



Western Australia

## **Pawnbrokers and Second-hand Dealers Regulations 1996**

Compare between:

[26 May 2009, 03-c0-01] and [01 Jul 2009, 03-d0-02]



## **Pawnbrokers and Second-hand Dealers Regulations 1996**

### **Part 1 — Preliminary**

**1. Citation**

These regulations may be cited as the *Pawnbrokers and Second-hand Dealers Regulations 1996*<sup>1</sup>.

**2. Commencement**

These regulations come into operation on 1 April 1996.

**3. Terms used in these regulations**

In these regulations —

*financial body* means a body that is —

- (a) a bank within the meaning of the *Banking Act 1959* of the Commonwealth or a bank constituted by or under the law of a State or the Commonwealth;
- (b) a financial institution within the meaning of the *Financial Institutions (Western Australia) Code*<sup>2</sup>; or
- (c) a registered corporation within the meaning of the *Financial Corporations Act 1974*<sup>3</sup> of the Commonwealth;

*public authority* has the same meaning as it has in the *State Supply Commission Act 1991*;

**r. 3**

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***public utility*** means a body the primary purpose of which is to provide electricity, water, sewerage or gas to the public in any State or Territory;

***section*** means section of the Act;

***telephone utility*** means a body that has as its primary purpose the provision of telephone services to the public in any State or Territory.

*[Regulation 3 amended in Gazette 28 Jul 2000 p. 4019.]*

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**Part 2 — Prescribed matters for which Act or certain provisions of Act do not apply**

**4. Financial bodies receiving goods under “buy back” contracts are not “pawnbrokers”**

For the purposes of section 4(3), paragraph (b) of the definition of “pawnbroker” in section 3(1) does not apply to financial bodies.

**5. Certain goods not “second-hand goods”**

- (1) For the purposes of the definition of “second-hand goods” in section 3(1), goods which have been worn or otherwise used and which belong to a class of goods described in the Table to this subregulation, or goods to which subregulation (2) applies, are goods that are not to be treated as second-hand goods for the purposes of the Act.

**Table**

| <b>Item</b> | <b>Goods not to be treated as “second-hand goods”</b>  |
|-------------|--|
| 1.          | Goods collected under a local government recycling scheme.   |
| 2.          | Goods (other than jewellery) purchased for the purpose of manufacturing any other article from the goods.  |
| 3.          | Goods collected for a charitable purpose within the meaning of the <i>Charitable Collections Act 1946</i> where the collector is a person to whom section 6(1)(e), (f) or (g) of that Act applies and who is acting in accordance with such licence and authority referred to in that section as applies to that person. |
| 4.          | Books, magazines and periodicals.  |
| 5.          | Boats (but not outboard motors or other marine equipment).   |
| 6.          | Ferrous and non-ferrous scrap metals (but not gold or silver).   |
| 7.          | Clothing, including footwear.  |
| 8.          | Furniture, including lamps and light fittings (but not electrical or electronic appliances or moveable heaters).   |
| 9.          | Household soft furnishings, including rugs, curtains and manchester.   |
| 10.         | Household decorative goods, including statues, figurines, paintings, prints and drawings.  |

**Pawnbrokers and Second-hand Dealers Regulations 1996**

**Part 2** Prescribed matters for which Act or certain provisions of Act do not apply

r. 5

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**Item Goods not to be treated as “second-hand goods”**

11. Kitchenware, including pots, pans, crockery and cutlery (but not electrical or electronic appliances).
12. Motor vehicles, as defined in the *Road Traffic Act 1974*, and their parts including tyres (but not accessories such as audio equipment, roof racks or lights other than those required under Part 8 of the *Road Traffic (Vehicle Standards) Rules 2002*).
13. Mining machinery and parts.
14. Farming machinery and parts (but not accessories such as audio equipment, electronic monitoring equipment or lights other than those required under Part 8 of the *Road Traffic (Vehicle Standards) Rules 2002*).
15. Rags.
16. Bones.
17. Glassware, including bottles.
18. Cans of any kind.
19. Waste plastic materials.
20. Waste paper materials.
21. Salvaged building materials including doors, window frames, tiles, bricks and timber.
22. White goods in the nature of large domestic electrical equipment, including refrigerators, freezers, washing machines, clothes driers, ovens and ironing presses (but not portable or camping refrigerators or microwave or microwave/convection ovens).
23. Collectables such as stamps, coins, trading cards, dolls, toys and military memorabilia (but not jewellery or watches).
24. Goods purchased for babies, such as baby furniture, toys, prams, strollers and vehicle baby seats and capsules.
25. Goods that have been the subject of a rental agreement.
26. Pianos and pianolas.
27. Vacuum cleaners.
28. Wheelchairs and similar goods designed to carry physically disabled persons.

