
POLICE

PO301

Pawnbrokers and Second-hand Dealers Act 1994

**Pawnbrokers and Second-hand Dealers
Amendment Regulations 2020**

SL 2020/147

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulations 5 to 10 — on 1 December 2020;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 in the definition of *financial body* delete paragraph (a) and insert:

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5(1); or

- (aa) a bank constituted by a law of a State, a Territory or the Commonwealth; or

5. Regulation 5 amended

In regulation 5(1) in the Table item 6 delete “gold or silver).” and insert:

gold, silver, copper or copper alloy (including bronze and brass)).

6. Regulation 13A amended

Delete regulation 13A(2)(a) and insert:

- (a) bears the person’s photograph, full name, signature and date of birth; and
- (aa) bears the date and place of issue, date of expiry and an identifying number; and

7. Regulation 15 amended

Delete regulation 15(4) to (6) and insert:

- (4) For the purposes of section 79(c), a pawnbroker or second-hand dealer is to give the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner —
 - (a) by submitting the information through an electronic system —
 - (i) approved by the Commissioner to receive information given under section 79; and
 - (ii) notified to the pawnbroker or second-hand dealer by the Commissioner;
 - or
 - (b) if the system referred to in paragraph (a) is unavailable at the time the information is intended to be given — by emailing the information to an email address notified to the pawnbroker or second-hand dealer by the Commissioner; or
 - (c) by giving the information by a means that the Commissioner has allowed in the case of the pawnbroker or second-hand dealer because of special circumstances.

- (5) For the purposes of section 79(d), a pawnbroker or second-hand dealer is to give the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner —
 - (a) if the pawnbroker or second-hand dealer gives the information by the means described in subregulation (4)(a) — as soon as the information becomes available to the pawnbroker or second-hand dealer; or
 - (b) if the pawnbroker or second-hand dealer gives the information by the means described in subregulation (4)(b) or (c) — as soon as practicable, but no later than 24 hours, after the information becomes available to the pawnbroker or second-hand dealer.

8. Regulation 28 amended

- (1) Delete regulation 28(2) and (3) and insert:
 - (2) The fee to accompany an application for the issue of a second-hand dealer's licence only is set out in item 2 of the Table to this regulation.
- (2) In regulation 28(4) delete "item 4" and insert:

item 3
- (3) In regulation 28(5) delete "item 1, 2, 3 or 4" and insert:

item 1, 2 or 3
- (4) In regulation 28 in the Table:
 - (a) in item 2 delete "**(computer option)**";
 - (b) delete item 3;
 - (c) renumber item 4 as item 3.

9. Regulation 29 amended

- (1) Delete regulation 29(2) and (3) and insert:
 - (2) The fee to accompany an application for the renewal of a second-hand dealer's licence only is set out in item 2 of the Table to this regulation.

- (2) In regulation 29(4) delete “item 4” and insert:

item 3

- (3) In regulation 29(5) delete “item 1, 2, 3 or 4” and insert:

item 1, 2 or 3

- (4) In regulation 29 in the Table:

- (a) in item 2 delete “(computer option)”;
- (b) delete item 3;
- (c) renumber item 4 as item 3.

10. Part 8 inserted

After regulation 32 insert:

Part 8 — Transitional provisions

33. Transitional provisions relating to *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020*

- (1) In this regulation —

commencement day means the day on which the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 comes into operation;

current licence period, in relation to a person, means the person’s licence period in effect immediately before commencement day;

relevant day means the earlier of the following —

- (a) the day after the end of the current licence period;
- (b) 1 February 2021.

- (2) Subregulation (3) applies in relation to a contract if —

- (a) the contract is entered into before commencement day; but
- (b) the information required to be given to the Commissioner under regulation 15(1) or (2) in relation to the goods that are the subject of the contract is not given before commencement day.

- (3) The information may be given to the Commissioner as if the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 had not come into operation.

- (4) Subregulation (5) applies if, immediately before commencement day —
 - (a) a person holds a second-hand dealer's licence only; and
 - (b) an election to give the Commissioner information for the purposes of section 79 by way of transmission by facsimile machine is in effect in relation to the person.
- (5) The person may continue to give the Commissioner information for the purposes of section 79 by way of transmission by facsimile machine as if the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 had not come into operation.
- (6) Subregulation (5) ceases to apply in relation to the person —
 - (a) unless paragraph (b) applies, on the relevant day; or
 - (b) if an action is taken under section 27(3) in relation to the licence or the person before the relevant day — when the action is taken.

M. INGLIS, Clerk of the Executive Council.