

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 September, 1974.*

## New South Wales



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1974.

An Act to make further provisions with respect to the issue of pawnbrokers' licenses and the keeping of records by pawnbrokers; to vary penalties for offences against the Pawnbrokers Act, 1902; for these and other purposes to amend the Pawnbrokers Act, 1902; and for purposes connected therewith.

BE

*Pawnbrokers (Amendment).*

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pawnbrokers Short (Amendment) Act, 1974". title.

2. This Act shall commence on such day as may be Commence- appointed by the Governor in respect thereof and as may ment. 10 be notified by proclamation published in the Gazette.

3. The Pawnbrokers Act, 1902, is amended—

(a) by omitting section 2;

Amend-  
ment of  
Act No. 66,  
1902.  
Sec. 2.

(b) by omitting from section 5 the words "forty dollars" and by inserting instead the matter "\$200";

Sec. 5.  
(Penalty  
on pawn-  
broking  
without  
license.)

15 (c) by omitting sections 6, 7 and 8 and by inserting instead the following sections:—

Secs. 6, 7,  
7A, 8.

20 6. (1) An application for a license, accom- panied by the prescribed fee, shall be made in the prescribed manner to the clerk of a court of petty sessions for the district in which the applicant intends to carry on the trade or business of a pawnbroker.

Applica-  
tion for  
and issue of  
license.

25 (2) Where the applicant for a license is a corporation, the application shall nominate a person to hold the license on behalf of the corporation.

(3)

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*Pawnbrokers (Amendment).*

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5 (3) A license shall not be issued unless a copy of the application for the license has been referred to the officer in charge of police at the police station nearest the court to which the application is made and—

- (a) a report made by that officer or a person authorised by him on the application has been lodged with the clerk of that court; or
- 10 (b) a period of one month has elapsed since the copy of the application was referred to that officer.

(4) Where—

- 15 (a) a report under subsection (3) (a) has been furnished in respect of an application for a license and that report does not contain a statement objecting to a grant of the license;
- 20 (b) a report under subsection (3) (a) in respect of an application for a license has not, at the expiration of one month after a copy of the application was referred to the officer in charge of police referred to in subsection (3), been received by the clerk of the court to which the application was made; or
- 25 (c) the court grants an application following a hearing referred to in section 7,

30 the clerk of the court to which the application was made shall issue to the applicant a license in the prescribed form.

35 (5) A license shall, unless sooner cancelled, remain in force for one year from the date on which it was issued but may, where application is made within one month before the date of expiry of the license and the prescribed fee is paid, be renewed

from

*Pawnbrokers (Amendment).*

from year to year for a period not exceeding one year from the date of expiry of the original license, or the previous renewal of the license, as the case may be.

5 (6) Where an application is made for the renewal of a license before the date of expiry of the license and the application is not dealt with before that date, the license shall be deemed to continue in force until such time as a renewed license is issued  
10 or the application is refused, but any renewed license issued on that application shall expire on the first anniversary of the date on which the license so continued in force would, but for this subsection, have expired.

15 7. (1) A person who under section 6 (3) (a) makes a report on an application for a license may in the report specify that he objects to a license being issued to an applicant—

Objection  
to issue  
of license.

20 (a) where the applicant is a natural person, on the ground that the applicant—

- (i) is not of good fame or character;
- (ii) is not a fit and proper person to hold a license;
- (iii) has improperly obtained a license;
- 25 or
- (iv) has been convicted of an offence against this Act or the regulations,

or on more than one of those grounds; or

30 (b) where the applicant is a corporation, on the ground that—

- (i) the corporation has improperly obtained a license;
- (ii) the corporation has been convicted of an offence against this Act or the regulations; or

35

(iii)

*Pawnbrokers (Amendment).*

5 (iii) a director or the secretary of the corporation, or the person nominated as the holder of the license on behalf of the corporation is a person in respect of whom, if he were an applicant for a license, an objection could be made on one or more of the grounds referred to in paragraph (a),

10 or on more than one of those grounds.

(2) Where a report referred to in section 6 (3) (a) containing a statement objecting to the issue to the applicant of a license is received by the clerk of the court to which the application for the license was made the clerk shall, unless he has issued the license, set the application down for hearing by the court and give notice of the hearing in the prescribed manner to the applicant and the officer in charge of police referred to in section 6 (3).

20 (3) An application referred to in subsection (2) shall be heard by a court of petty sessions held before a stipendiary magistrate sitting in open court.

25 7A. (1) A corporation to which a license has been issued may make application in the prescribed manner and accompanied by the prescribed fee, to the clerk of the court by which the license was issued for the variation of the license by substituting for the name of the person who holds the license on behalf of the corporation the name of some other person.

Variation of corporation license.

30 (2) An application referred to in subsection (1) shall be dealt with as if the person referred to in the application were an applicant for a license on his own behalf but the clerk of the court shall, instead of issuing a license to that person, endorse on the license issued to the corporation a memorandum of the variation.

*Pawnbrokers (Amendment).*

8. (1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

Disqualifi-  
cation of  
licensee.

- 5 (a) where the pawnbroker is a natural person,  
upon one or more of the grounds of  
objection specified in section 7 (1) (a); or
- 10 (b) where the pawnbroker is a corporation,  
upon one or more of the grounds of  
objection specified in section 7 (1) (b),

and why he should not be disqualified from holding  
a license.

15 (2) Where, at the hearing of a summons  
referred to in subsection (1), a court of petty  
sessions held before a stipendiary magistrate is  
satisfied of the truth of any ground of objection  
alleged in the summons it may order that the license  
to which the summons relates be cancelled and that  
20 the pawnbroker be disqualified, either permanently  
or for such period as the court specifies, from  
holding a license.

25 (3) Any person having possession of a license  
that is cancelled pursuant to an order under sub-  
section (2) who, upon demand made of him by a  
member of the police force to deliver up that  
license, fails to do so is liable to a penalty not  
exceeding \$200.

(d) by inserting at the end of section 9 the following  
subsection :—

Sec. 9.  
(Separate  
license to be  
taken out for  
each shop,  
etc.)

30 (2) A licensed pawnbroker who ceases to carry  
on business in premises specified in a license and  
who commences to carry on business as a pawn-  
broker at some other premises (not being premises  
in respect of which he holds some other license)  
35 shall, within seven days of commencing to carry on  
business at those other premises, give notice in the  
prescribed

*Pawnbrokers (Amendment).*

5 prescribed manner to the clerk of a court of petty sessions for the district in which he is then carrying on business, and surrender his license for endorsement thereon of the address of those other premises.

(e) (i) by omitting section 11 (1) and by inserting instead the following subsection :—

Sec. 11.  
(Pawn-broker's name, etc., to be affixed to licensed premises.)

10 (1) A licensed pawnbroker shall cause to be affixed, and keep affixed, in such manner and in letters of such style and size as may be prescribed, his name in full and the words "licensed pawnbroker" upon some conspicuous part of the outside of the premises to which his license relates.

15 (ii) by omitting from section 11 (2) the words "twenty dollars" and by inserting instead the matter "\$50";

(f) by omitting section 12 and by inserting instead the following section :—

Sec. 12.

20 12. (1) A licensed pawnbroker shall produce to a member of the police force when requested his license, the records by this Act required to be kept by him and any articles taken in pawn or received by him which are then in his possession.

Production of license, records and property.

25 (2) Any such person who without reasonable excuse fails to comply with the provisions of subsection (1) is liable to a penalty not exceeding \$200.

30 (g) (i) by omitting from section 13 (1) the words "entered in a fair and legible manner in some book kept for that purpose" and by inserting instead the words "recorded, in such form and manner as may be prescribed";

Sec. 13.  
(Entries to be made on taking pledge.)

(ii)

*Pawnbrokers (Amendment).*

- 5 (ii) by inserting in section 13 (1) (a) after the word "article" the words "including any serial, registration or identification number and any hallmark, inscription or engraving appearing on the article";
- (iii) by omitting from section 13 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (h) by omitting from section 14 (2) the words "twenty dollars" and by inserting instead the matter "\$200"; Sec. 14. (Duplicates to be given.)
- 15 (i) by omitting from section 15 (c) the words "written declaration in the form prescribed by Part IV of the Oath's Act, 1900, duly taken and authenticated by some justice, and" and by inserting instead the words "statutory declaration"; Sec. 15. (Duplicates lost or stolen.)
- (j) by omitting from section 16 (2) the words "to a justice or"; Sec. 16. (Holders of duplicates to be deemed owners of goods pawned.)
- 20 (k) (i) by inserting in section 18 after the word "pretence," the words "offers for sale,"; Sec. 18. (Selling before expiration of period.)
- (ii) by omitting from section 18 the words "sold or disposed of," and by inserting instead the words "offered for sale, sold or otherwise disposed of,";
- 25 (iii) by omitting from section 18 the words "forty dollars" and by inserting instead the matter "\$200";
- (l) (i) by omitting from section 19 (1) the words "fifty cents" and by inserting instead the matter "\$10"; Sec. 19. (Mode of sale.)

(ii)



*Pawnbrokers (Amendment).*

5 (ii) by omitting from section 19 (2) the words  
“some public newspaper, published in New  
South Wales, four days at the least” and by  
inserting instead the words “a newspaper  
circulating in the district in which the  
pawnbroking transaction occurred, at least  
four days”;

10 (iii) by omitting from section 19 (3) the words  
“forfeit to the owner of any articles sold  
contrary to the said provisions a sum not  
exceeding forty dollars” and by inserting  
instead the words “, for every such offence, be  
liable to a penalty not exceeding \$200”;

15 (m) by omitting section 20 and by inserting instead the Sec. 20.  
following section :—

20. No purchase or purported purchase of any **Pawnbroker**  
article pawned with a licensed pawnbroker— **not to**  
**purchase.**

20 (a) where the pawnbroker is a natural person  
—by that pawnbroker or any person acting  
on his behalf; or

(b) where the pawnbroker is a corporation—  
by an officer or employee of that  
corporation or a person acting on behalf  
of that corporation,

25 shall be valid against the owner of the article and  
any person referred to in paragraph (a) or (b)  
purchasing or purporting to purchase any such  
article is liable to a penalty not exceeding \$100.