- (2) This subregulation applies to goods (*traded goods*) that are accepted by a retailer as part of the purchase price of new goods sold by the retailer to a person (*the new sale*) —

- (a) if the traded goods were purchased by the person from a retailer as new goods; and
  - (b) where the trade-in value of the traded goods is \$200 or more, if the person produces proof of that purchase at the time the new sale takes place; and
  - (c) where the trade-in value of the traded goods is less than \$200, if the purchase is made by way of exchange without money changing hands.
- (3) In subregulation (2) —
- retail shop** has the same meaning as it has in the *Retail Trading Hours Act 1987*;
- retailer** means a person who operates a retail shop but does not include a pawnbroker or second-hand dealer.

*[Regulation 5 amended in Gazette 28 Jul 2000 p. 4019; 3 Dec 2002 p. 5713; 30 Apr 2007 p. 1838; 16 May 2008 p. 1912; amended by No. 8 of 2009 s. 29.]*

**6. Second-hand goods may be sold to minors**

For the purposes of section 4(3), section 38(a) does not apply to a second-hand dealer who enters into a contract with a person who is under 18 years of age if the contract is for the sale, by the dealer, of goods to the person.

**7. Second-hand dealers need not ascertain or verify identity of certain persons**

- (1) For the purposes of section 4(3), section 39 does not apply to a second-hand dealer who enters into a contract under which goods are, or are to be, obtained by the dealer —
- (a) from outside of Western Australia;
  - (b) at an auction within the meaning of the *Auction Sales Act 1973* where the auctioneer is acting in accordance with a licence issued under that Act to, or for the benefit of, the auctioneer;

**r. 8**

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- (c) from a licensee; or
  - (d) from a public authority.
- (2) Nothing in subregulation (1) affects the requirement under section 43(b) for a second-hand dealer to record the full name and current residential address of the party offering the goods referred to in that subregulation.
- (3) For the purposes of section 4(3), section 39 does not apply to a second-hand dealer who enters into a contract with a person if the contract is for the sale, by the dealer, of goods to the person.
- [Regulation 7 amended in Gazette 28 Jul 2000 p. 4020.]*

**8. Notice as to surplus not required if surplus less than \$50**

For the purposes of section 59(2)(b), section 59(1) does not apply where the surplus is less than \$50.

**9. Certain second-hand goods need not be kept or unaltered for 14 days**

For the purposes of section 4(3), section 61 does not apply to goods that a second-hand dealer has obtained —

- (a) from outside of Western Australia;
- (b) at an auction within the meaning of the *Auction Sales Act 1973* where the auctioneer is acting in accordance with a licence issued under that Act to, or for the benefit of, the auctioneer;
- (c) from a licensee; or
- (d) from a public authority.

*[Regulation 9 amended in Gazette 28 Jul 2000 p. 4020.]*



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## **Part 3 — Matters prescribed for licence applications**

### **10. Other means of proving identity of applicants**

For the purposes of section 14(a)(iv), evidence of the identity of a person applying for the issue of a licence may consist of any one of the following —

- (a) a certificate of the applicant's Australian citizenship;
- (b) a document establishing the discharge of the applicant from any of the Australian defence forces;
- (c) a document establishing the applicant's appointment as a Justice of the Peace;
- (d) a certificate of the applicant's identity issued by the department of the Commonwealth public service responsible for the administration of foreign affairs;
- (e) a certificate of the applicant's descent issued by the department of the Commonwealth public service responsible for the administration of immigration or issued by a consulate within Australia.

### **11. Other evidence to accompany applications for issue of licence**

For the purposes of section 14(f), an application for the issue of a licence is to be accompanied by 3 colour photographs of the applicant —

- (a) each of which is 45 mm long and 35 mm wide;
- (b) each of which shows a frontal view of the applicant's head and shoulders without sunglasses, tinted spectacles, head wear or any other item which may affect the applicant's usual appearance;
- (c) each of which has been taken within 3 months of the day on which the application is made; and

**r. 12**

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- (d) one of which is endorsed by a person who has known the applicant for at least 5 years as follows —

“ I certify that this is a photograph of [*applicant's full name*] who I have known for at least 5 years.

Signed

[Endorser's signature]

[Endorser's full name]

[Date]

”.

