

Queensland



Subordinate Legislation 2004 No. 119

Police Powers and Responsibilities Act 2000 *Second-hand Dealers and Pawnbrokers Act 2003* *State Penalties Enforcement Act 1999*

SECOND-HAND DEALERS AND PAWNBROKERS REGULATION 2004

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1 Short title

This regulation may be cited as the *Second-hand Dealers and Pawnbrokers Regulation 2004*.

2 Commencement

This regulation commences on 5 July 2004.

3 Licence must be signed

A person must, immediately after receiving a licence granted to the person, sign the licence in ink in the space provided.

Maximum penalty—8 penalty units.

4 Register of licences

(1) The chief executive must keep a register stating the following information for each licence granted—

- (a) the licence number;
- (b) the name of the licensee;
- (c) the type of business the licensee may carry on under the licence;
- (d) any authorised place for the licence;
- (e) for a licence to carry on business as a pawnbroker at a location—any address where the property taken as a pawn may be located;
- (f) any conditions imposed on the licence by the chief executive;
- (g) the date the licence was granted;
- (h) the date the licence expires.

(2) A person may inspect the register on payment of the relevant fee.

5 Entries in transactions register—Act, s 37(1)

Entries in a transactions register must be—

- (a) legible; and

- (b) if the entry relates to a second-hand property transaction acquiring property—numbered consecutively; and
- (c) if the transactions register is a printed transactions register—handwritten in a bound book.

6 Prescribed particulars—Act, s 37(2)

(1) For an entry made in a transactions register under section 37(2) of the Act, in relation to a second-hand property transaction acquiring property, the following particulars are prescribed—

- (a) entry number;
- (b) time and date of the transaction;
- (c) description of the property;
- (d) brand name, model number and serial number of the property;
- (e) any engraving, inscription or other unique mark on the property;
- (f) name and address of the person from whom the property was acquired;
- (g) the type of verification of the person's name and address obtained from the person under section 47(b) of the Act;
- (h) whether the person is the owner of the property;
- (i) if the person is not the owner of the property—
 - (i) the name and address of the owner; and
 - (ii) how the person acquired the property;
- (j) the name of the person who made the entry.

(2) For an entry made in a transactions register under section 37(2) of the Act, in relation to a second-hand property transaction selling, exchanging or disposing of property, the following particulars are prescribed—

- (a) if the entry is not located immediately after the entry mentioned in subsection (1)—the entry number entered in the transactions register when the property was acquired;
- (b) if the property is sold by the second-hand dealer to another person—
 - (i) the name and address of the person; and

- (ii) the date the property was sold; and
- (iii) the amount paid for the property;
- (c) if the property (“**registered property**”) is exchanged by the second-hand dealer for other property—
 - (i) the date the registered property was exchanged; and
 - (ii) the entry number entered in the transactions register in relation to the acquisition of the other property;
- (d) if the property is disposed of by the second-hand dealer, other than by being sold or exchanged—
 - (i) how the property was disposed of; and
 - (ii) the date the property was disposed of;
- (e) the name of the person who made the entry.

7 Entries in property register—Act, s 53(1)

Entries in a property register must be—

- (a) legible; and
- (b) if the entry relates to taking property as a pawn—numbered consecutively; and
- (c) if the property register is a printed property register—handwritten in a bound book.

8 Prescribed particulars—Act, s 53(2)

For an entry made in a property register under section 53(2) of the Act, in relation to taking property as a pawn, the following particulars are prescribed—

- (a) entry number;
- (b) pledge number;
- (c) time and date the property is taken;
- (d) description of the property;
- (e) brand name, model number and serial number of the property;
- (f) any engraving, inscription or other unique mark on the property;

- (g) name and address of the person pawning the property;
- (h) the type of verification of the person's name and address obtained from the person under section 70(b) of the Act;
- (i) whether the person is the owner of the property;
- (j) if the person is not the owner of the property—
 - (i) the name and address of the owner; and
 - (ii) how the person acquired the property;
- (k) the amount advanced to the person on the security of the property and the amount of interest to be paid by the owner;
- (l) the redemption period for the property;
- (m) the name of the person who made the entry.

9 Prescribed particulars—Act, s 61(2)

For an entry made in a property register under section 61(2) of the Act, in relation to selling or disposing of property taken as a pawn, the following particulars are prescribed—

- (a) if the entry is not located immediately after the entry mentioned in section 8—the entry number entered in the property register when the property was taken as a pawn;
- (b) if the property is sold by the pawnbroker to another person—
 - (i) the name and address of the person; and
 - (ii) the date the property was sold; and
 - (iii) the amount paid for the property;
- (c) if the property is disposed of by the pawnbroker, other than by being sold—
 - (i) how the property was disposed of; and
 - (ii) the date the property was disposed of;
- (d) the name of the person who made the entry.

10 Property that is not second-hand property—Act, sch 3, definition “second-hand property”

Property mentioned in schedule 1 is not second-hand property under the Act.

11 Fees

The fees payable under the Act are stated in schedule 2.

12 Application fee for licence if person held a transitional licence

(1) This section applies if—

- (a) a person has 1 or more transitional licences; and
- (b) the person applies for a licence (“**new licence**”); and
- (c) the person surrenders, from the day the new licence is issued, any transitional licence of the person that would otherwise expire after the day (“**surrendered licence**”).

(2) The chief executive must credit any transitional amount against the application fee for the new licence.