30 (n) by omitting from section 21 (2) the words “twenty  
dollars” and by inserting instead the matter **Sec. 21.**  
“\$100”; **(Applica-**  
**tion of**  
**proceeds**  
**of sale.)**

(o)

*Pawnbrokers (Amendment).*

- 5 (o) (i) by omitting from section 22 (1) the words "from time to time enter in a book to be kept by him for that purpose a true and just account" and by inserting instead the words  
" , within such time and in such form and manner as may be prescribed, make a record";
- (ii) by omitting from section 22 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (p) (i) by omitting from section 23 (2) the word "book" and by inserting instead the word "record";
- (ii) by omitting from section 23 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- 15 (q) by omitting from section 24 the words "fifty dollars" and by inserting instead the matter "\$100";
- (r) by omitting section 25;
- 20 (s) (i) by omitting from section 26 (1) the words "Part VI of the Factories and Shops Act, 1912-1936, or any Act amending the same" and by inserting instead the words "Part IV of the Factories, Shops and Industries Act, 1962";
- 25 (ii) by omitting from section 26 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- (t)

Sec. 22.  
(Entry to be made of all articles sold.)

Sec. 23.  
(Pawn-er may inspect entries.)

Sec. 24.  
(Pledges not to be taken from children or drunken persons.)

Sec. 25.  
(Pawn-broker not to advance, etc., anything but money.)

Sec. 26.  
(Hours for taking pledges.)

*Pawnbrokers (Amendment).*

- (t) by omitting from section 27 (2) the words “twenty dollars” and by inserting instead the matter “\$100”; Sec. 27. (Days on which business not to be carried on.)
- 5 (u) (i) by omitting from section 28 (b) the words “wilfully gives any false information” and by inserting instead the words “gives any information”; Sec. 28. (Persons offering article not giving good account of themselves, etc., may be apprehended and article seized.)
- 10 (ii) by inserting in section 28 (b) after the word “article” where secondly occurring the words “which that pawnbroker, servant or agent suspects is false”;
- (iii) by omitting from section 28 the words “illegally or clandestinely” and by inserting instead the word “unlawfully”;
- 15 (iv) by inserting at the end of section 28 the following subsection :—
- 20 (2) Any person who offers to any licensed pawnbroker, his servant, or agent, by way of pawn, pledge, exchange, or sale, any article that may reasonably be suspected of being stolen or otherwise unlawfully obtained is liable to a penalty not exceeding \$200.
- (v) by inserting at the end of section 29 the following subsection :— Sec. 29. (Persons not entitled attempting to redeem article may be apprehended.)
- 25 (2) Any person who attempts or endeavours to redeem any article without any pretence or colour of right to do so is liable to a penalty not exceeding \$200.

(w)

*Pawnbrokers (Amendment).*

(w) by omitting section 30 and by inserting instead the following section :—

30. Any person who—

False or misleading information.

5 (a) offers any article by way of pledge, pawn, exchange or sale to a licensed pawnbroker; or

(b) seeks to redeem any article in pledge or pawn with a pawnbroker,

10 and who, upon demand being made of him by the pawnbroker, his servant or agent at the time the article is pledged, pawned, exchanged, sold or redeemed for any information required under this Act, does not furnish that information to the person by whom the demand is made or without reasonable excuse furnishes false or misleading information is

15 liable to a penalty not exceeding \$200.

(x) by omitting from section 31 the words “alphabetical record hereinbefore mentioned” and by inserting instead the words “record kept by the clerk of the court of the issue of the license”;

20

Sec. 31.  
(Record to be evidence.)

(y) by omitting from section 33 the words “twenty dollars” and by inserting instead the matter “\$100”;

25

Sec. 33.  
(Unlicensed persons keeping up signs, etc., liable to a penalty.)

(z) by omitting from section 34 (1) the words “fifty dollars” and by inserting instead the matter “\$100”;

30

Sec. 34.  
(Lending license.)

(aa) by omitting from section 35 the words “shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit.” and by inserting instead the words “is liable to a penalty not exceeding \$200.”;

30

Sec. 35.  
(Forged licenses.)

(bb)

*Pawnbrokers (Amendment).*

- 5 (bb) by omitting from section 36 the words "shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit." and by inserting instead the words "is liable to a penalty not exceeding \$200.";
- 10 (cc) (i) by omitting from section 37 the word "book" wherever occurring and by inserting instead the words "receipt or disposal record";
- (ii) by inserting in section 37 (1) after the words "required by" the words "or under";
- 15 (iii) by omitting from section 37 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- (dd) by omitting section 39 (2);
- (ee) by omitting from section 40 the words "forty dollars" and by inserting instead the matter "\$200";
- 20 (ff) by omitting section 41 and by inserting instead the following section :—
41. It is a sufficient defence to a prosecution under section 13 or 22 if the pawnbroker satisfies the court that the particulars comprised in the record
- were

Sec. 36.  
(Forging,  
etc.,  
duplicates.)

Sec. 37.  
(Any justice  
may compel  
a pawn-  
broker to  
produce  
records,  
vouchers,  
etc.)

Sec. 39.  
(Justices  
may order  
delivery  
of goods  
pawned on  
payment of  
compensa-  
tion or  
otherwise.)

Sec. 40.  
(Penalties.)

Sec. 41.

Defence to  
prosecution  
for recording  
incorrect  
particulars.

*Pawnbrokers (Amendment).*

5 were furnished pursuant to a demand made under section 30 and that at the time the particulars were given and the record was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

(gg) by omitting sections 42 and 43 ; Secs. 42, 43.

10 (hh) (i) by omitting from section 45 the words "the next preceding section" and by inserting instead the matter "section 44"; Sec. 45.  
(Limitation of action.)

(ii) by omitting from section 45 the words "three months" and by inserting instead the words "six months";

(ii) by inserting after section 45 the following section :— Sec. 46.

15 46. (1) The Governor may make regulations, Regulations.  
not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or  
20 giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

25 (a) prescribing the forms to be used under this Act;

(b) prescribing fees in connection with licenses ;

30 (c) prescribing the form and manner in which the records required by this Act to be kept by pawnbrokers may be kept ;

(d)

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*Pawnbrokers (Amendment).*

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(d) prescribing the time within which entries shall be made by pawnbrokers in disposal records.

5 (3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

10 (4) A regulation may impose a penalty not exceeding \$200 for any breach thereof and any such penalty may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace sitting in petty sessions.

15 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(jj) by omitting the First, Second and Third Schedules. <sup>First,  
Second  
and Third  
Schedules.</sup>

4. (1) Any application for a pawnbroker's license made <sup>Savings.</sup> but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted.

20 (2) Any license granted under the Pawnbrokers Act, 1902, and in force immediately before the commencement of this Act, and any license granted by virtue of the operation of subsection (1), shall be deemed to be a license issued under the Pawnbrokers Act, 1902, as amended by this Act.

25 (3) Any book containing particulars recorded in accordance with sections 13 and 22 of the Pawnbrokers Act, 1902, as in force immediately before the commencement of this Act, shall be deemed to be a record complying with those sections as in force after that commencement.

(4)

*Pawnbrokers (Amendment).*

(4) Notwithstanding the amendments to the Pawnbrokers Act, 1902, effected by section 3 (paragraphs (aa) and (bb) excepted) the penalty to which a person convicted of an offence is liable is the penalty applicable to that offence at the time the offence was committed.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[15c]



No. , 1974.

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# A BILL

To make further provisions with respect to the issue of pawnbrokers' licenses and the keeping of records by pawnbrokers; to vary penalties for offences against the Pawnbrokers Act, 1902; for these and other purposes to amend the Pawnbrokers Act, 1902; and for purposes connected therewith.

[MR MADDISON—27 August, 1974.]

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3. The Pawnbrokers Act, 1902, is amended—

Amend-  
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(a) by omitting section 2;

Sec. 2.

(b) by omitting from section 5 the words "forty dollars"  
and by inserting instead the matter "\$200";

Sec. 5.  
(Penalty  
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person to hold the license on behalf of the  
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(3)

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*Pawnbrokers (Amendment).*

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5 (3) A license shall not be issued unless a copy of the application for the license has been referred to the officer in charge of police at the police station nearest the court to which the application is made and—

(a) a report made by that officer or a person authorised by him on the application has been lodged with the clerk of that court; or

10 (b) a period of one month has elapsed since the copy of the application was referred to that officer.

(4) Where—

15 (a) a report under subsection (3) (a) has been furnished in respect of an application for a license and that report does not contain a statement objecting to a grant of the license;

20 (b) a report under subsection (3) (a) in respect of an application for a license has not, at the expiration of one month after a copy of the application was referred to the officer in charge of police referred to in subsection (3), been received by the clerk of the court to which the application was made; or

25 (c) the court grants an application following a hearing referred to in section 7,

30 the clerk of the court to which the application was made shall issue to the applicant a license in the prescribed form.

35 (5) A license shall, unless sooner cancelled, remain in force for one year from the date on which it was issued but may, where application is made within one month before the date of expiry of the license and the prescribed fee is paid, be renewed

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*Pawnbrokers (Amendment).*

from year to year for a period not exceeding one year from the date of expiry of the original license, or the previous renewal of the license, as the case may be.

