licensed dealer who refuses to admit the member of the police force without delay or, if requested, fails to produce all books and documents that are required by this Act to be kept and any second-hand wares in his possession to the member of the police force for inspection commits an offence against this Act.

Penalty \$.....

13. Magistrates Court may order delivery of goods. (1) Upon a complaint made before a Justice that goods suspected of being stolen or unlawfully obtained are in the possession of a licensed dealer it shall be lawful for the Justice to issue his summons directed to the licensed dealer requiring him to appear before a Magistrates Court at a time and place specified therein to inform the court with respect to the matter of the complaint.

If at the time and place specified in the summons or at any time and place to which the hearing is from time to time adjourned and which are notified to the licensed dealer he fails to appear any Justice then present may issue his warrant to apprehend the licensed dealer and to cause him to be brought before a Magistrates Court to inform the court with respect to the matter of the complaint.

The provisions of the Justices Act 1886 - 1977 shall apply in relation to such a warrant as if it were a warrant to apprehend a defendant that he may answer a complaint.

(2) Upon the hearing of the complaint the court may make a finding as to the ownership of the goods to which it relates and if it finds that such goods were unlawfully purchased or received by the licensed dealer, it may order the licensed dealer to deliver such goods to the person who appears to the court to be lawfully entitled thereto, upon payment of a sum of money to the licensed dealer or without such payment, as the court thinks fit.

The court may make such order as to costs as it thinks fit.

(3) If an order of the court that a licensed dealer deliver goods to any person is not complied with any Justice, if he is satisfied that the person entitled to the goods under the order has paid as directed by the order or into the court moneys (including costs) that he is required by the court's order to pay, may issue his warrant directed to all members of the Police Force to seize such goods from any person in whose possession they are found and to deliver them to the person entitled to them under the order and any member of the Police Force is authorized to execute such a warrant.

(4) A licensed dealer who -

- (a) fails to appear in answer to a summons issued under subsection (1) or at any time and place to which the hearing of the matter of complaint is adjourned and notified to him; or
- (b) fails to comply with an order of a court made under subsection (2)

commits an offence against this Act.

### PART III - COLLECTORS

14. Application for licence. [Vic. 6269 s.5] Every person who desires to obtain a Collector's licence under this Act:-

- (a) shall apply for the licence to the Magistrates Court for the Magistrates Courts District in which he resides; and
- (b) shall, fourteen days at least before the day on which the application is made to the court give to the clerk of the court and to the member of the police force in charge of the police district in which he resides -
  - (i) notice in writing in the form in the First Schedule to this Act of his intention to apply for the licence specifying the day on which the application will be made; and

- (ii) a certificate of each of two householders residing in the city, town or locality in which the applicant resides that the applicant is a person of good character.

15. Objection to application. (1) The member of the Police Force in charge of the police district in which the applicant resides may object to the granting or renewal of a licence on the ground that he has reason to believe that the applicant is not a fit and proper person to hold a licence.

(2) Notice in writing of any such objection shall be given to the clerk of the court and to the applicant for the licence at least seven days before the hearing by the Magistrates Court of the application for the licence or renewal of the licence.

(3) The Magistrates Court may entertain any such objection even though notice thereof was not given as aforesaid but in that case the applicant shall be entitled to an adjournment for such time as the court thinks fit.

This subsection shall not be construed to prejudice the right of a Magistrates Court to take into consideration any objection to the grant of a licence made by a member of the Police Force in the course of a hearing by the court of an application for a licence.

16. Hearing of applications. (1) The Magistrates Court shall consider every application for a licence duly made under this Act and in respect thereof shall take into consideration every objection duly made by a member of the Police Force under section 17 and every objection to the grant of the licence duly made to the court by such member of the Police Force being such an objection as he might have made under section 17.

(2) A member of the Police Force who is entitled to make objection to the grant of a licence is entitled to appear, in person or by his counsel, solicitor or agent, before the Magistrates Court hearing an application for a licence, to lead evidence and to cross-examine witnesses and to be heard on such application.

(3) If upon the hearing of an application for a licence an objection is made by a member of the Police Force otherwise than in accordance with section 17 the Magistrates Court shall, at the request of the applicant, adjourn the hearing for such time as the court considers reasonable to enable the applicant to make answer to the objection.

(4) If upon the hearing of an application for a licence the Magistrates Court is satisfied that the applicant is a fit and proper person to hold a licence it may grant a licence in the form in the schedule to this Act to the applicant.

(5) Upon the grant of a licence by the Magistrates Court the clerk of the court shall cause a licence in the form in the schedule to this Act to be issued in accordance with the grant.

