



Western Australia

Pawnbrokers and Second-hand Dealers Act 1994

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

Pawnbrokers and Second-hand Dealers Regulations 1996

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Defined terms

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*.

2. Commencement

These regulations come into operation on 1 April 1996.

3. Terms used

In these regulations —

financial body means a body that is —

- (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
- (b) a registrable corporation within the meaning of the *Financial Sector (Collection of Data) Act 2001* (Commonwealth) section 7;

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;

State agency has the meaning given in the *Procurement Act 2020* section 5(1);

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: Gazette 28 Jul 2000 p. 4019;
8 Jan 2015 p. 151; SL 2020/147 r. 4; SL 2020/248 r. 6.]*

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

4. Provisions prescribed for financial bodies (Act s. 4(3))

For the purposes of section 4(3), the definition of *pawnbroker* in section 3(1) and sections 3A and 5 do not apply to financial bodies.

[Regulation 4 amended: Gazette 8 Jan 2015 p. 152.]

5. Goods not to be treated as second-hand goods prescribed (Act s. 3(1) *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

| Item | Goods not to be treated as “second-hand goods” |
|-------------|--|
| 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, silver, copper or copper alloy (including bronze and brass)). |
| 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. |

| Item | Goods not to be treated as “second-hand goods” |
|-------------|--|
| 10. | Household decorative goods, including statues, figurines, paintings, prints and drawings. |
| 11. | Kitchenware, including pots, pans, crockery and cutlery (but not electrical or electronic appliances). |
| 12. | Motor vehicles, as defined in the <i>Road Traffic (Administration) Act 2008</i> section 4, and their parts including tyres (but not accessories such as audio equipment, roof racks or lights other than those required under the <i>Road Traffic (Vehicles) Regulations 2014</i> Part 10 Division 8). |
| 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 the <i>Road Traffic (Vehicles) Regulations 2014</i> Part 10 Division 8). |
| 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: Gazette 28 Jul 2000 p. 4019; 3 Dec 2002 p. 5713; 30 Apr 2007 p. 1838; 16 May 2008 p. 1912; Act No. 8 of 2009 s. 29; Gazette 8 Jan 2015 p. 152; SL 2020/147 r. 5.*]

6. Act s. 38(a) does not apply to sales to minors (Act s. 4(3))

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. Act s. 39 does not apply in some cases (Act s. 4(3))

- (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; or
 - (b) at an auction within the meaning of the *Auction Sales Act 1973* where the auctioneer is acting in accordance

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with a licence issued under that Act to, or for the benefit of, the auctioneer; or

- (c) from a licensee; or
- (d) from a State agency.

- (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: Gazette 28 Jul 2000 p. 4020; SL 2020/248 r. 7.]

8. Amount prescribed (Act s. 59(2)(b))

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

9. Act s. 61 does not apply to certain goods (Act s. 4(3))

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; or
- (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; or
- (c) from a licensee; or
- (d) from a State agency.

[Regulation 9 amended: Gazette 28 Jul 2000 p. 4020; SL 2020/248 r. 8.]

Part 3 — Matters prescribed for licence applications

10. Other means of proving applicant's identity prescribed (Act s. 14(a)(iv))

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;
- (f) a current photo card, as defined in the *Western Australian Photo Card Regulations 2014* regulation 3, held by the applicant.

[Regulation 10 amended: Gazette 5 Aug 2014 p. 2833.]

11. Other evidence to accompany applications prescribed (Act s. 14(f))

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; and
- (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; and

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- (c) each of which has been taken within 3 months of the day on which the application is made; and
- (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. Evidence to accompany renewal applications prescribed (Act s. 16)

- (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; and
- (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; and
- (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. Means of verifying person's identity prescribed (Act s. 39(b))

- (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 | | | |
|--------------|--|--------------------------|-----------------------------|
| Item | Check | Points with photo | Points without photo |
| 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> ¹ regulation 18B. | 75 | - |
| 2A. | The person's name is stated on a current photo card as defined in the <i>Western Australian Photo Card Regulations 2014</i> regulation 3. | 75 | - |

| Item | Check | Points with photo | Points without photo |
|------|---|-------------------|----------------------|
| 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 or 2A) 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 |

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| Item | Check | Points with photo | Points without photo |
|-------------|--|--------------------------|-----------------------------|
| 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 State agency 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 |

| Item | Check | Points with photo | Points without photo |
|---|--|----------------------------------|-------------------------------------|
| 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: Gazette 28 Jul 2000 p. 4020-2; 30 Apr 2007 p. 1838-9; 16 May 2008 p. 1913; 5 Aug 2014 p. 2833; SL 2020/248 r. 9.]