5 (6) Where an application is made for the renewal of a license before the date of expiry of the license and the application is not dealt with before that date, the license shall be deemed to continue in force until such time as a renewed license is issued  
10 or the application is refused, but any renewed license issued on that application shall expire on the first anniversary of the date on which the license so continued in force would, but for this subsection, have expired.

15 7. (1) A person who under section 6 (3) (a) makes a report on an application for a license may in the report specify that he objects to a license being issued to an applicant—

Objection to issue of license.

20 (a) where the applicant is a natural person, on the ground that the applicant—

- (i) is not of good fame or character;
- (ii) is not a fit and proper person to hold a license;
- (iii) has improperly obtained a license;
- 25 or
- (iv) has been convicted of an offence against this Act or the regulations,

or on more than one of those grounds; or

30 (b) where the applicant is a corporation, on the ground that—

- (i) the corporation has improperly obtained a license;
- (ii) the corporation has been convicted of an offence against this Act or the regulations; or

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*Pawnbrokers (Amendment).*

5 (iii) a director or the secretary of the corporation, or the person nominated as the holder of the license on behalf of the corporation is a person in respect of whom, if he were an applicant for a license, an objection could be made on one or more of the grounds referred to in paragraph (a),

10 or on more than one of those grounds.

(2) Where a report referred to in section 6 (3) (a) containing a statement objecting to the issue to the applicant of a license is received by the clerk of the court to which the application for the license was made the clerk shall, unless he has issued the license, set the application down for hearing by the court and give notice of the hearing in the prescribed manner to the applicant and the officer in charge of police referred to in section 6 (3).

20 (3) An application referred to in subsection (2) shall be heard by a court of petty sessions held before a stipendiary magistrate sitting in open court.

25 7A. (1) A corporation to which a license has been issued may make application in the prescribed manner and accompanied by the prescribed fee, to the clerk of the court by which the license was issued for the variation of the license by substituting for the name of the person who holds the license on behalf of the corporation the name of some other person.

Variation of corporation license.

30 (2) An application referred to in subsection (1) shall be dealt with as if the person referred to in the application were an applicant for a license on his own behalf but the clerk of the court shall, instead of issuing a license to that person, endorse on the license issued to the corporation a memorandum of the variation.

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*Pawnbrokers (Amendment).*

8. (1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

Disqualifi-  
cation of  
licensee.

- 5 (a) where the pawnbroker is a natural person, upon one or more of the grounds of objection specified in section 7 (1) (a); or
- 10 (b) where the pawnbroker is a corporation, upon one or more of the grounds of objection specified in section 7 (1) (b),

and why he should not be disqualified from holding a license.

15 (2) Where, at the hearing of a summons referred to in subsection (1), a court of petty sessions held before a stipendiary magistrate is satisfied of the truth of any ground of objection alleged in the summons it may order that the license to which the summons relates be cancelled and that  
20 the pawnbroker be disqualified, either permanently or for such period as the court specifies, from holding a license.

25 (3) Any person having possession of a license that is cancelled pursuant to an order under subsection (2) who, upon demand made of him by a member of the police force to deliver up that license, fails to do so is liable to a penalty not exceeding \$200.

(d) by inserting at the end of section 9 the following subsection :—

Sec. 9.  
(Separate  
license to be  
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30 (2) A licensed pawnbroker who ceases to carry on business in premises specified in a license and who commences to carry on business as a pawnbroker at some other premises (not being premises in respect of which he holds some other license)  
35 shall, within seven days of commencing to carry on business at those other premises, give notice in the prescribed

*Pawnbrokers (Amendment).*

5 prescribed manner to the clerk of a court of petty sessions for the district in which he is then carrying on business, and surrender his license for endorsement thereon of the address of those other premises.

(e) (i) by omitting section 11 (1) and by inserting instead the following subsection :—

Sec. 11.  
(Pawn-  
broker's  
name, etc.,  
to be affixed  
to licensed  
premises.)

10 (1) A licensed pawnbroker shall cause to be affixed, and keep affixed, in such manner and in letters of such style and size as may be prescribed, his name in full and the words "licensed pawnbroker" upon some conspicuous part of the outside of the premises to which his license relates.

15 (ii) by omitting from section 11 (2) the words "twenty dollars" and by inserting instead the matter "\$50";

(f) by omitting section 12 and by inserting instead the following section :—

Sec. 12.

20 12. (1) A licensed pawnbroker shall produce to a member of the police force when requested his license, the records by this Act required to be kept by him and any articles taken in pawn or received by him which are then in his possession.

Production  
of license,  
records and  
property.

25 (2) Any such person who without reasonable excuse fails to comply with the provisions of subsection (1) is liable to a penalty not exceeding \$200.

30 (g) (i) by omitting from section 13 (1) the words "entered in a fair and legible manner in some book kept for that purpose" and by inserting instead the words "recorded, in such form and manner as may be prescribed";

Sec. 13.  
(Entries to  
be made on  
taking  
pledge.)

(ii)

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*Pawnbrokers (Amendment).*

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- 5 (ii) by inserting in section 13 (1) (a) after the word "article" the words "including any serial, registration or identification number and any hallmark, inscription or engraving appearing on the article";
- (iii) by omitting from section 13 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (h) by omitting from section 14 (2) the words "twenty dollars" and by inserting instead the matter "\$200"; Sec. 14. (Duplicate to be given.)
- 15 (i) by omitting from section 15 (c) the words "written declaration in the form prescribed by Part IV of the Oath's Act, 1900, duly taken and authenticated by some justice, and" and by inserting instead the words "statutory declaration"; Sec. 15. (Duplicates lost or stolen.)
- (j) by omitting from section 16 (2) the words "to a justice or"; Sec. 16. (Holders of duplicates to be deemed owners of goods pawned.)
- 20 (k) (i) by inserting in section 18 after the word "pretence," the words "offers for sale,"; Sec. 18. (Selling before expiration of period.)
- (ii) by omitting from section 18 the words "sold or disposed of," and by inserting instead the words "offered for sale, sold or otherwise disposed of,";
- 25 (iii) by omitting from section 18 the words "forty dollars" and by inserting instead the matter "\$200";
- (l) (i) by omitting from section 19 (1) the words "fifty cents" and by inserting instead the matter "\$10"; Sec. 19. (Mode of sale.)
- (ii)



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*Pawnbrokers (Amendment).*

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5 (ii) by omitting from section 19 (2) the words  
“some public newspaper, published in New  
South Wales, four days at the least” and by  
inserting instead the words “a newspaper  
circulating in the district in which the  
pawnbroking transaction occurred, at least  
four days”;

10 (iii) by omitting from section 19 (3) the words  
“forfeit to the owner of any articles sold  
contrary to the said provisions a sum not  
exceeding forty dollars” and by inserting  
instead the words “, for every such offence, be  
liable to a penalty not exceeding \$200”;

15 (m) by omitting section 20 and by inserting instead the Sec. 20.  
following section :—

20. No purchase or purported purchase of any Pawnbroker  
not to  
purchase.  
article pawned with a licensed pawnbroker—

20 (a) where the pawnbroker is a natural person  
—by that pawnbroker or any person acting  
on his behalf; or

(b) where the pawnbroker is a corporation—  
by an officer or employee of that  
corporation or a person acting on behalf  
of that corporation,

25 shall be valid against the owner of the article and  
any person referred to in paragraph (a) or (b)  
purchasing or purporting to purchase any such  
article is liable to a penalty not exceeding \$100.

30 (n) by omitting from section 21 (2) the words “twenty  
dollars” and by inserting instead the matter Sec. 21.  
(Applica-  
tion of  
proceeds  
of sale.)  
“\$100”;

(o)

*Pawnbrokers (Amendment).*

- 5 (o) (i) by omitting from section 22 (1) the words "from time to time enter in a book to be kept by him for that purpose a true and just account" and by inserting instead the words ", within such time and in such form and manner as may be prescribed, make a record";
- (ii) by omitting from section 22 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (p) (i) by omitting from section 23 (2) the word "book" and by inserting instead the word "record";
- (ii) by omitting from section 23 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- 15 (q) by omitting from section 24 the words "fifty dollars" and by inserting instead the matter "\$100";
- (r) by omitting section 25;
- 20 (s) (i) by omitting from section 26 (1) the words "Part VI of the Factories and Shops Act, 1912-1936, or any Act amending the same" and by inserting instead the words "Part IV of the Factories, Shops and Industries Act, 1962";
- 25 (ii) by omitting from section 26 (2) the words "twenty dollars" and by inserting instead the matter "\$100";

Sec. 22.  
(Entry to be made of all articles sold.)

Sec. 23.  
(Pawnner may inspect entries.)

Sec. 24.  
(Pledges not to be taken from children or drunken persons.)

Sec. 25.  
(Pawnbroker not to advance, etc., anything but money.)

Sec. 26.  
(Hours for taking pledges.)

(t)

*Pawnbrokers (Amendment).*

(t) by omitting from section 27 (2) the words "twenty dollars" and by inserting instead the matter "\$100";

Sec. 27.  
(Days on which business not to be carried on.)

5 (u) (i) by omitting from section 28 (b) the words "wilfully gives any false information" and by inserting instead the words "gives any information";

Sec. 28.  
(Persons offering article not giving good account of themselves, etc., may

10 (ii) by inserting in section 28 (b) after the word "article" where secondly occurring the words "which that pawnbroker, servant or agent suspects is false";

be apprehended and article seized.)

(iii) by omitting from section 28 the words "illegally or clandestinely" and by inserting instead the word "unlawfully";

15 (iv) by inserting at the end of section 28 the following subsection :—

(2) Any person who offers to any licensed pawnbroker, his servant, or agent, by way of pawn, pledge, exchange, or sale, any article that may reasonably be suspected of being stolen or otherwise unlawfully obtained is liable to a penalty not exceeding \$200.

