



Queensland

Second-hand Dealers and Pawnbrokers Act 2003

Second-hand Dealers and Pawnbrokers Regulation 2004

Current as at 1 July 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

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 2013]

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;

[s 5]

- (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

[s 8]

- (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.

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 fee for a licence (Act, s 10(2)(c)(i))—
	(a) for 1 year 636.50
	(b) for 3 years 1 454.00
2	Application fee for renewal of a licence (Act, s 13(2)(d)(i))—
	(a) for 1 year 403.70
	(b) for 3 years 1 206.00
3	Application fee for restoration of a licence (Act, s 14(2)(d)(i))—
	(a) for 1 year 403.70
	(b) for 3 years 1 206.00
4	Application for approval of a place as an authorised place for a licensee's licence (Act, s 25(2)) 39.30
5	Application for a replacement licence (Act, s 31(2)) 36.20
6	Inspection of the register of licences kept under section 4 . 36.20

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 2013. 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 version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	5 July 2004	
1A	—	29 November 2004	prov exp 28 November 2004
1B	2005 SL No. 135	1 July 2005	
1C	—	29 August 2005	prov exp 28 August 2005
1D	2006 SL No. 162	1 July 2006	
1E	2007 SL No. 149	1 July 2007	R1E withdrawn, see R2
2	—	1 July 2007	
2A	2008 SL No. 266	1 September 2008	
2B	2009 SL No. 120	1 July 2009	
2C	2010 SL No. 128	1 July 2010	
2D	2011 SL No. 115	1 July 2011	
2E	2012 SL No. 102	13 July 2012	

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 122	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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)

Notes—(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)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2006 SL No. 162

notfd gaz 30 June 2006 pp 1060–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2007 SL No. 149 ss 1, 2(2), 3 sch

notfd gaz 29 June 2007 pp 1157–65

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2(2))

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266

notfd gaz 22 August 2008 pp 2651–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2008 (see s 2)

Fair Trading (Fees) Amendment Regulation (No. 1) 2009 SL No. 120

notfd gaz 26 June 2009 pp 831–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

Fair Trading and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 128 pts 1, 25

notfd gaz 18 June 2010 pp 529–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115

notfd gaz 1 July 2011 pp 589–96

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102

notfd gaz 13 July 2012 pp 820–5

ss 1–2 commenced on date of notification

remaining provisions commenced 13 July 2012 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 122

notfd gaz 28 June 2013 pp 739–47

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 immediately after the Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 (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; 2006 SL No. 162 s 3 sch; 2007 SL No. 149 s 3 sch; 2008 SL No. 266 s 3 sch; 2009 SL No. 120 s 3 sch; 2010 SL No. 128 s 57; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch; 2013 SL No. 122 s 3 sch

SCHEDULE 3—CONSEQUENTIAL AMENDMENTS

om R1 (see RA s 40)

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