

House of Representatives
Supplementary Order Paper

Thursday, 24 June 2004

Secondhand Dealers and Pawnbrokers Bill

Proposed amendments

Hon Phil Goff, in Committee, to move the following amendments:

Clause 6(2A)

To omit this subclause (lines 11 to 17 on page 7), and substitute the following subclause:

- (2A) For the purposes of this Act, a person is presumed (in the absence of evidence to the contrary) to be engaged in business as a secondhand dealer if, in any 12-month period, the person—
- (a) buys secondhand articles or scrap metal, for the purpose of trade, on 6 or more different days; or
 - (b) sells, exchanges, or otherwise deals in secondhand articles or scrap metal (being articles or scrap metal acquired for the purpose of trade)—
 - (i) on 6 or more different days; or
 - (ii) so as to receive revenue of \$2,000 or more from the sale, exchange, or dealing.

Heading to Part 3

To omit from this heading the words “**and promoters**” (line 2 on page 27), and substitute the words “**, promoters, and internet auction providers**”.

Clause 40A(2)(b)

To insert, after the words “that are recorded in the” (line 26 on page 32), the words “secondhand dealer’s”.

Clause 46A(2)(b)

To insert, after the words “that are recorded in the” (line 25 on page 38), the word “pawnbroker’s”.

Clause 57(1)(d)

To add the words “or internet auction” (line 14 on page 45).

Clause 58(3)(b)

To insert, after the words “that are recorded in the” (line 4 on page 47), the word “promoter’s”.

Clause 58A

To omit from subclause (4)(a) the words “the internet auction” (line 14 on page 48), and substitute the words “his or her internet auction”.

To omit from subclause (4)(b) the words “the internet auction” (lines 17 and 18 on page 48), and substitute the words “his or her internet auction”.

To omit from subclause (5)(a) the words “the internet auction” (line 27 on page 48), and substitute the words “his or her internet auction”.

To omit from subclause (5)(c) the words “the internet auction” (lines 31 and 32 on page 48), and substitute the words “his or her internet auction”.

Clause 73(h)

To omit the words “(or any of those records),—” (line 29 on page 55), and substitute the words “(or any of those records), any or all of the following:”.

Explanatory note

This Supplementary Order Paper replaces Supplementary Order Paper No 214. It—

- substitutes a *new clause 6(2A)* in order to insert references to “for the purpose of trade” in the presumption about when a person who buys, sells, exchanges, or otherwise deals in secondhand articles or scrap metal is presumed to be “engaged in business” as a secondhand dealer; and
 - amends the heading to *Part 3* to refer to internet auction providers; and
 - inserts a missing reference to internet auctions in *clause 57(1)(d)*; and
 - corrects minor grammatical and style errors in 5 clauses.
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