20

(v) by inserting at the end of section 29 the following subsection :—

Sec. 29.  
(Persons not entitled attempting to redeem article may be apprehended.)

25 (2) Any person who attempts or endeavours to redeem any article without any pretence or colour of right to do so is liable to a penalty not exceeding \$200.

(w)

*Pawnbrokers (Amendment).*

- (w) by omitting section 30 and by inserting instead the following section :—

30. Any person who—

(a) offers any article by way of pledge, pawn, exchange or sale to a licensed pawnbroker; or

(b) seeks to redeem any article in pledge or pawn with a pawnbroker,

and who, upon demand being made of him by the pawnbroker, his servant or agent at the time the article is pledged, pawned, exchanged, sold or redeemed for any information required under this Act, does not furnish that information to the person by whom the demand is made or without reasonable excuse furnishes false or misleading information is liable to a penalty not exceeding \$200.

False or misleading information.

- (x) by omitting from section 31 the words “alphabetical record hereinbefore mentioned” and by inserting instead the words “record kept by the clerk of the court of the issue of the license”;

Sec. 31.  
(Record to be evidence.)

- (y) by omitting from section 33 the words “twenty dollars” and by inserting instead the matter “\$100”;

Sec. 33.  
(Unlicensed persons keeping up signs, etc., liable to a penalty.)

- (z) by omitting from section 34 (1) the words “fifty dollars” and by inserting instead the matter “\$100”;

Sec. 34.  
(Lending license.)

- (aa) by omitting from section 35 the words “shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit.” and by inserting instead the words “is liable to a penalty not exceeding \$200.”;

Sec. 35.  
(Forged licenses.)

(bb)

*Pawnbrokers (Amendment).*

- 5 (bb) by omitting from section 36 the words "shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit." and by inserting instead the words "is liable to a penalty not exceeding \$200.";
- 10 (cc) (i) by omitting from section 37 the word "book" wherever occurring and by inserting instead the words "receipt or disposal record";  
 (ii) by inserting in section 37 (1) after the words "required by" the words "or under";  
 15 (iii) by omitting from section 37 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- (dd) by omitting section 39 (2);
- (ee) by omitting from section 40 the words "forty dollars" and by inserting instead the matter "\$200";
- 20 (ff) by omitting section 41 and by inserting instead the following section :—
41. It is a sufficient defence to a prosecution under section 13 or 22 if the pawnbroker satisfies the court that the particulars comprised in the record

Sec. 36.  
(Forging, etc., duplicates.)

Sec. 37.  
(Any justice may compel a pawnbroker to produce records, vouchers, etc.)

Sec. 39.  
(Justices may order delivery of goods pawned on payment of compensation or otherwise.)

Sec. 40.  
(Penalties.)

Sec. 41.

Defence to prosecution for recording incorrect particulars.

were

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*Pawnbrokers (Amendment).*

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5 were furnished pursuant to a demand made under section 30 and that at the time the particulars were given and the record was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

(gg) by omitting sections 42 and 43 ; Secs. 42, 43.

10 (hh) (i) by omitting from section 45 the words “the next preceding section” and by inserting instead the matter “section 44” ; Sec. 45.  
(Limitation of action.)

(ii) by omitting from section 45 the words “three months” and by inserting instead the words “six months” ;

(ii) by inserting after section 45 the following section :— Sec. 46.

15 46. (1) The Governor may make regulations, Regulations.  
not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or  
20 giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

25 (a) prescribing the forms to be used under this Act ;

(b) prescribing fees in connection with licenses ;

30 (c) prescribing the form and manner in which the records required by this Act to be kept by pawnbrokers may be kept ;

(d)

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*Pawnbrokers (Amendment).*

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(d) prescribing the time within which entries shall be made by pawnbrokers in disposal records.

5 (3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

10 (4) A regulation may impose a penalty not exceeding \$200 for any breach thereof and any such penalty may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace sitting in petty sessions.

15 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(jj) by omitting the First, Second and Third Schedules. First, Second and Third Schedules.

4. (1) Any application for a pawnbroker's license made Savings. but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted.

20 (2) Any license granted under the Pawnbrokers Act, 1902, and in force immediately before the commencement of this Act, and any license granted by virtue of the operation of subsection (1), shall be deemed to be a license issued under the Pawnbrokers Act, 1902, as amended by this Act.

25 (3) Any book containing particulars recorded in accordance with sections 13 and 22 of the Pawnbrokers Act, 1902, as in force immediately before the commencement of this Act, shall be deemed to be a record complying with those sections as in force after that commencement.

(4)

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*Pawnbrokers (Amendment).*

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(4) Notwithstanding the amendments to the Pawnbrokers Act, 1902, effected by section 3 (paragraphs (aa) and (bb) excepted) the penalty to which a person convicted of an offence is liable is the penalty applicable to that offence at  
5 the time the offence was committed.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974  
[15c]



## **PAWNBROKERS (AMENDMENT) BILL, 1974**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to alter the method by which pawnbrokers' licenses are applied for and issued and to give the police a right to object to the issue of licenses;
- (b) to permit cancellation of a license in certain circumstances;
- (c) to vary penalties for offences against the Act;
- (d) to permit the method of recording of particulars by pawnbrokers to be prescribed by regulation and to permit more than one method to be prescribed;
- (e) to prohibit a pawnbroker purchasing articles pawned with him and not redeemed;
- (f) to permit the Governor to make regulations for the purposes of the Act; and
- (g) to make other provisions of a minor, consequential or ancillary nature.

1907

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT ON THE PROGRESS OF THE WORK DURING THE YEAR 1907

BY

ROBERT A. MILLIKAN

AND

WALTER B. WHEELER

CHICAGO, ILL., 1908

*PROOF*

No. , 1974.

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## A BILL

To make further provisions with respect to the issue of pawnbrokers' licenses and the keeping of records by pawnbrokers; to vary penalties for offences against the Pawnbrokers Act, 1902; for these and other purposes to amend the Pawnbrokers Act, 1902; and for purposes connected therewith.

[MR MADDISON—27 *August*, 1974.]

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BE

*Pawnbrokers (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pawnbrokers (Amendment) Act, 1974". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

3. The Pawnbrokers Act, 1902, is amended—

(a) by omitting section 2;

Amendment of Act No. 66, 1902. Sec. 2.

(b) by omitting from section 5 the words "forty dollars" and by inserting instead the matter "\$200";

Sec. 5. (Penalty on pawnbroking without license.)

15 (c) by omitting sections 6, 7 and 8 and by inserting instead the following sections:—

Secs. 6, 7, 7A, 8.

20 6. (1) An application for a license, accompanied by the prescribed fee, shall be made in the prescribed manner to the clerk of a court of petty sessions for the district in which the applicant intends to carry on the trade or business of a pawnbroker.

Application for and issue of license.

25 (2) Where the applicant for a license is a corporation, the application shall nominate a person to hold the license on behalf of the corporation.

(3)

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*Pawnbrokers (Amendment).*

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5 (3) A license shall not be issued unless a copy of the application for the license has been referred to the officer in charge of police at the police station nearest the court to which the application is made and—

- (a) a report made by that officer or a person authorised by him on the application has been lodged with the clerk of that court; or
- 10 (b) a period of one month has elapsed since the copy of the application was referred to that officer.

(4) Where—

- 15 (a) a report under subsection (3) (a) has been furnished in respect of an application for a license and that report does not contain a statement objecting to a grant of the license;
- 20 (b) a report under subsection (3) (a) in respect of an application for a license has not, at the expiration of one month after a copy of the application was referred to the officer in charge of police referred to in subsection (3), been received by the clerk of the court to which the application was made; or
- 25 (c) the court grants an application following a hearing referred to in section 7,

30 the clerk of the court to which the application was made shall issue to the applicant a license in the prescribed form.

35 (5) A license shall, unless sooner cancelled, remain in force for one year from the date on which it was issued but may, where application is made within one month before the date of expiry of the license and the prescribed fee is paid, be renewed

from

*Pawnbrokers (Amendment).*

from year to year for a period not exceeding one year from the date of expiry of the original license, or the previous renewal of the license, as the case may be.

5 (6) Where an application is made for the  
renewal of a license before the date of expiry of the  
license and the application is not dealt with before  
10 that date, the license shall be deemed to continue in  
force until such time as a renewed license is issued  
or the application is refused, but any renewed license  
issued on that application shall expire on the first  
anniversary of the date on which the license so  
continued in force would, but for this subsection,  
have expired.

15 7. (1) A person who under section 6 (3) (a) makes a report on an application for a license may  
in the report specify that he objects to a license  
being issued to an applicant— Objection  
to issue  
of license.

20 (a) where the applicant is a natural person, on  
the ground that the applicant—

- (i) is not of good fame or character;
- (ii) is not a fit and proper person to hold  
a license;
- 25 (iii) has improperly obtained a license;  
or
- (iv) has been convicted of an offence  
against this Act or the regulations,  
or on more than one of those grounds; or

30 (b) where the applicant is a corporation, on the  
ground that—

- (i) the corporation has improperly  
obtained a license;
- (ii) the corporation has been convicted  
of an offence against this Act or the  
35 regulations; or

(iii)

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*Pawnbrokers (Amendment).*

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5 (iii) a director or the secretary of  
the corporation, or the person  
nominated as the holder of the  
license on behalf of the corporation  
is a person in respect of whom, if he  
were an applicant for a license, an  
objection could be made on one or  
more of the grounds referred to in  
paragraph (a),

10 or on more than one of those grounds.