17. Every licensed collector who -
- (a) Change of address to be notified to police. Whenever and so often as he changes his place of residence, fails to advise in writing within seven days the police officer in charge of the police station nearest his new place of residence of such change;
  - (b) Licence to be produced on demand. Without reasonable excuse, the proof whereof shall be upon him; does not at any time, upon demand, produce his licence to any police officer or to any person from whom he has within twenty-four hours previously bought or offered to buy or collected or offered to collect, any second-hand wares;
  - (c) Wares to be kept for seven days. Does not, unless he sooner sells the same to a licensed dealer, keep all second-hand wares purchased or received by him (other than second-hand wares purchased from a licensed auctioneer) in the same state and condition as they were in when so purchased or received for seven days at least next after such purchase or receipt, or, if he sells the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received;
  - (d) Second-hand wares not to be purchased from children. By himself or any other person on his behalf, purchases or receives any second-hand wares from any person apparently under the age of eighteen years;
  - (e) Collectors to sell to licensed dealers only. Sells or otherwise disposes of any second-hand wares to any person other than a licensed dealer;
  - (f) Entry on premises. Enters any premises without the permission of the owner or occupier thereof;
  - (g) To depart when directed. Having entered upon any premises with or without the permission of the owner or occupier thereof, neglects or refuses to leave such premises immediately when directed to do so by such owner or occupier or his servant or agent;

commits an offence against this Act.

Penalty \$ .....

PART IV - MISCELLANEOUS

18. Fee for licence. Every applicant for a licence under section 7 or section 15 shall pay to the clerk of the court at the time when he gives the clerk of the notice referred to in those sections the appropriate fee prescribed by the regulations.



The amount of such fee paid to the clerk of the court shall be held by him until the application for the licence has been disposed of by the Magistrates Court and if such application is refused the amount of such fee shall be refunded to the applicant.

19. Renewal of licence. (1) Every licence granted or renewed under this Act shall, subject to this Act, be in force and be taken to be current for the period of 12 months from the day on which it is granted or renewed, unless it is sooner cancelled or revoked or if suspended for the period of its suspension.

For the purposes of this section a licence under this Act that is renewed shall be deemed to have been renewed on the day on which it would, but for such renewal, have ceased to be in force.

(2) A licensed dealer or collector who desires to renew a licence under this Act of which he is the holder shall apply for renewal of his licence at such time as will enable his application to be heard by the Magistrates Court within 14 days before the licence ceases to be in force or, if there is no day appointed for holding such court within that period, on the last day appointed for holding such court before the licence ceases to be in force.

(3) Every application for renewal of a licence under this Act shall be treated and dealt with as if it were an application for such licence in the first instance and the provisions of this Act appropriate to such applications shall apply with all necessary adaptations.

(4) Where application for renewal of a licence under this Act is duly made but before the application is determined the licence to which it relates ceases to be in force by effluxion of time, the licence shall be deemed to continue in force until the application is determined or is withdrawn, whichever first occurs.

20. Magistrates Court's order is final. No appeal shall lie against an order of a Magistrates Court made in respect of a new licence or the renewal of a licence under this Act.

21. Licenses may be revoked. A Magistrates Court may, on the complaint of any person against any licensed person that he has been guilty of any violation of any of the provisions of this Act, or that such person is in any other respect unfit to hold a licence, revoke such licence.

22. Books to be kept. (1) Every licensee shall after every purchase receipt or despatch of second-hand wares forthwith enter in a book to be kept by him in the form in the Second Schedule particulars of every transaction, including -

- (a) a proper and distinctive description of each article purchased received or despatched by him;
- (b) the name and place of abode of the person from whom he purchased or received or to whom he despatched the article;
- (c) the date and hour of the day of each transaction;
- (d) the price paid or agreed to be paid for the article of the goods exchanged or agreed to be exchanged therefor; and
- (e) any other prescribed matters.

- (2) Making false, etc. entry in book. Every person who -
- (a) Fails to make an entry, or causes to be made a false entry in any book required by this Act or by the regulations to be kept by any dealer or collector; or
  - (b) Makes or causes to be made in such book any incomplete or defective entry;

commits an offence against this Act.

Penalty \$.....

23. Possession of second-hand wares. (1) Second-hand wares shall be deemed to be in the possession of a dealer or collector when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such second-hand wares having been made by him.

(2) Entries in licensee's books deemed made by him. Every entry in any book kept or belonging to any dealer or collector, or found on his licensed premises or at his residence, shall be deemed, unless the contrary is shown, to have been made by or with the authority of such dealer or collector.

24. Recovery of penalties. All proceedings for penalties and for the revocation of any licence under this Act shall be taken under the Justices Act 1886 - 1977 upon the complaint of a member of the Police Force or of a person aggrieved.

25. Regulations. The Governor in Council may make regulations not inconsistent with this Act with respect to all or any of the following matters :-

- (a) the revocation, cancellation and suspension of licences under this Act and the effect thereof;
- (b) the procedure to be followed in doing anything for the purposes of this Act;
- (c) prescribing what officer or class of officer is to be deemed for the purposes of this Act, to be members of the police force in charge of police districts generally or of a particular police district;
- (d) the forms to be used for the purposes of this Act;
- (e) the fees to be paid for the purposes of this Act;
- (f) matters required or permitted by this Act to be prescribed;
- (g) matters necessary or convenient to be prescribed for carrying out or giving effect to this Act;
- (h) penalties for breaches of the regulations not exceeding the sum of \$100.