**12. Other evidence to accompany applications for renewal of licence**

- (1) For the purposes of section 16, an application for the renewal of a licence is to be accompanied by 3 colour photographs of the applicant —

- (a) each of which is 45 mm long and 35 mm wide;
- (b) each of which shows a frontal view of the applicant's head and shoulders without sunglasses, tinted spectacles, head wear or any other item which may affect the applicant's usual appearance;
- (c) each of which has been taken within 3 months of the day on which the application is made; and
- (d) subject to subregulation (2), one of which is endorsed by a person who has known the applicant for at least 5 years as follows —

“ I certify that this is a photograph of [*applicant's full name*] who I have known for at least 5 years.

Signed

[Endorser's signature]

[Endorser's full name]

[Date]

”.

- (2) If —

- (a) the applicant for the renewal of a licence attends in person before the licensing officer and brings the applicant's current licence and the 3 photographs referred to in subregulation (1); and
- (b) the licensing officer is satisfied that the photographs are current photographs of the applicant,

then it is not necessary for any of the photographs to be endorsed in accordance with paragraph (d) of that subregulation.

**Part 4 — Matters prescribed for verification of identity, records and provision of information**

**13. Other means of verifying identity of persons before contracts entered into**

- (1) Subject to subregulations (2) and (3), a person's identity may be verified for the purposes of section 39(b) by conducting, in relation to the person, any combination of the checks set out in the Table to this regulation and adding the points set out opposite each check conducted in relation to the person to achieve a total of at least 100 points.

**Table**

| <b>Item</b> | <b>Check</b>   | <b>Points with photo</b> | <b>Points without photo</b> |
|-------------|--|--------------------------|-----------------------------|
| 1.          | The person's name is stated on a transaction card held by the person that has been issued in accordance with regulation 13A(1) by the pawnbroker or second-hand dealer who is verifying the person's identity. | 75                       | -                           |
| 1A.         | The person's name is stated on a current motor driver's licence held by the person that has been issued in Australia.  | 75                       | -                           |
| 1B.         | The person's name is stated on a passport held by the person that is either current or has not been expired for more than 2 years.   | 75                       | -                           |
| 1C.         | The person's name is stated on a proof of age card held by the person that has been issued under the <i>Liquor Control Regulations 1989</i> <sup>4</sup> regulation 18B.                                       | 75                       | -                           |

**Pawnbrokers and Second-hand Dealers Regulations 1996**

Matters prescribed for verification of identity, records and  
provision of information

**Part 4**

r. 13

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| <b>Item</b> | <b>Check</b>  | <b>Points<br/>with<br/>photo</b> | <b>Points<br/>without<br/>photo</b> |
|-------------|---|----------------------------------|-------------------------------------|
| 2.          | The person's photograph has been taken and retained in accordance with regulation 13A(1) within the last 12 months by the pawnbroker or second-hand dealer who is verifying the person's identity.                | 75                               | -                                   |
| 3.          | The person's name is stated on a current licence (other than a motor driver's licence) or current permit held by the person that has been issued under a law of the Commonwealth or a State or Territory.         | 40                               | 25                                  |
| 4.          | The person's name is stated on a current identity card or current licence held by the person that has been issued by a government agency outside Australia.   | 40                               | 25                                  |
| 5.          | The person's name is stated on an identification card (other than a card referred to in item 1C held by the person that has been issued by a government agency to provide evidence of the person's name and age.  | 40                               | 25                                  |
| 6.          | The person's name is stated on an identification card held by the person that has been issued by a government agency to provide evidence of the person's entitlement to a health benefit or pensioner concession. | 40                               | 25                                  |
| 7.          | The person's name is stated on an identification card held by the person that has been issued within the last 5 years by an educational institution.  | 40                               | 25                                  |

**Pawnbrokers and Second-hand Dealers Regulations 1996**

**Part 4** Matters prescribed for verification of identity, records and provision of information

r. 13

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| <b>Item</b> | <b>Check</b>   | <b>Points with photo</b> | <b>Points without photo</b> |
|-------------|--|--------------------------|-----------------------------|
| 8.          | An educational institution has a record of the person's name and address made within the last 5 years.   | 40                       | 25                          |
| 9.          | The person's name is stated on an identification card held by the person that has been issued by the person's employer.  | 40                       | 25                          |
| 10.         | The person's employer has a record of the person's name and address.   | 40                       | 25                          |
| 11.         | The person's name is stated on an identification card held by the person that has been issued by a professional or trade association.  | 40                       | 25                          |
| 12.         | A professional or trade association has a record of the person's name and address.   | 40                       | 25                          |
| [13.        | <i>deleted</i>   |                          |                             |
| 14.         | A public authority or local government has a record of the person's name and address.  | -                        | 25                          |
| 15.         | The person's name and address appear in an Australian electoral roll.  | -                        | 25                          |
| 16.         | A public utility has a record of the person's name and address.  | -                        | 25                          |
| 17.         | A telephone utility has a record of the person's name and address.   | -                        | 25                          |
| 18.         | If the person lives in or conducts business from rented premises — the owner of the premises or the managing agent for the premises has a record of the person's name and address. | -                        | 25                          |
| 19.         | An insurance company has a record of the person's name and address.  | -                        | 25                          |