(2) Where a report referred to in section  
6 (3) (a) containing a statement objecting to the  
issue to the applicant of a license is received by the  
clerk of the court to which the application for the  
license was made the clerk shall, unless he has  
issued the license, set the application down for  
hearing by the court and give notice of the hearing  
in the prescribed manner to the applicant and the  
officer in charge of police referred to in section  
6 (3).

20 (3) An application referred to in subsection  
(2) shall be heard by a court of petty sessions held  
before a stipendiary magistrate sitting in open court.

25 7A. (1) A corporation to which a license has  
been issued may make application in the prescribed  
manner and accompanied by the prescribed fee, to  
the clerk of the court by which the license was  
issued for the variation of the license by substituting  
for the name of the person who holds the license on  
behalf of the corporation the name of some other  
person.

Variation  
of corpora-  
tion license.

30 (2) An application referred to in subsection  
(1) shall be dealt with as if the person referred to  
in the application were an applicant for a license on  
his own behalf but the clerk of the court shall,  
instead of issuing a license to that person, endorse  
on the license issued to the corporation a  
memorandum of the variation.

*Pawnbrokers (Amendment).*

8. (1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

Disqualifi-  
cation of  
licensee.

- 5 (a) where the pawnbroker is a natural person, upon one or more of the grounds of objection specified in section 7 (1) (a); or
- 10 (b) where the pawnbroker is a corporation, upon one or more of the grounds of objection specified in section 7 (1) (b),

and why he should not be disqualified from holding a license.

15 (2) Where, at the hearing of a summons referred to in subsection (1), a court of petty sessions held before a stipendiary magistrate is satisfied of the truth of any ground of objection alleged in the summons it may order that the license to which the summons relates be cancelled and that

20 the pawnbroker be disqualified, either permanently or for such period as the court specifies, from holding a license.

25 (3) Any person having possession of a license that is cancelled pursuant to an order under subsection (2) who, upon demand made of him by a member of the police force to deliver up that license, fails to do so is liable to a penalty not exceeding \$200.

(d) by inserting at the end of section 9 the following subsection :—

Sec. 9.  
(Separate  
license to be  
taken out for  
each shop,  
etc.)

30 (2) A licensed pawnbroker who ceases to carry on business in premises specified in a license and who commences to carry on business as a pawnbroker at some other premises (not being premises in respect of which he holds some other license)

35 shall, within seven days of commencing to carry on business at those other premises, give notice in the prescribed



*Pawnbrokers (Amendment).*

5 prescribed manner to the clerk of a court of petty sessions for the district in which he is then carrying on business, and surrender his license for endorsement thereon of the address of those other premises.

(e) (i) by omitting section 11 (1) and by inserting instead the following subsection :—

Sec. 11.  
(Pawn-broker's name, etc., to be affixed to licensed premises.)

10 (1) A licensed pawnbroker shall cause to be affixed, and keep affixed, in such manner and in letters of such style and size as may be prescribed, his name in full and the words "licensed pawnbroker" upon some conspicuous part of the outside of the premises to which his license relates.

15 (ii) by omitting from section 11 (2) the words "twenty dollars" and by inserting instead the matter "\$50".

(f) by omitting section 12 and by inserting instead the following section :—

Sec. 12.

20 12. (1) A licensed pawnbroker shall produce to a member of the police force when requested his license, the records by this Act required to be kept by him and any articles taken in pawn or received by him which are then in his possession.

Production of license, records and property.

25 (2) Any such person who without reasonable excuse fails to comply with the provisions of subsection (1) is liable to a penalty not exceeding \$200.

30 (g) (i) by omitting from section 13 (1) the words "entered in a fair and legible manner in some book kept for that purpose" and by inserting instead the words "recorded, in such form and manner as may be prescribed";

Sec. 13.  
(Entries to be made on taking pledge.)

(ii)

*Pawnbrokers (Amendment).*

- 5 (ii) by inserting in section 13 (1) (a) after the word "article" the words "including any serial, registration or identification number and any hallmark, inscription or engraving appearing on the article";
- (iii) by omitting from section 13 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (h) by omitting from section 14 (2) the words "twenty dollars" and by inserting instead the matter "\$200"; Sec. 14. (Duplicate to be given.)
- 15 (i) by omitting from section 15 (c) the words "written declaration in the form prescribed by Part IV of the Oath's Act, 1900, duly taken and authenticated by some justice, and" and by inserting instead the words "statutory declaration"; Sec. 15. (Duplicates lost or stolen.)
- (j) by omitting from section 16 (2) the words "to a justice or"; Sec. 16. (Holders of duplicates to be deemed owners of goods pawned.)
- 20 (k) (i) by inserting in section 18 after the word "pretence," the words "offers for sale,"; Sec. 18. (Selling before expiration of period.)
- (ii) by omitting from section 18 the words "sold or disposed of," and by inserting instead the words "offered for sale, sold or otherwise disposed of,";
- 25 (iii) by omitting from section 18 the words "forty dollars" and by inserting instead the matter "\$200";
- (l) (i) by omitting from section 19 (1) the words "fifty cents" and by inserting instead the matter "\$10"; Sec. 19. (Mode of sale.)
- (ii)

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*Pawnbrokers (Amendment).*

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- 5 (ii) by omitting from section 19 (2) the words  
“some public newspaper, published in New  
South Wales, four days at the least” and by  
inserting instead the words “a newspaper  
circulating in the district in which the  
pawnbroking transaction occurred, at least  
four days”;
- 10 (iii) by omitting from section 19 (3) the words  
“forfeit to the owner of any articles sold  
contrary to the said provisions a sum not  
exceeding forty dollars” and by inserting  
instead the words “, for every such offence, be  
liable to a penalty not exceeding \$200”;
- 15 (m) by omitting section 20 and by inserting instead the Sec. 20.  
following section :—
- 20 20. No purchase or purported purchase of any Pawnbroker  
not to  
purchase.  
article pawned with a licensed pawnbroker—
- (a) where the pawnbroker is a natural person  
—by that pawnbroker or any person acting  
on his behalf; or
- (b) where the pawnbroker is a corporation—  
by an officer or employee of that  
corporation or a person acting on behalf  
of that corporation,
- 25 shall be valid against the owner of the article and  
any person referred to in paragraph (a) or (b)  
purchasing or purporting to purchase any such  
article is liable to a penalty not exceeding \$100.
- 30 (n) by omitting from section 21 (2) the words “twenty  
dollars” and by inserting instead the matter Sec. 21.  
(Applica-  
tion of  
proceeds  
of sale.)  
“\$100”;
- (o)

*Pawnbrokers (Amendment).*

- 5 (o) (i) by omitting from section 22 (1) the words "from time to time enter in a book to be kept by him for that purpose a true and just account" and by inserting instead the words  
 " , within such time and in such form and manner as may be prescribed, make a record"; Sec. 22. (Entry to be made of all articles sold.)
- (ii) by omitting from section 22 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- 10 (p) (i) by omitting from section 23 (2) the word "book" and by inserting instead the word "record"; Sec. 23. (Pawner may inspect entries.)
- 15 (ii) by omitting from section 23 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- (q) by omitting from section 24 the words "fifty dollars" and by inserting instead the matter "\$100"; Sec. 24. (Pledges not to be taken from children or drunken persons.)
- (r) by omitting section 25; Sec. 25. (Pawnbroker not to advance, etc., anything but money.)
- 20 (s) (i) by omitting from section 26 (1) the words "Part VI of the Factories and Shops Act, 1912-1936, or any Act amending the same" and by inserting instead the words "Part IV of the Factories, Shops and Industries Act, 1962"; Sec. 26. (Hours for taking pledges.)
- 25 (ii) by omitting from section 26 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- (t)

*Pawnbrokers (Amendment).*

(t) by omitting from section 27 (2) the words "twenty dollars" and by inserting instead the matter "\$100"; Sec. 27. (Days on which business not to be carried on.)

5 (u) (i) by omitting from section 28 (b) the words "wilfully gives any false information" and by inserting instead the words "gives any information"; Sec. 28. (Persons offering article not giving good account of themselves, etc., may be apprehended and article seized.)

10 (ii) by inserting in section 28 (b) after the word "article" where secondly occurring the words "which that pawnbroker, servant or agent suspects is false";

(iii) by omitting from section 28 the words "illegally or clandestinely" and by inserting instead the word "unlawfully";

15 (iv) by inserting at the end of section 28 the following subsection :—

20 (2) Any person who offers to any licensed pawnbroker, his servant, or agent, by way of pawn, pledge, exchange, or sale, any article that may reasonably be suspected of being stolen or otherwise unlawfully obtained is liable to a penalty not exceeding \$200.

(v) by inserting at the end of section 29 the following subsection :— Sec. 29. (Persons not entitled attempting to redeem article may be apprehended.)

25 (2) Any person who attempts or endeavours to redeem any article without any pretence or colour of right to do so is liable to a penalty not exceeding \$200.

(w)

*Pawnbrokers (Amendment).*

(w) by omitting section 30 and by inserting instead the following section :—

30. Any person who—

(a) offers any article by way of pledge, pawn, exchange or sale to a licensed pawnbroker ;  
or

(b) seeks to redeem any article in pledge or pawn with a pawnbroker,

and who, upon demand being made of him by the pawnbroker, his servant or agent at the time the article is pledged, pawned, exchanged, sold or redeemed for any information required under this Act, does not furnish that information to the person by whom the demand is made or without reasonable excuse furnishes false or misleading information is liable to a penalty not exceeding \$200.

False or misleading information.

(x) by omitting from section 31 the words “alphabetical record hereinbefore mentioned” and by inserting instead the words “record kept by the clerk of the court of the issue of the license”;

Sec. 31.  
(Record to be evidence.)

