



Queensland

*Second-hand Dealers and Pawnbrokers Act 2003*

# **Second-hand Dealers and Pawnbrokers Regulation 2004**

**Reprinted as in force on 1 July 2005**

**Reprint No. 1B**

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the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 1 July 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **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.



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# Second-hand Dealers and Pawnbrokers Regulation 2004

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## **Second-hand Dealers and Pawnbrokers Regulation 2004**

[as amended by all amendments that commenced on or before 1 July 2005]

### **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;

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- (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—



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- (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*).

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- (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;<sup>1</sup> or

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

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- (b) a licence taken to be a pawnbroker's licence under section 130(1) of the Act.<sup>2</sup>
- (6) This section expires on 28 August 2005.

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<sup>2</sup> Section 130 (Existing pawnbroker's licence) of the Act

## **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. . . . .	492.00
	(b) a licence for 3 years. . . . .	1118.00
2	Application for renewal or restoration of—	
	(a) a licence for 1 year. . . . .	313.00
	(b) a licence for 3 years. . . . .	939.00
3	Application for approval of a place as an authorised place.	30.10
4	Application for a replacement licence. . . . .	27.80
5	Inspection of the register kept under section 4 . . . . .	27.80

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2005. 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	
1A	—	29 November 2004	provs exp 28 November 2004
1B	2005 SL No. 135	1 July 2005	

## 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

amending legislation—

### **Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2005 SL No. 135**

notfd gaz 24 June 2005 pp 639–45

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

## 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 2—FEES**

sub 2005 SL No. 135 s 3 sch

**SCHEDULE 3—CONSEQUENTIAL AMENDMENTS**  
om R1 (see RA s 40)