| <b>Item</b> | <b>Check</b>  | <b>Points<br/>with<br/>photo</b>  | <b>Points<br/>without<br/>photo</b> |
|-------------|---|---|-------------------------------------|
| 20.         | The person's name is stated in a certified copy of or extract from a birth certificate, a marriage certificate or a citizenship certificate.  | -   | 25                                  |
| 21.         | A financial body has a record of the person's name and address.   | -   | 25                                  |
| (2)         | At least one of the documents used to verify a person's identity under subregulation (1) must bear the signature of the person to whom the document relates and the pawnbroker or second-hand dealer must be satisfied that that signature matches the signature done in the presence of the pawnbroker or dealer by the person seeking to have his or her identity verified. |   |                                     |
| (3)         | At least one of the documents used to verify a person's identity under subregulation (1) —  |   |                                     |
|             | (a)   | must bear the current residential address of the person; and                            |                                     |
|             | (b)   | must have been issued within 3 months before the verification of the person's identity. |                                     |

*[Regulation 13 amended in Gazette 28 Jul 2000 p. 4020-2;  
30 Apr 2007 p. 1838-9; 16 May 2008 p. 1913.]*

**13A. Transaction cards**

- (1) When a pawnbroker or second-hand dealer has verified a person's identity for the purposes of section 39(b), the pawnbroker or second-hand dealer —
  - (a) if the person agrees, may take and retain a photograph of the person; and
  - (b) if a photograph of the person is taken, may issue to the person a card (a **transaction card**) that complies with subregulations (2) and (3).

**Pawnbrokers and Second-hand Dealers Regulations 1996**

**Part 4** Matters prescribed for verification of identity, records and provision of information

**r. 14**

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- (2) A transaction card complies with this subregulation if it —
  - (a) bears the person's photograph, full name, signature, date and place of issue, date of expiry and an identifying number; and
  - (b) is in a form and of a standard approved by the Commissioner.
- (3) A transaction card complies with this subregulation if it is issued for a period not greater than 12 months.

*[Regulation 13A inserted in Gazette 28 Jul 2000 p. 4023.]*

**14. Manner of keeping records**

- (1) For the purposes of section 45(1)(b), all records required to be made by a pawnbroker under section 41 are to be kept in numerical order according to the distinguishing number recorded under section 41(a).
- (2) For the purposes of section 45(2)(b), all records required to be made by a second-hand dealer under section 43 are to be kept in numerical order according to the distinguishing number recorded under section 43(a).

**15. Information to be given to Commissioner about goods — s. 79**

- (1) For the purposes of section 79(a), a pawnbroker is to give the Commissioner the information referred to in section 41(a) to (f) in relation to each of the goods in the possession of the pawnbroker.
- (2) For the purposes of section 79(a), a second-hand dealer is to give the Commissioner the information referred to section 43(a) to (f) in relation to each of the goods in the possession of the dealer.
- (3) Nothing in subregulation (2) requires a second-hand dealer to give the Commissioner information about goods that the dealer has obtained —
  - (a) from outside of Western Australia;



- (b) at an auction within the meaning of the *Auction Sales Act 1973* where the auctioneer is acting in accordance with a licence issued under that Act to, or for the benefit of, the auctioneer;
  - (c) from a licensee; or
  - (d) from a public authority.
- (4) For the purposes of section 79(c), a person who is a pawnbroker only or a pawnbroker and a second-hand dealer is to send the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner by way of an electronic file transfer service the computer software for which —
- (a) has been provided by the Department (free of charge), or is approved by the Commissioner, for that purpose; and
  - (b) is operated by means of an IBM compatible computer with a dial-up modem, the type and specifications of both of which are approved by the Commissioner.
- (5) For the purposes of section 79(c), a person who is a second-hand dealer but not a pawnbroker is to send the information referred to in subregulation (2) to the Commissioner —
- (a) by way of the means specified in subregulation (4); or
  - (b) by way of transmission by facsimile machine to the number specified by the Commissioner from time to time,
- and, subject to subregulations (5a) and (5b), the person may elect to use the means referred to in paragraph (a) or (b).
- (5a) An election referred to in subregulation (5) must be made when a second-hand dealer applies for the issue of a licence under section 13 or the renewal of a licence under section 15, or in accordance with subregulations (5b) and (5c).
- (5b) When an election referred to in subregulation (5) has been made by a second-hand dealer, another election cannot be made by the dealer during the licence period unless —