(y) by omitting from section 33 the words “twenty dollars” and by inserting instead the matter “\$100”;

Sec. 33.  
(Unlicensed persons keeping up signs, etc., liable to a penalty.)

(z) by omitting from section 34 (1) the words “fifty dollars” and by inserting instead the matter “\$100”;

Sec. 34.  
(Lending license.)

(aa) by omitting from section 35 the words “shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit.” and by inserting instead the words “is liable to a penalty not exceeding \$200.”;

Sec. 35.  
(Forged licenses.)

(bb)

*Pawnbrokers (Amendment).*

- 5 (bb) by omitting from section 36 the words "shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit." and by inserting instead the words "is liable to a penalty not exceeding \$200."; Sec. 36.  
(Forging, etc., duplicates.)
- 10 (cc) (i) by omitting from section 37 the word "book" wherever occurring and by inserting instead the words "receipt or disposal record"; Sec. 37.  
(Any justice may compel a pawnbroker to produce records, vouchers, etc.)
- 15 (ii) by inserting in section 37 (1) after the words "required by" the words "or under";
- (iii) by omitting from section 37 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- (dd) by omitting section 39 (2); Sec. 39.  
(Justices may order delivery of goods pawned on payment of compensation or otherwise.)
- (ee) by omitting from section 40 the words "forty dollars" and by inserting instead the matter "\$200"; Sec. 40.  
(Penalties.)
- 20 (ff) by omitting section 41 and by inserting instead the following section :— Sec. 41.
41. It is a sufficient defence to a prosecution under section 13 or 22 if the pawnbroker satisfies the court that the particulars comprised in the record Defence to prosecution for recording incorrect particulars.

were

*Pawnbrokers (Amendment).*

were furnished pursuant to a demand made under section 30 and that at the time the particulars were given and the record was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

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(gg) by omitting sections 42 and 43; Secs. 42, 43.

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(hh) (i) by omitting from section 45 the words "the next preceding section" and by inserting instead the matter "section 44"; Sec. 45. (Limitation of action.)

(ii) by omitting from section 45 the words "three months" and by inserting instead the words "six months";

(ii) by inserting after section 45 the following section :— Sec. 46.

15

46. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

20

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

25

(a) prescribing the forms to be used under this Act;

(b) prescribing fees in connection with licenses;

30

(c) prescribing the form and manner in which the records required by this Act to be kept by pawnbrokers may be kept;

(d)



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*Pawnbrokers (Amendment).*

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(d) prescribing the time within which entries shall be made by pawnbrokers in disposal records.

5 (3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof and any such penalty may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace sitting in petty sessions.

10 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(jj) by omitting the First, Second and Third Schedules. First, Second and Third Schedules.

4. (1) Any application for a pawnbroker's license made Savings. but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted.

20 (2) Any license granted under the Pawnbrokers Act, 1902, and in force immediately before the commencement of this Act, and any license granted by virtue of the operation of subsection (1), shall be deemed to be a license issued under the Pawnbrokers Act, 1902, as amended by this Act.

25 (3) Any book containing particulars recorded in accordance with sections 13 and 22 of the Pawnbrokers Act, 1902, as in force immediately before the commencement of this Act, shall be deemed to be a record complying with those sections as in force after that commencement.

(4)

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*Pawnbrokers (Amendment).*

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(4) Notwithstanding the amendments to the Pawn-  
brokers Act, 1902, effected by section 3 (paragraphs (aa) and  
(bb) excepted) the penalty to which a person convicted of  
an offence is liable is the penalty applicable to that offence at  
5 the time the offence was committed.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

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Act No. 63, 1974.

An Act to make further provisions with respect to the issue of pawnbrokers' licenses and the keeping of records by pawnbrokers; to vary penalties for offences against the Pawnbrokers Act, 1902; for these and other purposes to amend the Pawnbrokers Act, 1902; and for purposes connected therewith. [Assented to, 16th October, 1974.]

BE

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*Pawnbrokers (Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short  
title.

1. This Act may be cited as the "Pawnbrokers (Amendment) Act, 1974".

Commence-  
ment.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 66,  
1902.

3. The Pawnbrokers Act, 1902, is amended—

Sec. 2.

(a) by omitting section 2;

Sec. 5.

(Penalty  
on pawn-  
broking  
without  
license.)

(b) by omitting from section 5 the words "forty dollars" and by inserting instead the matter "\$200";

Secs. 6, 7,  
7A, 8.

(c) by omitting sections 6, 7 and 8 and by inserting instead the following sections:—

Applica-  
tion for  
and issue of  
license.

6. (1) An application for a license, accompanied by the prescribed fee, shall be made in the prescribed manner to the clerk of a court of petty sessions for the district in which the applicant intends to carry on the trade or business of a pawnbroker.

(2) Where the applicant for a license is a corporation, the application shall nominate a person to hold the license on behalf of the corporation.

(3)

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*Pawnbrokers (Amendment).*

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(3) A license shall not be issued unless a copy of the application for the license has been referred to the officer in charge of police at the police station nearest the court to which the application is made and—

- (a) a report made by that officer or a person authorised by him on the application has been lodged with the clerk of that court;  
or
- (b) a period of one month has elapsed since the copy of the application was referred to that officer.

(4) Where—

- (a) a report under subsection (3) (a) has been furnished in respect of an application for a license and that report does not contain a statement objecting to a grant of the license;
- (b) a report under subsection (3) (a) in respect of an application for a license has not, at the expiration of one month after a copy of the application was referred to the officer in charge of police referred to in subsection (3), been received by the clerk of the court to which the application was made; or
- (c) the court grants an application following a hearing referred to in section 7,

the clerk of the court to which the application was made shall issue to the applicant a license in the prescribed form.

(5) A license shall, unless sooner cancelled, remain in force for one year from the date on which it was issued but may, where application is made within one month before the date of expiry of the license and the prescribed fee is paid, be renewed

from

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*Pawnbrokers (Amendment).*


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from year to year for a period not exceeding one year from the date of expiry of the original license, or the previous renewal of the license, as the case may be.

(6) Where an application is made for the renewal of a license before the date of expiry of the license and the application is not dealt with before that date, the license shall be deemed to continue in force until such time as a renewed license is issued or the application is refused, but any renewed license issued on that application shall expire on the first anniversary of the date on which the license so continued in force would, but for this subsection, have expired.

**Objection  
to issue  
of license.**

7. (1) A person who under section 6 (3) (a) makes a report on an application for a license may in the report specify that he objects to a license being issued to an applicant—

(a) where the applicant is a natural person, on the ground that the applicant—

- (i) is not of good fame or character;
- (ii) is not a fit and proper person to hold a license;
- (iii) has improperly obtained a license;
- or
- (iv) has been convicted of an offence against this Act or the regulations,

or on more than one of those grounds; or

(b) where the applicant is a corporation, on the ground that—

- (i) the corporation has improperly obtained a license;
- (ii) the corporation has been convicted of an offence against this Act or the regulations; or

(iii)

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*Pawnbrokers (Amendment).*

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(iii) a director or the secretary of the corporation, or the person nominated as the holder of the license on behalf of the corporation is a person in respect of whom, if he were an applicant for a license, an objection could be made on one or more of the grounds referred to in paragraph (a),

or on more than one of those grounds.

(2) Where a report referred to in section 6 (3) (a) containing a statement objecting to the issue to the applicant of a license is received by the clerk of the court to which the application for the license was made the clerk shall, unless he has issued the license, set the application down for hearing by the court and give notice of the hearing in the prescribed manner to the applicant and the officer in charge of police referred to in section 6 (3).

(3) An application referred to in subsection (2) shall be heard by a court of petty sessions held before a stipendiary magistrate sitting in open court.

7A. (1) A corporation to which a license has been issued may make application in the prescribed manner and accompanied by the prescribed fee, to the clerk of the court by which the license was issued for the variation of the license by substituting for the name of the person who holds the license on behalf of the corporation the name of some other person.

Variation  
of corpora-  
tion license.

(2) An application referred to in subsection (1) shall be dealt with as if the person referred to in the application were an applicant for a license on his own behalf but the clerk of the court shall, instead of issuing a license to that person, endorse on the license issued to the corporation a memorandum of the variation.

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*Pawnbrokers (Amendment).*


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Disqualifi-  
cation of  
licensee.

8. (1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

- (a) where the pawnbroker is a natural person, upon one or more of the grounds of objection specified in section 7 (1) (a); or
- (b) where the pawnbroker is a corporation, upon one or more of the grounds of objection specified in section 7 (1) (b),

and why he should not be disqualified from holding a license.

(2) Where, at the hearing of a summons referred to in subsection (1), a court of petty sessions held before a stipendiary magistrate is satisfied of the truth of any ground of objection alleged in the summons it may order that the license to which the summons relates be cancelled and that the pawnbroker be disqualified, either permanently or for such period as the court specifies, from holding a license.

(3) Any person having possession of a license that is cancelled pursuant to an order under subsection (2) who, upon demand made of him by a member of the police force to deliver up that license, fails to do so is liable to a penalty not exceeding \$200.

**Sec. 9.**

(Separate  
license to be  
taken out for  
each shop,  
etc.)

- (d) by inserting at the end of section 9 the following subsection :—

(2) A licensed pawnbroker who ceases to carry on business in premises specified in a license and who commences to carry on business as a pawnbroker at some other premises (not being premises in respect of which he holds some other license) shall, within seven days of commencing to carry on business at those other premises, give notice in the prescribed



*Pawnbrokers (Amendment).*

prescribed manner to the clerk of a court of petty sessions for the district in which he is then carrying on business, and surrender his license for endorsement thereon of the address of those other premises.