13A. Transaction cards, form and issue of

- (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).

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- (2) A transaction card complies with this subregulation if it —
 - (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
 - (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: Gazette 28 Jul 2000 p. 4023; amended: SL 2020/147 r. 6.]

14. Manner of keeping records prescribed (Act s. 45)

- (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 prescribed (Act 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; or

- (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; or
 - (c) from a licensee; or
 - (d) from a State agency.
- (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

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- (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.

[(5a)-(6) deleted]

[Regulation 15 amended: Gazette 28 Jul 2000 p. 4023-4; 8 Jan 2015 p. 152; SL 2020/147 r. 7; SL 2020/248 r. 10.]

[Part 5 (r. 16-27) deleted: Gazette 30 Dec 2004 p. 6975.]

Part 6 — Fees

28. Fees prescribed for applications for licences (Act 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 is set out in item 2 of the Table to this regulation.
- [(3) deleted]*
- (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 3 of the Table to this regulation.
- (5) For the purposes of calculating a fee set out in item 1, 2 or 3 of the Table, the number of transactions in a year is to be determined by the number of transactions estimated by the applicant as reasonably likely to occur at the business premises to which the proposed licence would apply in a 12 month period.

Table — Fees for application for licences

| Item | Licence | For period not exceeding 1 year | For period not exceeding 2 years but longer than 1 year | For period not exceeding 3 years but longer than 2 years |
|-------------|----------------------------------|--|--|---|
| | | \$ | \$ | \$ |
| 1. | Pawnbroker’s licence only | | | |

| Item | Licence | For period not exceeding 1 year \$ | For period not exceeding 2 years but longer than 1 year \$ | For period not exceeding 3 years but longer than 2 years \$ |
|-------------|--|--|--|---|
| (a) | 150 or more transactions in a year | 4 304 | 5 238 | 6 153 |
| (b) | 50-149 transactions in a year | 2 152 | 2 619 | 3 076 |
| (c) | 0-49 transactions in a year | 1 076 | 1 309 | 1 538 |
| 2. | Second-hand dealer's licence only | | | |
| (a) | 150 or more transactions in a year | 4 304 | 5 238 | 6 153 |
| (b) | 50-149 transactions in a year | 2 152 | 2 619 | 3 076 |
| (c) | 0-49 transactions in a year | 1 076 | 1 309 | 1 538 |

| Item | Licence | For period not exceeding 1 year \$ | For period not exceeding 2 years but longer than 1 year \$ | For period not exceeding 3 years but longer than 2 years \$ |
|-----------|--|---------------------------------------|---|--|
| 3. | Pawnbroker's licence and second-hand dealer's licence | | | |
| (a) | 150 or more transactions in a year | 4 312 | 5 249 | 6 168 |
| (b) | 50-149 transactions in a year | 2 156 | 2 624 | 3 084 |
| (c) | 0-49 transactions in a year | 1 078 | 1 312 | 1 542 |

[Regulation 28 amended: 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; 18 Jun 2010 p. 2694; 10 Jun 2011 p. 2109; 15 Jun 2012 p. 2537; 28 Jun 2013 p. 2782-4; 17 Jun 2014 p. 1993-4; 2 Jun 2015 p. 1949-50; 14 Jun 2016 p. 1827-9; 27 Jun 2017 p. 3442-4; 26 Jun 2018 p. 2394-5; 21 Jun 2019 p. 2143-5; SL 2020/82 r. 6; SL 2020/147 r. 8; SL 2021/106 r. 6.]

