



Queensland

Second-hand Dealers and Pawnbrokers Act 2003

Second-hand Dealers and Pawnbrokers Regulation 2004

**Reprinted as in force on 5 July 2004
(regulation not amended up to this date)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 5 July 2004.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Second-hand Dealers and Pawnbrokers Regulation 2004

Contents

	Page
1 Short title	3
2 Commencement	3
3 Licence must be signed	3
4 Register of licences	3
5 Entries in transactions register—Act, s 37(1)	4
6 Prescribed particulars—Act, s 37(2)	4
7 Entries in property register—Act, s 53(1)	5
8 Prescribed particulars—Act, s 53(2)	6
9 Prescribed particulars—Act, s 61(2)	6
10 Property that is not second-hand property—Act, sch 3, definition second-hand property	7
11 Fees	7
12 Application fee for licence if person held a transitional licence . . .	7
13 Application fee for licence if person held a collector's licence . . .	9
Schedule 1 Property that is not second-hand property	11
Schedule 2 Fees	12
 Endnotes	
1 Index to endnotes	13
2 Date to which amendments incorporated	13
3 Key	13
4 Table of reprints	14
5 List of legislation	14
6 List of annotations	14

Second-hand Dealers and Pawnbrokers Regulation 2004

[reprinted as in force on 5 July 2004]

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;

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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;

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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—

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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*).

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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

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

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

- (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—

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

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

*Second-hand Dealers and Pawnbrokers
Regulation 2004*

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.

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

Endnotes

1 Index to endnotes

		Page
2	Date to which amendments incorporated	13
3	Key	13
4	Table of reprints	14
5	List of legislation	14
6	List of annotations	14

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Second-hand Dealers and Pawnbrokers Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	5 July 2004	

5 List of legislation

Second-hand Dealers and Pawnbrokers Regulation 2004 SL No. 119

made by the Governor in Council on 1 July 2004

notfd gaz 2 July 2004 pp 705–7

ss 1–2 commenced on date of notification

remaining provisions commenced 5 July 2004 (see s 2)

exp 1 September 2014 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

6 List of annotations

Application fee for licence if person held a transitional licence

s 12 exp 28 August 2005 (see s 12(6))

Application fee for licence if person held a collector's licence

s 13 exp 28 November 2004 (see s 13(5))

Regulations amended in sch 3

s 14 om R1 (see RA s 40)

SCHEDULE 3—CONSEQUENTIAL AMENDMENTS

om R1 (see RA s 40)