- (e) (i) by omitting section 11 (1) and by inserting instead the following subsection :—
- Sec. 11.  
(Pawn-broker's name, etc., to be affixed to licensed premises.)
- (1) A licensed pawnbroker shall cause to be affixed, and keep affixed, in such manner and in letters of such style and size as may be prescribed, his name in full and the words "licensed pawnbroker" upon some conspicuous part of the outside of the premises to which his license relates.
- (ii) by omitting from section 11 (2) the words "twenty dollars" and by inserting instead the matter "\$50";
- (f) by omitting section 12 and by inserting instead the following section :—
- Sec. 12.
12. (1) A licensed pawnbroker shall produce to a member of the police force when requested his license, the records by this Act required to be kept by him and any articles taken in pawn or received by him which are then in his possession.
- Production of license, records and property.)
- (2) Any such person who without reasonable excuse fails to comply with the provisions of subsection (1) is liable to a penalty not exceeding \$200.
- (g) (i) by omitting from section 13 (1) the words "entered in a fair and legible manner in some book kept for that purpose" and by inserting instead the words "recorded, in such form and manner as may be prescribed";
- Sec. 13.  
(Entries to be made on taking pledge.)

(ii)

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*Pawnbrokers (Amendment).*


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- (ii) by inserting in section 13 (1) (a) after the word "article" the words "including any serial, registration or identification number and any hallmark, inscription or engraving appearing on the article";
- (iii) by omitting from section 13 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 14.  
(Duplicate to be given.)
- (h) by omitting from section 14 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 15.  
(Duplicates lost or stolen.)
- (i) by omitting from section 15 (c) the words "written declaration in the form prescribed by Part IV of the Oath's Act, 1900, duly taken and authenticated by some justice, and" and by inserting instead the words "statutory declaration";
- Sec. 16.  
(Holders of duplicates to be deemed owners of goods pawned.)
- (j) by omitting from section 16 (2) the words "to a justice or";
- Sec. 18.  
(Selling before expiration of period.)
- (k) (i) by inserting in section 18 after the word "pretence," the words "offers for sale,";
- (ii) by omitting from section 18 the words "sold or disposed of," and by inserting instead the words "offered for sale, sold or otherwise disposed of,";
- (iii) by omitting from section 18 the words "forty dollars" and by inserting instead the matter "\$200";
- Sec. 19.  
(Mode of sale.)
- (l) (i) by omitting from section 19 (1) the words "fifty cents" and by inserting instead the matter "\$10";
- (ii)

*Pawnbrokers (Amendment).*

- (ii) by omitting from section 19 (2) the words "some public newspaper, published in New South Wales, four days at the least" and by inserting instead the words "a newspaper circulating in the district in which the pawnbroking transaction occurred, at least four days";
- (iii) by omitting from section 19 (3) the words "forfeit to the owner of any articles sold contrary to the said provisions a sum not exceeding forty dollars" and by inserting instead the words ", for every such offence, be liable to a penalty not exceeding \$200";
- (m) by omitting section 20 and by inserting instead the **Sec. 20.** following section :—
20. No purchase or purported purchase of any **Pawnbroker** article pawned with a licensed pawnbroker— **not to purchase.**
- (a) where the pawnbroker is a natural person—by that pawnbroker or any person acting on his behalf; or
- (b) where the pawnbroker is a corporation—by an officer or employee of that corporation or a person acting on behalf of that corporation,
- shall be valid against the owner of the article and any person referred to in paragraph (a) or (b) purchasing or purporting to purchase any such article is liable to a penalty not exceeding \$100.
- (n) by omitting from section 21 (2) the words "twenty dollars" and by inserting instead the matter **Sec. 21.** ("Application of proceeds of sale.") "\$100";
- (o)

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*Pawnbrokers (Amendment).*


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- Sec. 22.  
(Entry to be made of all articles sold.)
- (o) (i) by omitting from section 22 (1) the words "from time to time enter in a book to be kept by him for that purpose a true and just account" and by inserting instead the words ", within such time and in such form and manner as may be prescribed, make a record";
- (ii) by omitting from section 22 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 23.  
(Pawnner may inspect entries.)
- (p) (i) by omitting from section 23 (2) the word "book" and by inserting instead the word "record";
- (ii) by omitting from section 23 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- Sec. 24.  
(Pledges not to be taken from children or drunken persons.)
- (q) by omitting from section 24 the words "fifty dollars" and by inserting instead the matter "\$100";
- Sec. 25.  
(Pawn-broker not to advance, etc., anything but money.)
- (r) by omitting section 25;
- Sec. 26.  
(Hours for taking pledges.)
- (s) (i) by omitting from section 26 (1) the words "Part VI of the Factories and Shops Act, 1912-1936, or any Act amending the same" and by inserting instead the words "Part IV of the Factories, Shops and Industries Act, 1962";
- (ii) by omitting from section 26 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- (t)

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*Pawnbrokers (Amendment).*


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- (t) by omitting from section 27 (2) the words "twenty dollars" and by inserting instead the matter "\$100"; Sec. 27. (Days on which business not to be carried on.)
- (u) (i) by omitting from section 28 (b) the words "wilfully gives any false information" and by inserting instead the words "gives any information"; Sec. 28. (Persons offering article not giving good account of themselves, etc., may be apprehended and article seized.)
- (ii) by inserting in section 28 (b) after the word "article" where secondly occurring the words "which that pawnbroker, servant or agent suspects is false";
- (iii) by omitting from section 28 the words "illegally or clandestinely" and by inserting instead the word "unlawfully";
- (iv) by inserting at the end of section 28 the following subsection :—
- (2) Any person who offers to any licensed pawnbroker, his servant, or agent, by way of pawn, pledge, exchange, or sale, any article that may reasonably be suspected of being stolen or otherwise unlawfully obtained is liable to a penalty not exceeding \$200.
- (v) by inserting at the end of section 29 the following subsection :— Sec. 29. (Persons not entitled attempting to redeem article may be apprehended.)
- (2) Any person who attempts or endeavours to redeem any article without any pretence or colour of right to do so is liable to a penalty not exceeding \$200.

(w)

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*Pawnbrokers (Amendment).*


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- Sec. 30. (w) by omitting section 30 and by inserting instead the following section :—
- False or misleading information.
30. Any person who—
- (a) offers any article by way of pledge, pawn, exchange or sale to a licensed pawnbroker; or
- (b) seeks to redeem any article in pledge or pawn with a pawnbroker,
- and who, upon demand being made of him by the pawnbroker, his servant or agent at the time the article is pledged, pawned, exchanged, sold or redeemed for any information required under this Act, does not furnish that information to the person by whom the demand is made or without reasonable excuse furnishes false or misleading information is liable to a penalty not exceeding \$200.
- Sec. 31. (Record to be evidence.) (x) by omitting from section 31 the words “alphabetical record hereinbefore mentioned” and by inserting instead the words “record kept by the clerk of the court of the issue of the license”;
- Sec. 33. (Unlicensed persons keeping up signs, etc., liable to a penalty.) (y) by omitting from section 33 the words “twenty dollars” and by inserting instead the matter “\$100”;
- Sec. 34. (Lending license.) (z) by omitting from section 34 (1) the words “fifty dollars” and by inserting instead the matter “\$100”;
- Sec. 35. (Forged licenses.) (aa) by omitting from section 35 the words “shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit.” and by inserting instead the words “is liable to a penalty not exceeding \$200.”;

(bb)

*Pawnbrokers (Amendment).*

- (bb) by omitting from section 36 the words "shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit." and by inserting instead the words "is liable to a penalty not exceeding \$200.";
- Sec. 36.  
(Forging,  
etc.,  
duplicates.)
- (cc) (i) by omitting from section 37 the word "book" wherever occurring and by inserting instead the words "receipt or disposal record";
- Sec. 37.  
(Any justice  
may compel  
a pawn-  
broker to  
produce  
records,  
vouchers,  
etc.)
- (ii) by inserting in section 37 (1) after the words "required by" the words "or under";
- (iii) by omitting from section 37 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- (dd) by omitting section 39 (2);
- Sec. 39.  
(Justices  
may order  
delivery  
of goods  
pawned on  
payment of  
compensa-  
tion or  
otherwise.)
- (ee) by omitting from section 40 the words "forty dollars" and by inserting instead the matter "\$200";
- Sec. 40.  
(Penalties.)
- (ff) by omitting section 41 and by inserting instead the following section :—
- Sec. 41.
41. It is a sufficient defence to a prosecution under section 13 or 22 if the pawnbroker satisfies the court that the particulars comprised in the record
- Defence to  
prosecution  
for recording  
incorrect  
particulars.

were

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*Pawnbrokers (Amendment).*

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were furnished pursuant to a demand made under section 30 and that at the time the particulars were given and the record was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

Secs. 42, 43. (gg) by omitting sections 42 and 43 ;

Sec. 45. (hh) (i) by omitting from section 45 the words "the  
(Limitation of action.) next preceding section" and by inserting instead the matter "section 44" ;

(ii) by omitting from section 45 the words "three months" and by inserting instead the words "six months" ;

Sec. 46. (ii) by inserting after section 45 the following section :—

**Regulations.**

46. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) prescribing the forms to be used under this Act ;

(b) prescribing fees in connection with licenses ;

(c) prescribing the form and manner in which the records required by this Act to be kept by pawnbrokers may be kept ;

(d)



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*Pawnbrokers (Amendment).*

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(d) prescribing the time within which entries shall be made by pawnbrokers in disposal records.

(3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof and any such penalty may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace sitting in petty sessions.

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(jj) by omitting the First, Second and Third Schedules. First,  
Second  
and Third  
Schedules.

4. (1) Any application for a pawnbroker's license made but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted. Savings.