**29. Fees prescribed for applications for renewal of licences
(Act s. 15(1)(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 is set out in item 2 of the Table to this regulation.
- [(3) deleted]*
- (4) Where applications are made at the same time for a pawnbroker's licence and a second-hand dealer's licence to be renewed in respect of the same person, the single fee to accompany the applications is set out in item 3 of the Table to this regulation.
- (5) For the purposes of calculating a fee set out in item 1, 2 or 3 of the Table, the number of transactions in a year —
 - (a) is the number of transactions that occurred at the business premises to which the licence applies in the 12 month period ending on the day on which the application for renewal is made; but
 - (b) in the case of the first renewal of a licence for a business that, as at that day, would have been conducted for a period of less than 12 months, is to be determined by multiplying by 365 the average number of daily transactions in that period.

Table — Fees for renewal of licences

| Item | Licence | For period not exceeding 1 year | For period not exceeding 2 years but longer than 1 year | For period not exceeding 3 years but longer than 2 years |
|-------------|--|--|--|---|
| | | \$ | \$ | \$ |
| 1. | Pawnbroker's licence only | | | |
| (a) | 150 or more transactions in a year | 4 253 | 5 164 | 6 059 |
| (b) | 50-149 transactions in a year | 2 126 | 2 582 | 3 029 |
| (c) | 0-49 transactions in a year | 1 063 | 1 291 | 1 514 |
| 2. | Second-hand dealer's licence only | | | |
| (a) | 150 or more transactions in a year | 4 253 | 5 164 | 6 059 |
| (b) | 50-149 transactions in a year | 2 126 | 2 582 | 3 029 |

| Item | Licence | For period not exceeding 1 year | For period not exceeding 2 years but longer than 1 year | For period not exceeding 3 years but longer than 2 years |
|-------------|--|--|--|---|
| | | \$ | \$ | \$ |
| (c) | 0-49 transactions in a year | 1 063 | 1 291 | 1 514 |
| 3. | Pawnbroker's licence and second-hand dealer's licence | | | |
| (a) | 150 or more transactions in a year | 4 260 | 5 176 | 6 073 |
| (b) | 50-149 transactions in a year | 2 130 | 2 588 | 3 036 |
| (c) | 0-49 transactions in a year | 1 065 | 1 294 | 1 518 |

[Regulation 29 amended: 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; 18 Jun 2010 p. 2694; 10 Jun 2011 p. 2109; 15 Jun 2012 p. 2537-8; 28 Jun 2013 p. 2784-6; 17 Jun 2014 p. 1994-6; 2 Jun 2015 p. 1951-2;

14 Jun 2016 p. 1829-31; 27 Jun 2017 p. 3444-6; 26 Jun 2018 p. 2396-7; 21 Jun 2019 p. 2145-7; SL 2020/82 r. 7; SL 2020/147 r. 9; SL 2021/106 r. 7.]

30. Refund of fees, when payable

- (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: Gazette 12 Jun 1998 p. 3200.]

31. Fee prescribed for inspecting register (Act s. 28(2))

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

[Regulation 31 amended: 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: Gazette 28 Jul 2000 p. 4025.]

32. Offences and modified penalties prescribed (Act 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).

| Table | | | |
|--------------|----------------|--|-------------------------|
| Item | Section | Description of offence | Modified penalty |
| | | | \$ |
| 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 |
| 8. | 43 | Failing to ensure that second-hand dealer contract details are recorded. | 300 |

| Item | Section | Description of offence | Modified penalty \$ |
|-------------|----------------|---|--------------------------------|
| 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: Gazette 28 Jul 2000 p. 4025-6;
amended: Gazette 23 February 2001 p. 1170.]*

Part 8 — Transitional provisions

[Heading inserted: SL 2020/147 r. 10.]

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.

[Regulation 33 inserted: SL 2020/147 r. 10.]

[Schedule 1 deleted: Gazette 30 Dec 2004 p. 6975.]

