

TASMANIA

**SECOND-HAND DEALERS AND
PAWNBROKERS AMENDMENT BILL 2003**

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SECOND-HAND DEALERS AND PAWNBROKERS AMENDMENT BILL 2003

*(Brought in by the Minister for Justice and Industrial
Relations, the Honourable Judith Louise Jackson)*

A BILL FOR

An Act to amend the *Second-hand Dealers and Pawnbrokers Act 1994*

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Second-hand Dealers and
Pawnbrokers Amendment Act 2003*.

Commencement

2. This Act commences on a day to be proclaimed.

Principal Act

3. In this Act, the *Second-hand Dealers and Pawnbrokers
Act 1994** is referred to as the Principal Act.

*No. 95 of 1994

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of “promoter”:

“regulations” means regulations made
and in force under this Act;

- (b) by inserting “but does not include any goods that, under the regulations, are exempted from the application of this Act” after “such purpose” in the definition of “second-hand goods”.

Section 9 amended (Duty to obtain proof of identity, &c.)

5. Section 9 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

(1) A second-hand dealer or pawnbroker must not enter into a contract with a person in the course of business as such unless the second-hand dealer or pawnbroker –

- (a) has ascertained the person’s full name and current residential address; and
- (b) has verified the person’s identity in accordance with a method approved by the Secretary.

Section 9A inserted

6. After section 9 of the Principal Act, the following section is inserted in Division 3:

Notification of transactions to police

9A. (1) A second-hand dealer or pawnbroker must, within 24 hours after receiving any prescribed second-hand goods, notify the Commissioner of Police in the prescribed manner of details of the transaction.

(2) A second-hand dealer or pawnbroker who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 50 penalty units.

Section 10 amended (Records to be kept relating to second-hand or pawned goods)

7. Section 10 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “in the prescribed form” after “keep”;
- (b) by inserting in subsection (2) “in the prescribed form” after “keep”.

Section 11 amended (Duty to retain goods for 7 days)

8. Section 11 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

(1) A second-hand dealer must, during a period of 7 days after receiving any second-hand goods –

- (a) keep the goods in the form in which they were received; and
- (b) keep the goods at the place where they were received or, if the dealer does not

carry on business as such at that place,
at the nearest place where he or she
carries on business as such in
Tasmania –

and must not during that period dispose of the goods
in any way.

(1A) A second-hand dealer who contravenes
subsection (1) is guilty of an offence and is liable on
summary conviction to a fine not exceeding 20
penalty units.

Section 11A inserted

9. After section 11 of the Principal Act, the following
section is inserted in Division 3:

Second-hand goods with serial numbers, &c., altered

11A. A second-hand dealer or pawnbroker who
purchases or receives any second-hand goods with
the serial number or other identification of the goods
altered or removed is guilty of an offence and is
liable on summary conviction to a fine not exceeding
20 penalty units.

Section 12 amended (Duties of promoters of second- hand goods markets)

10. Section 12(1) of the Principal Act is amended by
omitting paragraph (b) and substituting the following
paragraphs:

- (b) ascertain the full name and current residential
address of any person proposing to sell second-

hand goods at a second-hand goods market;
and

- (c) verify the person's identity in accordance with a method approved by the Secretary.

Section 23 amended (Regulations)

11. Section 23 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) Without limiting the generality of subsection (1), the Governor may make regulations –

- (a) providing for records to be kept by second-hand dealers, pawnbrokers and promoters; and
- (b) requiring any such records to be kept by computer or in any manner provided by the regulations; and
- (c) listing those second-hand goods prescribed for the purposes of section 9A; and
- (d) providing for information to be given to the Commissioner of Police by means of e-mail or facsimile transmission; and
- (e) exempting any second-hand goods from the application of this Act.