**r. 15**

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- (a) the election is approved by a licensing officer; and
  - (b) the second-hand dealer pays —
    - (i) an administration fee of \$25.00; or
    - (ii) if the election would result in the second-hand dealer using the means referred to in subregulation (5)(b) — the fee to which subregulation (5c) applies.
- (5c) This subregulation applies to the fee that is the greater of —
- (a) \$25.00; or
  - (b) an amount equal to the difference between the appropriate fees in items 2 and 3 of the Table to regulation 28 or 29, as the case requires, reduced proportionately according to the number of whole months of the licence period remaining at the time the election is made.
- (6) For the purposes of section 79(d), a pawnbroker or second-hand dealer is to send the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner within 24 hours from the end of the day (midnight) during which the contract in relation to the goods was entered into.
- (7) Subregulations (1), (4) and (6) do not apply to a person —
- (a) who is the holder of a licence which had been issued under the *Pawnbrokers Act 1860*<sup>5</sup> and to which clause 3 of Schedule 1 of the *Pawnbrokers and Second-hand Dealers Act 1994* applies; and
  - (b) who has not yet applied for and been issued with a pawnbroker's licence under the *Pawnbrokers and Second-hand Dealers Act 1994*.
- (8) Subregulations (2), (4), (5) and (6) do not apply to a person —
- (a) who is the holder of a licence which had been issued under the *Second-hand Dealers Act 1906*<sup>5</sup> and to which

clause 3 of Schedule 1 of the *Pawnbrokers and  
Second-hand Dealers Act 1994* applies; and

- (b) who has not yet applied for and been issued with a  
second-hand dealer's licence under the *Pawnbrokers  
and Second-hand Dealers Act 1994*.

*[Regulation 15 amended in Gazette 28 Jul 2000 p. 4023-4.]*

*[Part 5 (r. 16-27) ~~repealed~~deleted in Gazette 30 Dec 2004 p. 6975.]*

**Part 6 — Fees**

**28. Fees for applications for issue of licences — s. 13(b)**

- (1) The fee to accompany an application for the issue of a pawnbroker’s licence only is set out in item 1 of the Table to this regulation.
- (2) The fee to accompany an application for the issue of a second-hand dealer’s licence only, where the applicant elects to provide the Commissioner with information for the purposes of section 79 by the means specified in regulation 15(4), is set out in item 2 of the Table to this regulation.
- (3) The fee to accompany an application for the issue of a second-hand dealer’s licence only, where the applicant elects to provide the Commissioner with information for the purposes of section 79 by way of facsimile transmission, is set out in item 3 of the Table to this regulation.
- (4) Where applications are made at the same time for a pawnbroker’s licence and a second-hand dealer’s licence to be issued in respect of the same person, the single fee to accompany the applications is set out in item 4 of the Table to this regulation.

**Table — Fees for issue of licences**

| Licence  | 1-year<br>or part<br>thereof-<br>(\$) | <del>2-years</del><br>year or<br>part<br>thereof-<br>(\$) | <del>3-years</del><br>year or<br>part<br>thereof-<br>(\$) |
|--|---------------------------------------|---|---|
| 1. Pawnbroker’s licence only                           | <del>453</del><br><u>472</u>          | <del>761</del><br><u>793</u>                              | 1 <del>069</del> <u>114</u>                               |
| 2. Second-hand dealer’s licence only (computer option) | <del>408</del><br><u>425</u>          | <del>686</del><br><u>715</u>                              | <del>963</del><br><u>1 003</u>                            |

| Licence  | 1-year<br>or part<br>thereof-<br>(\$) | <del>2-years</del><br><u>year</u> or<br>part<br>thereof-<br>(\$) | <del>3-years</del><br><u>year</u> or<br>part<br>thereof-<br>(\$) |
|--|---------------------------------------|--|--|
| 3. Second-hand dealer's licence only (facsimile option)  | <del>525</del><br><u>547</u>          | <del>972</del><br><u>1 013</u>                                   | 1 <del>413</del> <u>470</u>                                      |
| 4. Pawnbroker's licence and second-hand dealer's licence | <del>513</del><br><u>535</u>          | <del>823</del><br><u>858</u>                                     | 1 <del>132</del> <u>180</u>                                      |

*[Regulation 28 amended in Gazette 10 Jun 1997 p. 2668; 12 Jun 1998 p. 3200; 30 Jun 1999 p. 2863; 30 Jun 2000 p. 3424; 28 Jun 2002 p. 3102; 20 Jun 2003 p. 2245-6; 29 Jun 2004 p. 2544; 1 Jul 2005 p. 3006; 27 Jun 2006 p. 2302; 29 Jun 2007 p. 3202-3; 24 Jun 2008 p. 2907-8; 26 May 2009 p. 1809.]*

