



New South Wales

Pawnbrokers and Second-hand Dealers Amendment (Exemption) Regulation 2016

under the

Pawnbrokers and Second-hand Dealers Act 1996

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

VICTOR DOMINELLO, MP
Minister for Innovation and Better Regulation

Explanatory note

The objects of this Regulation are:

- (a) to clarify the operation of the exemption of Brightstar Logistics Pty Limited from certain provisions of the *Pawnbrokers and Second-hand Dealers Act 1996*, and
- (b) to exempt Asurion Australia Pty Limited from the operation of certain provisions of the Act in relation to mobile phones and tablet computers obtained from Telstra Corporation Limited under its Telstra New Phone Feeling program or Telstra New Tablet Feeling program.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including section 43 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Exemption) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2015

(1) Clause 39 Specific exemptions from certain requirements

Insert “Pty Limited” after “Brightstar Logistics” in clause 39 (2).

(2) Clause 39 (2)

Omit “second-hand phones”. Insert instead “mobile phones”.

(3) Clause 39 (2)

Insert “Telstra” before “New”.

(4) Clause 39 (2) (c)

Omit the paragraph. Insert instead:

- (c) section 21 (1) of the Act, to the extent that it requires a licensee to retain second-hand goods purchased or received for a period of 14 days.

(5) Clause 39 (4)

Insert after clause 39 (3):

- (4) Asurion Australia Pty Limited is exempted from the operation of the following provisions of the Act in relation to goods that are mobile phones or tablet computers obtained from Telstra Corporation Limited under its Telstra New Phone Feeling program or Telstra New Tablet Feeling program:
 - (a) section 15 (1) and (1A) of the Act, to the extent that they require a licensee to obtain documentary evidence of the identity of the person by whom the goods are being offered,
 - (b) section 16 (1) and (5A) of the Act, to the extent that they require a licensee to keep records of transactions for the acquisition or disposal of the goods and furnish particulars of the records to the Commissioner of Police,

- (c) section 21 (1) of the Act, to the extent that it requires a licensee to retain second-hand goods purchased or received for a period of 14 days.