

Approved for Reprint 16 May 1983.

WESTERN AUSTRALIA.

SECOND-HAND DEALERS ACT 1906-1965.

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WESTERN AUSTRALIA.

SECOND-HAND DEALERS ACT 1906-1965.

No. 10 of 1906.

[As amended by Acts—

No. 54 of 1948, assented to 21 January 1949;

No. 113 of 1965,¹ assented to 21 December 1965,

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT to provide for the Licensing of Second-hand Dealers, and to regulate the Sale of Second-hand Articles.

[Assented to 29 September 1906.]

BE it enacted—

1. This Act may be cited as the *Second-hand Dealers Act 1906-1965*. Short title.

2. Every person who carries on the business of purchasing, selling, or exchanging second-hand articles shall be deemed a second-hand dealer within the meaning of this Act. Second-hand dealers.
N.Z., 1902,
No. 23, s. 2.

¹ Decimal Currency Act 1965.

Second-hand
dealers to be
licensed.
Ibid., s. 3.

3. From and after the first day of January, one thousand nine hundred and seven, it shall not be lawful for any person to carry on business as a second-hand dealer unless he is the holder of a licence under this Act.

Application
for licence.
Amended by
No. 54 of 1948,
s. 10;
No. 113 of
1965, s. 8.
First
Schedule.
N.Z., 1902,
No. 2.
Cf. ibid., s. 4.

4. (1) Any person wishing to obtain a licence under this Act shall deliver to the clerk of petty sessions, at the court nearest to the shop or premises in respect of which the licence is applied for, an application in writing, in the form of the First Schedule or to the like effect.

Grant of
licence.
Second
Schedule.

(2) The police or resident magistrate of such court, if satisfied with the character of the applicant, may, in his discretion, grant a licence in the form of the Second Schedule.

Duration of
licence.

(3) Such licence, unless sooner cancelled, shall continue in force for one year from the date on which it was granted, and shall be renewable from year to year, subject to the provisions of this Act.

Licence fee.

(4) The Governor may by regulation under this Act prescribe the fee to be payable in respect of every such licence; and unless and until so prescribed, the fee shall be one dollar per annum.

Record to be
kept.
Cf. ibid., s. 5.

5. It shall be the duty of clerks of petty sessions to keep a record of every licence granted or cancelled under this Act.

Unlicensed
person may
not act
as second-
hand dealer.
Ibid., s. 7.

6. It shall not be lawful for any person not being a licensee under this Act to in any way or by any method or device hold himself out to be a licensed second-hand dealer.

Register of
articles
bought,
sold, or
exchanged
to be kept.
Third
Schedule.
Cf. ibid., s. 8.

7. (1) Every licensee under this Act shall keep a book, in the form in the Third Schedule, wherein he shall from time to time enter each second-hand article bought or taken in exchange, the date of the

transaction, and the name and address of the person from whom he bought or received it; and every person selling or exchanging any such article shall sign the entry relating to such transaction.

(2) Every such entry shall be made on the date when the transaction takes place.

8. Every licensee under this Act shall at all reasonable times, on demand at his shop or place of business, produce his licence to any constable or other member of the police force, and permit him to inspect such shop or place of business, the goods therein, and also the above-mentioned book.

Licence to be produced on demand.
Ibid., s. 9.

9. It shall not be lawful for any licensee under this Act, by himself or by any other person, to purchase or receive any second-hand goods before the hour of eight in the morning or after the hour of six in the evening, nor at any time from any person apparently under the age of sixteen years.

Restriction as to purchase of goods.
Ibid., s. 10.

10. Every licensee under this Act shall keep all second-hand goods purchased or received by him without changing the form in which such goods were when so purchased or received, or disposing of the same in any way, for a period of four days at least after such goods are so purchased or received.

Goods not to be changed in form or disposed of for four days.
Cf. 1902, No. 9, s. 14 (8).

11. If any person fails to comply with any of the provisions of this Act, he shall be guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty not exceeding ten dollars, and in the case of a continuing offence to a further penalty not exceeding ten dollars for every day after the first during which such offence continues.

Penalties. Amended by No. 113 of 1965, s. 8. N.Z., 1902, No. 2, s. 11.

Cancellation
of licences.
Ibid., s. 12.

12. In all proceedings against a licensee under this Act for any such offence the court, when convicting him, may, in addition to imposing the penalty, cancel the licence by memorandum to that effect signed by the convicting justices, whereupon all the rights and privileges of the licensee under the said licence shall absolutely cease and determine.

Act not to
apply in
certain cases.
Ibid., s. 14.

13. Nothing in this Act shall apply to any person who does not carry on the sale or exchange of second-hand articles at a shop, store, or place of business, nor to any person purchasing such articles for the purpose of manufacturing other articles therefrom, except purchasers of second-hand jewellery.

Disposal of
recovered
goods.
Ibid., s. 15.

14. Where the ownership of any goods brought before two justices of the peace, and which have been unlawfully sold or exchanged, is established to the satisfaction of the justices, they may order that such goods shall be delivered up to the owner either without compensation or with such compensation to the person to whom they were so unlawfully sold or exchanged as the justices deem fit.

Act not to
apply to
certain
goods.

15. Nothing in this Act shall apply to the purchase or sale by any person of second-hand household furniture, books, mining machinery or appliances.

Restrictions
as to persons
under the
influence of
intoxicating
liquor.
Amended by
No. 113 of
1965, s. 8.

16. If any licensee under this Act buys or exchanges any second-hand goods from or with any intoxicated person, such licensee shall be guilty of an offence under this Act, and liable, on summary conviction therefor before two justices of the peace, to a penalty not exceeding twenty dollars; and further, on such conviction, his licence shall be forfeited or cancelled.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Section 4.

The Second-hand Dealers Act 1906.
Application for Licence.

To the Clerk of Petty Sessions at

I [*state name and occupation*], now residing at _____, hereby apply for a licence to carry on the business of a second-hand dealer. My shop or place of business is situated at [*describe its situation*], and I intend to keep it as a second-hand dealer's shop.

Dated this _____ day of _____, 19 ____ .
(Signature.)

SECOND SCHEDULE.

Section 4.

The Second-hand Dealers Act 1906.
Licence.

I, the undersigned Police Magistrate [*or Resident Magistrate*] for the Magisterial District of _____, being satisfied that _____ is a person of good character, hereby authorize him to carry on the business of a second-hand dealer, at his shop or place of business, situated at _____. This licence is granted subject to the provisions of the Second-hand Dealers Act 1906, and, unless sooner cancelled, continues in force for the period of twelve months from this date.

Granted at _____, this _____ day of _____, 19 ____ .
P.M. [*or R.M.*].

THIRD SCHEDULE.

Section 7.

The Second-hand Dealers Act 1906.
Register of Articles Bought or Exchanged.

Date and time of purchase or exchange	Description of article bought or exchanged	Amount paid, or description of article given in exchange	Signature of person buying or exchanging	Signature and address of person selling or exchanging