**29. Fees for applications for renewal of licences — s. 15(b)**

- (1) The fee to accompany an application for the renewal of a pawnbroker's licence only is set out in item 1 of the Table to this regulation.
- (2) The fee to accompany an application for the renewal of a second-hand dealer's licence only, where the applicant elects to provide the Commissioner with information for the purposes of section 79 by the means specified in regulation 15(4), is set out in item 2 of the Table to this regulation.
- (3) The fee to accompany an application for the renewal of a second-hand dealer's licence only, where the applicant elects to provide the Commissioner with information for the purposes of section 79 by way of facsimile transmission, is set out in item 3 of the Table to this regulation.
- (4) Where applications are made at the same time for a pawnbroker's licence and a second-hand dealer's licence to be

r. 30

renewed in respect of the same person, the single fee to accompany the applications is set out in item 4 of the Table to this regulation.

**Table — Fees for renewal of Licences**

| Licence  | 1-year or part thereof (\$)  | 2-years year or part thereof (\$) | 3-years year or part thereof (\$) |
|--|------------------------------|-----------------------------------|-----------------------------------|
| 1. Pawnbroker's licence only                             | <del>333</del><br><u>347</u> | <del>646</del><br><u>673</u>      | <del>961</del><br><u>1 001</u>    |
| 2. Second-hand dealer's licence only (computer option)   | <del>302</del><br><u>315</u> | <del>584</del><br><u>609</u>      | <del>865</del><br><u>901</u>      |
| 3. Second-hand dealer's licence only (facsimile option)  | <del>484</del><br><u>504</u> | <del>927</del><br><u>966</u>      | 1 <del>370</del> <u>428</u>       |
| 4. Pawnbroker's licence and second-hand dealer's licence | <del>356</del><br><u>371</u> | <del>694</del><br><u>723</u>      | 1 <del>008</del> <u>050</u>       |

*[Regulation 29 amended in Gazette 10 Jun 1997 p. 2669; 12 Jun 1998 p. 3200; 30 Jun 2000 p. 3424; 28 Jun 2002 p. 3102; 20 Jun 2003 p. 2246; 29 Jun 2004 p. 2545; 1 Jul 2005 p. 3006; 27 Jun 2006 p. 2302; 29 Jun 2007 p. 3203-4; 24 Jun 2008 p. 2908-9; 26 May 2009 p. 1809-10.]*

**30. Refund of fees**

- (1) If a licensing officer declines to issue or renew a licence then the fee paid under regulation 28 or 29 is to be refunded to the applicant.

- (2) If a licensing officer issues or renews a licence for a period that is less than the period applied for then the applicant is entitled to be refunded the amount that is the difference between the fee paid and the fee applicable to the period for which the licence was issued or renewed.
- (3) If the business to which a licence relates ceases to be conducted for any reason other than because the licence has been revoked or suspended then the licensee is entitled to be refunded the amount that is the difference between the fee paid and the fee that would have been applicable to the licence if it had been issued or renewed for the period ending on the day on which the conduct of the business ceased.

*[Regulation 30 amended in Gazette 12 Jun 1998 p. 3200.]*

**31. Fee for inspection of the register of licences — s. 28(2)**

The fee for each inspection of the register kept under section 28(1) is ~~\$11~~ \$12.

*[Regulation 31 amended in Gazette 10 Jun 1997 p. 2669; 12 June 1998 p. 3200; 30 Jun 1999 p. 2864; 28 Jun 2002 p. 3102; 1 Jul 2005 p. 3006; [26 May 2009 p. 1810](#).]*

## **Part 7 — Prescribed offences and modified penalties**

*[Heading inserted in Gazette 28 Jul 2000 p. 4025.]*

### **32. Prescribed offences and modified penalties — s. 90**

- (1) The offences created by the sections mentioned in column 2 of the Table to this regulation are prescribed for the purposes of section 90(2).
- (2) The amount mentioned in column 4 of the Table to this regulation that corresponds to an offence mentioned in column 2 is the modified penalty for that offence for the purposes of section 90(4).