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Notes

This is a compilation of the *Pawnbrokers and Second-hand Dealers Regulations 1996* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

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

| Citation | Published | Commencement |
|---|---------------------------|--|
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2003</i> | 20 Jun 2003 p. 2245-6 | 1 Jul 2003 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2004</i> | 29 Jun 2004 p. 2544-5 | 1 Jul 2004 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2004</i> | 30 Dec 2004 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 p. 3005-6 | 1 Sep 2005 (see r. 2) |
| Reprint 2: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 13 Jan 2006 (includes amendments listed above) | | |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2006</i> | 27 Jun 2006 p. 2301-2 | 1 Jul 2006 (see r. 2) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2007</i> | 30 Apr 2007 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 p. 3202-4 | r. 1 and 2: 29 Jun 2007 (see r. 2(a)); 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 p. 1912-13 | r. 1 and 2: 16 May 2008 (see r. 2(a)); 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 p. 2907-9 | r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b)) |
| Reprint 3: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 10 Oct 2008 (includes amendments listed above) | | |
| <i>Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 29</i> assented to 21 May 2009 | | 22 May 2009 (see s. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2009</i> | 26 May 2009 p. 1808-10 | r. 1 and 2: 26 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |

Pawnbrokers and Second-hand Dealers Regulations 1996

Notes

Compilation table

| Citation | Published | Commencement |
|---|----------------------------|--|
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2010</i> | 18 Jun 2010 p. 2693-4 | r. 1 and 2: 18 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2011</i> | 10 Jun 2011 p. 2108-10 | r. 1 and 2: 10 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2012</i> | 15 Jun 2012 p. 2536-8 | r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| Reprint 4: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 19 Oct 2012 (includes amendments listed above) | | |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2013</i> | 28 Jun 2013 p. 2782-6 | r. 1 and 2: 28 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Jun 2013 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2014</i> | 17 Jun 2014 p. 1992-6 | r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 2) 2014</i> | 5 Aug 2014 p. 2832-3 | r. 1 and 2: 5 Aug 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Aug 2014 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations (No. 3) 2014</i> | 8 Jan 2015 p. 151-2 | r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2015</i> | 2 Jun 2015 p. 1948-52 | r. 1 and 2: 2 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 3</i> | 14 Jun 2016 p. 1826-33 | 1 Jul 2016 (see r. 2(b)) |
| Reprint 5: The Pawnbrokers and Second-hand Dealers Regulations 1996 as at 18 Nov 2016 (includes amendments listed above) | | |
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 3</i> | 27 Jun 2017 p. 3440-8 | 1 Jul 2017 (see r. 2(b)) |
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 3</i> | 26 Jun 2018 p. 2392-400 | 1 Jul 2018 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|----------------------------|---|
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2019</i> Pt. 3 | 21 Jun 2019 p. 2141-50 | 1 Jul 2019 (see r. 2(b)) |
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2020</i> Pt. 3 | SL 2020/82 19 Jun 2020 | 1 Jul 2020 (see r. 2(b)) |
| <i>Pawnbrokers and Second-hand Dealers Amendment Regulations 2020</i> | SL 2020/147 1 Sep 2020 | r. 1 and 2: 1 Sep 2020 (see r. 2(a)); r. 3 and 4: 2 Sep 2020 (see r. 2(c)); r. 5-10: 1 Dec 2020 (see r. 2(b)) |
| <i>Police Regulations Amendment (Procurement) Regulations 2020</i> Pt. 3 | SL 2020/248 18 Dec 2020 | 1 Jun 2021 (see r. 2(b) and SL 2020/244 cl. 2(b)) |
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2021</i> Pt. 3 | SL 2021/106 29 Jun 2021 | 1 Jul 2021 (see r. 2(b)) |

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

| Citation | Published | Commencement |
|---|--------------------------|--------------------------|
| <i>Police Regulations Amendment (Fees and Charges) Regulations 2022</i> Pt. 3 | SL 2022/65 3 Jun 2022 | 1 Jul 2022 (see r. 2(b)) |

Other notes

- ¹ 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).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|-----------------------------|---------------------|
| commencement day | 33(1) |
| current licence period..... | 33(1) |
| financial body | 3 |
| new sale | 5(2) |
| public utility | 3 |
| relevant day..... | 33(1) |
| retailer..... | 5(3) |
| retail shop..... | 5(3) |
| section..... | 3 |
| State agency | 3 |
| telephone utility | 3 |
| traded goods..... | 5(2) |
| transaction card | 13A(1) |