(3) If the transitional amount is more than the application fee for the new licence, the chief executive must refund the difference to the person.

(4) Despite section 11 and schedule 2, the application fee for a new licence to carry on a type of business previously authorised by a transitional licence of the person is the amount stated in schedule 2 for renewal of a licence.

(5) In this section—

“**residual amount**”, for a person’s surrendered licence, means the amount worked out using the formula—

$$\frac{M}{12} \times F$$

where—

“**F**” means the application or renewal fee for the surrendered licence last paid by the person.

“**M**” means the number of whole months from the day the person applies for the new licence to the day the surrendered licence would expire if the surrendered licence were not surrendered.

“**transitional amount**”—

- (a) for a surrendered licence—means the residual amount for the surrendered licence; and
- (b) for more than 1 surrendered licence—means the total of the residual amounts for the surrendered licences.

“**transitional licence**” means—

- (a) a licence taken to be a second-hand dealer’s licence under section 120(1) of the Act;¹ or
- (b) a licence taken to be a pawnbroker’s licence under section 130(1) of the Act.²

(6) This section expires on 28 August 2005.

13 Application fee for licence if person held a collector’s licence

(1) This section applies if—

- (a) immediately before the *Second-hand Dealers and Collectors Act 1984* was repealed, a person held a collector’s licence under that Act; and
- (b) the person applies, before 28 September 2004, for a licence (“**new licence**”) to carry on business as a second-hand dealer.

(2) The chief executive must credit any residual amount, not otherwise credited to the person, against the application fee for the new licence.

(3) Despite section 11 and schedule 2, the application fee for a new licence to carry on business as a second-hand dealer only, is the amount stated in schedule 2 for renewal of a licence.

(4) In this section—

1 Section 120 (Existing second-hand dealer’s licence) of the Act

2 Section 130 (Existing pawnbroker’s licence) of the Act

“residual amount”, for a person’s collector’s licence, means the amount worked out using the formula—

$$\frac{M}{12} \times F$$

where—

“F” means the application or renewal fee for the collector’s licence last paid by the person.

“M” means the number of whole months from the day the *Second-hand Dealers and Collectors Act 1984* was repealed to the day the collector’s licence would have expired if that Act had not been repealed.

(5) This section expires on 28 November 2004.

14 Regulations amended in sch 3

Schedule 3 amends the regulations it mentions.

SCHEDULE 1

PROPERTY THAT IS NOT SECOND-HAND PROPERTY

section 10

1. Collectors cards.

Example—

Baseball and football cards.

2. Used tyres not mentioned in the Act, schedule 3, definition “second-hand property”, paragraph (e).

SCHEDULE 2

FEES

section 11

	\$
1. Application for—	
(a) a licence for 1 year.	480.00
(b) a licence for 3 years.	1090.00
2. Application for renewal or restoration of—	
(a) a licence for 1 year.	305.00
(b) a licence for 3 years.	915.00
3. Application for approval of a place as an authorised place .	29.30
4. Application for a replacement licence.	27.10
5. Inspection of the register of licences.	27.10

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

section 14

POLICE POWERS AND RESPONSIBILITIES REGULATION 2000

- 1** Schedules 2 and 3, '*Pawnbrokers Act 1984*' and '*Second-hand Dealers and Collectors Act 1984*'—

omit.

- 2** Schedules 2 and 3—

insert—

'Second-hand Dealers and Pawnbrokers Act 2003'.

STATE PENALTIES ENFORCEMENT REGULATION 2000

- 1** Schedule 1, entries for *Pawnbrokers Act 1984*, *Pawnbrokers Regulation 1994*, *Second-hand Dealers and Collectors Act 1984* and *Second-hand Dealers and Collectors Regulation 1994*—

omit.

- 2** Schedule 1—

insert—

SCHEDULE 3 (continued)

**‘SECOND-HAND DEALERS AND PAWNBROKERS
ACT 2003**

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 6(1)	4
s 6(3)	4
s 27(1)	2
s 28(1)	2
s 28(2)	2
s 30.	1
s 35(1)	4
s 36.	2
s 37(1)	3
s 37(2)	3
s 37(4)	3
s 40.	4
s 41(1)	3
s 42.	2
s 44.	4
s 45(1)	2
s 46(1)	2
s 48(2)	4
s 51.	4
s 52.	2
s 53(1)	3
s 53(2)	3
s 54(2)	3
s 54(4)	3
s 56.	4
s 57(1)	3

SCHEDULE 3 (continued)

s 58(1)	3
s 60(1)	4
s 60(3)	2
s 61(2)	3
s 63(2)	3
s 67.....	2
s 69(1)	2
s 70.....	3
s 71(2)	4
s 73.....	2
s 89(2)	4
s 99(1)(a)	4
s 99(1)(b)	4
s 99(2)	4
s 100.....	4
s 101.....	4

Authorised person for service of infringement notices—an authorised officer under the *Second-hand Dealers and Pawnbrokers Act 2003*, section 75(1)

**‘SECOND-HAND DEALERS AND PAWNBROKERS
REGULATION 2004**

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 3.....	2

SCHEDULE 3 (continued)

Authorised person for service of infringement notices—an authorised officer appointed under the *Second-hand Dealers and Pawnbrokers Act 2003*, section 75(1)'.

ENDNOTES

1. Made by the Governor in Council on 1 July 2004.
2. Notified in the gazette on 2 July 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Office of Fair Trading.