| <b>Table</b> |                |  |                         |
|--------------|----------------|--|-------------------------|
| <b>Item</b>  | <b>Section</b> | <b>Description of offence</b>  | <b>Modified penalty</b> |
|              |                |  | <b>\$</b>               |
| 1.           | 27(4)          | Failing to comply with licensing officer's directions.   | 200                     |
| 2.           | 36             | Failing to display a sign at business premises.  | 100                     |
| 3.           | 37(3)          | Refusing or failing to comply with a request from a member of the police force to inspect employee records.          | 200                     |
| 4.           | 38             | Entering into a contract with a person under 18 years of age or a person apparently affected by alcohol or any drug. | 200                     |
| 5.           | 39             | Failing to ascertain a person's name and address and verify his or her identity.                                     | 200                     |
| 6.           | 41             | Failing to ensure that pawnbroker contract details are recorded.   | 300                     |
| 7.           | 42             | Failing to ensure that written statement is signed and given.  | 100                     |



| Item | Section | Description of offence  | Modified penalty<br>\$ |
|------|---------|---|------------------------|
| 8.   | 43      | Failing to ensure that second-hand dealer contract details are recorded.  | 300                    |
| 9.   | 44      | Failing to ensure that a receipt and copy are signed and receipt given.   | 100                    |
| 10.  | 47      | Failing to ensure that pawned or second-hand goods are marked or labelled with distinguishing number of contract. | 200                    |
| 11.  | 48(1)   | Unlawfully replacing a lost or stolen pawn ticket.  | 200                    |
| 12.  | 48(2)   | Charging a fee for a replacement pawn ticket.   | 200                    |
| 13.  | 51      | Failing to ensure that pawned goods are kept at business or storage premises.                                     | 200                    |
| 14.  | 58(1)   | Failing to calculate and record charges and any surplus.  | 100                    |
| 15.  | 58(2)   | Failing to allow record to be inspected.  | 100                    |
| 16.  | 59      | Failing to notify other party of any surplus due and entitlement to surplus.                                      | 100                    |
| 17.  | 62      | Failing to ensure second-hand goods are kept at business or storage premises.                                     | 200                    |
| 18.  | 63(1)   | Requiring or receiving a fee for application to enter into contract.  | 100                    |
| 19.  | 74(3)   | Refusing or failing to comply with requirement of police to open storage premises.                                | 200                    |
| 20.  | 79      | Failing to give prescribed information to Commissioner.   | 300                    |

*[Regulation 32 inserted in Gazette 28 Jul 2000 p. 4025-6;  
 amended in Gazette 23 February 2001 p. 1170.]*

**Pawnbrokers and Second-hand Dealers Regulations 1996**

**Part 7** Prescribed offences and modified penalties

**r. 32**

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[Schedule 1 ~~repealed~~deleted in Gazette 30 Dec 2004 p. 6975.]

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### Notes

<sup>1</sup> This is a compilation of the *Pawnbrokers and Second-hand Dealers Regulations 1996* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

| Citation  | Gazettal                  | Commencement          |
|---|---------------------------|-----------------------|
| <i>Pawnbrokers and Second-hand Dealers Regulations 1996</i>   | 29 Mar 1996<br>p. 1557-76 | 1 Apr 1996 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 1996</i>   | 24 Jan 1997<br>p. 565     | 24 Jan 1997           |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 1997</i>   | 10 Jun 1997<br>p. 2668-9  | 1 Jul 1997 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 1998</i>   | 12 Jun 1998<br>p. 3200    | 1 Jul 1998 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 1999</i>   | 30 Jun 1999<br>p. 2863-4  | 1 Jul 1999 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2000</i>   | 30 Jun 2000<br>p. 3423-4  | 1 Jul 2000 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2000</i>   | 28 Jul 2000<br>p. 4018-26 | 28 Jul 2000           |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2001</i>   | 23 Feb 2001<br>p. 1170    | 23 Feb 2001           |
| <b>Reprint of the <i>Pawnbrokers and Second-hand Dealers Regulations 1996</i> as at 2 Mar 2001</b> (includes amendments listed above) |                           |                       |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2002</i>   | 28 Jun 2002<br>p. 3101-2  | 1 Jul 2002 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2002</i>   | 3 Dec 2002<br>p. 5713     | 3 Dec 2002            |

