



Queensland

*Second-hand Dealers and Pawnbrokers Act 2003*

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

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# Second-hand Dealers and Pawnbrokers Regulation 2004

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# Second-hand Dealers and Pawnbrokers Regulation 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;
- (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.



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**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 Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—

- (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
- (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards); or
- (c) if the result is more than \$1,000 but not more than \$5,000—to the nearest dollar (rounding one-half upwards).

*Example—*

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

## **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

	<b>Fee units</b>
1    Application fee for a licence (Act, s 10(2)(c)(i))—	
(a) for 1 year	800.40
(b) for 3 years	1,829.00
2    Application fee for renewal of a licence (Act, s 13(2)(d)(i))—	
(a) for 1 year	507.50
(b) for 3 years	1,510.00
3    Application fee for restoration of a licence (Act, s 14(2)(d)(i))—	
(a) for 1 year	507.50
(b) for 3 years	1,510.00
4    Application for approval of a place as an authorised place for a licensee's licence (Act, s 25(2))	49.40
5    Application for replacement of a licence (Act, s 31(2))	45.45
6    Fee to inspect the register of licences kept under section 4 (s 4(2))	45.45