SECOND-HAND DEALERS AND COLLECTORS ACT 197

FORM OF APPLICATION FOR A DEALER'S LICENCE

TO:

Clerk of the Court and to Officer in Charge of Police at  
in the State of Queensland.

I, \_\_\_\_\_ of \_\_\_\_\_  
hereby give notice that it is my intention to apply to the  
Magistrates Court at \_\_\_\_\_ on the  
day of \_\_\_\_\_ 19

\* for a licence to carry on the business of a Dealer in  
Second-hand wares in the house or premises situated at

\* for a renewal of a Dealer's licence issued under this  
Act dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

\* Delete which is not applicable

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FORM OF HOUSEHOLDERS' CERTIFICATE

We, the undersigned householders residing at \_\_\_\_\_  
and \_\_\_\_\_ respectively  
in the State of Queensland, hereby certify that the above  
\_\_\_\_\_ is a person of good character and  
fit and proper to be licensed to carry on the business of a  
Dealer in Second-hand wares.

.....  
.....

F I R S T    S C H E D U L E

s.9

SECOND-HAND DEALERS AND COLLECTORS ACT 197

NOTICE OF APPLICATION FOR TRANSFER OF A SECOND-HAND  
DEALERS LICENCE

I, \_\_\_\_\_ of \_\_\_\_\_  
being the holder of a licence to carry on the business of a  
Dealer in second-hand wares in the house or premises situated  
at, \_\_\_\_\_  
hereby give notice that it is my intention to apply to the  
Magistrates Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
for a transfer of such licence to \_\_\_\_\_  
\* \_\_\_\_\_  
\* alternative premises situated at \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\* Delete which is not applicable.

(Signed) .....

I, the abovenamed consent to the  
application and will accept the  
transfer of such licence if  
approved by the Court.

(Signed) .....

F I R S T   S C H E D U L E

Ss. 15 & 16

SECOND-HAND DEALERS AND COLLECTORS ACT 197

FORM OF APPLICATION FOR A COLLECTORS LICENCE

TO:

Clerk of the Court and to Officer in Charge of Police  
at \_\_\_\_\_ in the State of Queensland.

I, \_\_\_\_\_ of \_\_\_\_\_  
hereby give notice that it is my intention to apply to the  
Magistrates Court at \_\_\_\_\_ on the  
day of \_\_\_\_\_ 19 \_\_\_\_\_

\* for a licence to carry on the business of a Collector  
of second-hand wares

\* for a renewal of the Collector's licence issued under  
this Act dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\* Delete which is not applicable.

-----

FORM OF HOUSEHOLDER'S CERTIFICATE

We, the undersigned householders residing at \_\_\_\_\_  
and \_\_\_\_\_ respectively  
in the State of Queensland, hereby certify that the above  
\_\_\_\_\_ is a person of good character and fit  
and proper to be licensed to carry on the business of a  
Collector of second-hand wares.

.....

.....

F I R S T S C H E D U L E

s.18

COLLECTOR'S LICENCE

Whereas

of

has applied to the Magistrates Court at

this                      day of                      19

for \*<sup>a</sup> licence  
a renewal of a licence to carry on the business of a

Collector of second-hand wares. Having inquired into the

character of the said

and being satisfied that he is a fit person to have such

licence granted to him, I do hereby authorise and empower

him to carry on the business of a Collector and this licence

shall continue in force for twelve months from the date hereof

and no longer.

Dated at                      aforesaid, the

day of                      19 .

Stipendiary Magistrate.

\* Delete which is not applicable.

F I R S T   S C H E D U L E

s.11(4)

DEALER'S LICENCE

Whereas

of

has applied to the Magistrates Court at

this

day of

19

for <sup>a</sup> a licence  
a renewal of a licence to carry on the business of

a Dealer in Second-hand wares in the house or premises  
situated at

in this District. Having inquired into the character of the  
said and being satisfied that he is a

fit person to have such licence granted to him, I do hereby  
authorise and empower him to carry on the business of a

Dealer in the said house or premises and not elsewhere and

this licence shall continue in force for twelve months from the  
date hereof and no longer.

Dated at aforesaid, the

day of

19

Stipendiary Magistrate.

\*Delete which is not applicable.

S E C O N D   S C H E D U L E

SECOND-HAND DEALER'S AND COLLECTORS ACT

s.24

PURCHASE OR DESPATCH BOOKS TO BE KEPT BY DEALER OR COLLECTOR

Date and hour of transaction	Description of article purchased received or despatched	Amount Paid	Name and address of person from whom received or to whom despatched	Signature of person from whom received or to whom despatched