**Pawnbrokers and Second-hand Dealers Regulations 1996**

| <b>Citation</b>   | <b>Gazettal</b>           | <b>Commencement</b>  |
|---|---------------------------|--|
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2003</i>   | 20 Jun 2003<br>p. 2245-6  | 1 Jul 2003 (see r. 2)  |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2004</i>   | 29 Jun 2004<br>p. 2544-5  | 1 Jul 2004 (see r. 2)  |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2004</i>   | 30 Dec 2004<br>p. 6975    | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)   |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2005</i>   | 1 Jul 2005<br>p. 3005-6   | 1 Sep 2005 (see r. 2)  |
| <b>Reprint 2: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 13 Jan 2006</b> (includes amendments listed above) |                           |  |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2006</i>   | 27 Jun 2006<br>p. 2301-2  | 1 Jul 2006 (see r. 2)  |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2007</i>   | 30 Apr 2007<br>p. 1835-9  | 1 May 2007 (see r. 2 and <i>Gazette</i> 30 Apr 2007 p. 1833)   |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2007</i>   | 29 Jun 2007<br>p. 3202-4  | r. 1 and 2: 29 Jun 2007 (see r. 2(a));<br>Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))  |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2008</i>   | 16 May 2008<br>p. 1912-13 | r. 1 and 2: 16 May 2008 (see r. 2(a));<br>Regulations other than r. 1 and 2: 17 May 2008 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2008</i>   | 24 Jun 2008<br>p. 2907-9  | r. 1 and 2: 24 Jun 2008 (see r. 2(a));<br>Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))  |
| <b>Reprint 3: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 10 Oct 2008</b> (includes amendments listed above) |                           |  |
| <i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 29 assented to 21 May 2009                                   |                           | 22 May 2009 (see s. 2(b))  |

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

**Provisions that have not come into operation**

| <b>Citation</b>  | <b>Gazettal</b>           | <b>Commencement</b>  |
|--|---------------------------|--|
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2009</i> <del>r. 3-6</del> <sup>6</sup> | 26 May 2009<br>p. 1808-10 | <a href="#">r. 1 and 2: 26 May 2009</a><br><a href="#">(see r. 2(a));</a><br><a href="#">Regulations other than r. 1 and 2: 1 Jul 2009</a> (see r. 2(b)) |

<sup>2</sup> Repealed by the *Acts Amendment and Repeal (Financial Sector Reform) Act 1999* s. 5.

<sup>3</sup> Repealed by the *Financial Sector (Collection of Data — Consequential and Transitional Provisions) Act 2001* of the Commonwealth.

<sup>4</sup> Formerly referred to the *Liquor Licensing Regulations 1989* the citation of which was changed to the *Liquor Control Regulations 1989* by the *Liquor Licensing Amendment Regulations 2007* r. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

<sup>5</sup> Repealed by the *Pawnbrokers and Second-hand Dealers Act 1994*.

<sup>6</sup> ~~On the date as at which this compilation was prepared, the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2009* r. 3-6 had not come into operation. They read as follows:~~

~~**3. Regulations amended**~~

~~These regulations amend the *Pawnbrokers and Second-hand Dealers Regulations 1996*.~~

~~**4. Regulation 28 amended**~~

~~In regulation 28 delete the Table and insert:~~

**Table — Fees for issue of licences**

| <b>Licencee</b>              | <b>1-year or part thereof (\$)</b> | <b>2-year or part thereof (\$)</b> | <b>3-year or part thereof (\$)</b> |
|------------------------------|------------------------------------|------------------------------------|------------------------------------|
| 1. Pawnbroker's licence only | 472                                | 793                                | 1 114                              |

|    | <b>Licence</b>  | <b>1-year or<br/>part<br/>thereof<br/>(\$)</b> | <b>2-year<br/>or part<br/>thereof<br/>(\$)</b> | <b>3-year<br/>or part<br/>thereof<br/>(\$)</b> |
|----|---|--|--|--|
| 2. | Second hand dealer's licence only (computer option)   | 425  | 715  | 1 003  |
| 3. | Second hand dealer's licence only (facsimile option)  | 547  | 1 013  | 1 470  |
| 4. | Pawnbroker's licence and second hand dealer's licence | 535  | 858  | 1 180  |

**5. Regulation 29 amended**

In regulation 29 delete the Table and insert:

**Table Fees for renewal of Licences**

|    | <b>Licence</b>                                       | <b>1-year or<br/>part<br/>thereof<br/>(\$)</b> | <b>2-year<br/>or part<br/>thereof<br/>(\$)</b> | <b>3-year<br/>or part<br/>thereof<br/>(\$)</b> |
|----|--|--|--|--|
| 1. | Pawnbroker's licence only                            | 347  | 673  | 1 001  |
| 2. | Second hand dealer's licence only (computer option)  | 315  | 609  | 901  |
| 3. | Second hand dealer's licence only (facsimile option) | 504  | 966  | 1 428  |
| 4. | Pawnbroker's licence and second hand                 |  |  |  |

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| <b>Licence</b>   | <b>1-year or<br/>part<br/>thereof<br/>(\$)</b> | <b>2-year<br/>or part<br/>thereof<br/>(\$)</b> | <b>3-year<br/>or part<br/>thereof<br/>(\$)</b> |
|------------------|--|--|--|
| dealer's licence | 371  | 723  | 1 050  |

**6. ~~Regulation 31 amended~~**

~~In regulation 31 delete "\$11." and insert:~~

~~\$12.~~