



New South Wales

# Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous) Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Pawnbrokers and Second-hand Dealers Regulation 2003* to provide for the following:

- (a) to delay (until 31 March 2005) the commencement of certain amendments to the *Pawnbrokers and Second-hand Dealers Regulation 2003* that are contained in that Regulation,
- (b) to prescribe digital cameras, digital imaging equipment and devices that play digital audio files as second-hand goods for the purposes of the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (c) to exempt a licensee from the operation of certain provisions of the Act and Regulation relating to the provision of evidence of the identity of the vendor and title to goods (and associated record-keeping requirements) where the goods are being imported into Australia and the licensee retains documentation provided by the Australian Customs Service and obtains an Australian Customs Service Import Reference Number,
- (d) to exempt a licensee from the requirement to record a serial number under a provision of the *Pawnbrokers and Second-hand Dealers Act 1996* (that has not yet commenced), that requires the serial number and any other identifying number or engraving for pawned goods to be recorded, if the goods are batteries or chargers for mobile phones or power tools.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including the definition of *second-hand goods* in section 3 (1) and section 43 (the general regulation-making power).

**2004 No 808**

Clause 1      Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous)  
                         Regulation 2004

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**Pawnbrokers and Second-hand Dealers Amendment  
(Miscellaneous) Regulation 2004**

under the

Pawnbrokers and Second-hand Dealers Act 1996

**1 Name of Regulation**

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous) Regulation 2004*.

**2 Commencement**

- (1) This Regulation commences on 31 March 2005, except as provided by subclause (2).
- (2) Schedule 1 [1] commences on the date of publication of this Regulation in the Gazette.

**3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003**

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 2 Commencement**

Omit “15 December 2004” from clause 2 (3). Insert instead “31 March 2005”.

**[2] Clause 5 Meaning of “second-hand goods”**

Insert “(including digital cameras and digital imaging equipment)” after “photographic equipment” in clause 5 (1) (e).

**[3] Clause 5 (1) (n)**

Insert after clause 5 (1) (m):

- (n) devices designed to play digital audio files (such as MP3 players and iPods).

**[4] Clause 18AA**

Insert after clause 18:

**18AA Exemptions relating to overseas supplier of goods**

- (1) A licensee is exempted from the operation of section 15 (1), (1A), (1B) and (3) of the Act if:
  - (a) goods that are being offered for sale to the licensee are to be or have been imported to Australia from a foreign country by the licensee, and
  - (b) an Australian Customs Service Import Reference Number in respect of the goods is obtained by the licensee.
- (2) For the purposes of section 16 (1) of the Act, a licensee must, if a transaction consists of the acquisition of goods referred to in subclause (1), keep all original documents provided by the Australian Customs Service (including the Australian Customs Service Import Reference Number) and a description of the goods or contract to which the reference number relates.

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Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous)  
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Schedule 1 Amendments

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**[5] Clause 22A**

Insert after clause 22:

**22A Exemptions relating to pawnbroker's record of pledges**

A licensee is exempted from the requirement to record a serial number under section 28 (2) (a) of the Act if the pawned goods are batteries or chargers for any of the following:

- (a) mobile phones,
- (b) power tools.

BY AUTHORITY

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