(2) Any license granted under the Pawnbrokers Act, 1902, and in force immediately before the commencement of this Act, and any license granted by virtue of the operation of subsection (1), shall be deemed to be a license issued under the Pawnbrokers Act, 1902, as amended by this Act.

(3) Any book containing particulars recorded in accordance with sections 13 and 22 of the Pawnbrokers Act, 1902, as in force immediately before the commencement of this Act, shall be deemed to be a record complying with those sections as in force after that commencement.

(4)

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*Pawnbrokers (Amendment).*

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(4) Notwithstanding the amendments to the Pawnbrokers Act, 1902, effected by section 3 (paragraphs (aa) and (bb) excepted) the penalty to which a person convicted of an offence is liable is the penalty applicable to that offence at the time the offence was committed.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 September, 1974.*

## **New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 63, 1974.**

An Act to make further provisions with respect to the issue of pawnbrokers' licenses and the keeping of records by pawnbrokers; to vary penalties for offences against the Pawnbrokers Act, 1902; for these and other purposes to amend the Pawnbrokers Act, 1902; and for purposes connected therewith. [Assented to, 16th October, 1974.]

**BE**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**J. H. BROWN,**  
*Chairman of Committees of the Legislative Assembly.*

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*Pawnbrokers (Amendment).*


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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short  
title.

1. This Act may be cited as the "Pawnbrokers (Amendment) Act, 1974".

Commence-  
ment.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-  
ment of  
Act No. 66,  
1902.

Sec. 2.

3. The Pawnbrokers Act, 1902, is amended—

(a) by omitting section 2;

Sec. 5.  
(Penalty  
on pawn-  
broking  
without  
license.)

(b) by omitting from section 5 the words "forty dollars" and by inserting instead the matter "\$200";

Secs. 6, 7,  
7A, 8.

(c) by omitting sections 6, 7 and 8 and by inserting instead the following sections:—

Applica-  
tion for  
and issue of  
license.

6. (1) An application for a license, accompanied by the prescribed fee, shall be made in the prescribed manner to the clerk of a court of petty sessions for the district in which the applicant intends to carry on the trade or business of a pawnbroker.

(2) Where the applicant for a license is a corporation, the application shall nominate a person to hold the license on behalf of the corporation.

(3)

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*Pawnbrokers (Amendment).*

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(3) A license shall not be issued unless a copy of the application for the license has been referred to the officer in charge of police at the police station nearest the court to which the application is made and—

- (a) a report made by that officer or a person authorised by him on the application has been lodged with the clerk of that court; or
- (b) a period of one month has elapsed since the copy of the application was referred to that officer.

(4) Where—

- (a) a report under subsection (3) (a) has been furnished in respect of an application for a license and that report does not contain a statement objecting to a grant of the license;
- (b) a report under subsection (3) (a) in respect of an application for a license has not, at the expiration of one month after a copy of the application was referred to the officer in charge of police referred to in subsection (3), been received by the clerk of the court to which the application was made; or
- (c) the court grants an application following a hearing referred to in section 7,

the clerk of the court to which the application was made shall issue to the applicant a license in the prescribed form.

(5) A license shall, unless sooner cancelled, remain in force for one year from the date on which it was issued but may, where application is made within one month before the date of expiry of the license and the prescribed fee is paid, be renewed

from

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*Pawnbrokers (Amendment).*

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from year to year for a period not exceeding one year from the date of expiry of the original license, or the previous renewal of the license, as the case may be.

(6) Where an application is made for the renewal of a license before the date of expiry of the license and the application is not dealt with before that date, the license shall be deemed to continue in force until such time as a renewed license is issued or the application is refused, but any renewed license issued on that application shall expire on the first anniversary of the date on which the license so continued in force would, but for this subsection, have expired.

Objection  
to issue  
of license.

7. (1) A person who under section 6 (3) (a) makes a report on an application for a license may in the report specify that he objects to a license being issued to an applicant—

(a) where the applicant is a natural person, on the ground that the applicant—

- (i) is not of good fame or character;
- (ii) is not a fit and proper person to hold a license;
- (iii) has improperly obtained a license;
- or
- (iv) has been convicted of an offence against this Act or the regulations,

or on more than one of those grounds; or

(b) where the applicant is a corporation, on the ground that—

- (i) the corporation has improperly obtained a license;
- (ii) the corporation has been convicted of an offence against this Act or the regulations; or

(iii)

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*Pawnbrokers (Amendment).*

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(iii) a director or the secretary of the corporation, or the person nominated as the holder of the license on behalf of the corporation is a person in respect of whom, if he were an applicant for a license, an objection could be made on one or more of the grounds referred to in paragraph (a),

or on more than one of those grounds.

(2) Where a report referred to in section 6 (3) (a) containing a statement objecting to the issue to the applicant of a license is received by the clerk of the court to which the application for the license was made the clerk shall, unless he has issued the license, set the application down for hearing by the court and give notice of the hearing in the prescribed manner to the applicant and the officer in charge of police referred to in section 6 (3).

(3) An application referred to in subsection (2) shall be heard by a court of petty sessions held before a stipendiary magistrate sitting in open court.

7A. (1) A corporation to which a license has been issued may make application in the prescribed manner and accompanied by the prescribed fee, to the clerk of the court by which the license was issued for the variation of the license by substituting for the name of the person who holds the license on behalf of the corporation the name of some other person.

Variation  
of corpora-  
tion license.

(2) An application referred to in subsection (1) shall be dealt with as if the person referred to in the application were an applicant for a license on his own behalf but the clerk of the court shall, instead of issuing a license to that person, endorse on the license issued to the corporation a memorandum of the variation.

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*Pawnbrokers (Amendment).*


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Disqualifi-  
cation of  
licensee.

8. (1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

- (a) where the pawnbroker is a natural person, upon one or more of the grounds of objection specified in section 7 (1) (a); or
- (b) where the pawnbroker is a corporation, upon one or more of the grounds of objection specified in section 7 (1) (b),

and why he should not be disqualified from holding a license.

(2) Where, at the hearing of a summons referred to in subsection (1), a court of petty sessions held before a stipendiary magistrate is satisfied of the truth of any ground of objection alleged in the summons it may order that the license to which the summons relates be cancelled and that the pawnbroker be disqualified, either permanently or for such period as the court specifies, from holding a license.

(3) Any person having possession of a license that is cancelled pursuant to an order under subsection (2) who, upon demand made of him by a member of the police force to deliver up that license, fails to do so is liable to a penalty not exceeding \$200.

**Sec. 9.**  
(Separate  
license to be  
taken out for  
each shop,  
etc.)

(d) by inserting at the end of section 9 the following subsection :—

(2) A licensed pawnbroker who ceases to carry on business in premises specified in a license and who commences to carry on business as a pawnbroker at some other premises (not being premises in respect of which he holds some other license) shall, within seven days of commencing to carry on business at those other premises, give notice in the  
prescribed



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*Pawnbrokers (Amendment).*

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prescribed manner to the clerk of a court of petty sessions for the district in which he is then carrying on business, and surrender his license for endorsement thereon of the address of those other premises.

- (e) (i) by omitting section 11 (1) and by inserting instead the following subsection :—

Sec. 11.  
(Pawn-broker's name, etc., to be affixed to licensed premises.)

(1) A licensed pawnbroker shall cause to be affixed, and keep affixed, in such manner and in letters of such style and size as may be prescribed, his name in full and the words "licensed pawnbroker" upon some conspicuous part of the outside of the premises to which his license relates.

- (ii) by omitting from section 11 (2) the words "twenty dollars" and by inserting instead the matter "\$50";

- (f) by omitting section 12 and by inserting instead the following section :—

Sec. 12.

12. (1) A licensed pawnbroker shall produce to a member of the police force when requested his license, the records by this Act required to be kept by him and any articles taken in pawn or received by him which are then in his possession.

Production of license, records and property.

(2) Any such person who without reasonable excuse fails to comply with the provisions of subsection (1) is liable to a penalty not exceeding \$200.

- (g) (i) by omitting from section 13 (1) the words

Sec. 13.  
(Entries to be made on taking pledge.)

"entered in a fair and legible manner in some book kept for that purpose" and by inserting instead the words "recorded, in such form and manner as may be prescribed";

(ii)

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*Pawnbrokers (Amendment).*


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- (ii) by inserting in section 13 (1) (a) after the word "article" the words "including any serial, registration or identification number and any hallmark, inscription or engraving appearing on the article";
- (iii) by omitting from section 13 (3) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 14.  
(Duplicate to be given.)
- (h) by omitting from section 14 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 15.  
(Duplicates lost or stolen.)
- (i) by omitting from section 15 (c) the words "written declaration in the form prescribed by Part IV of the Oath's Act, 1900, duly taken and authenticated by some justice, and" and by inserting instead the words "statutory declaration";
- Sec. 16.  
(Holders of duplicates to be deemed owners of goods pawned.)
- (j) by omitting from section 16 (2) the words "to a justice or";
- Sec. 18.  
(Selling before expiration of period.)
- (k) (i) by inserting in section 18 after the word "pretence," the words "offers for sale,";
- (ii) by omitting from section 18 the words "sold or disposed of," and by inserting instead the words "offered for sale, sold or otherwise disposed of,";
- (iii) by omitting from section 18 the words "forty dollars" and by inserting instead the matter "\$200";
- Sec. 19.  
(Mode of sale.)
- (l) (i) by omitting from section 19 (1) the words "fifty cents" and by inserting instead the matter "\$10";
- (ii)

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*Pawnbrokers (Amendment).*

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- (ii) by omitting from section 19 (2) the words “some public newspaper, published in New South Wales, four days at the least” and by inserting instead the words “a newspaper circulating in the district in which the pawnbroking transaction occurred, at least four days”;
  - (iii) by omitting from section 19 (3) the words “forfeit to the owner of any articles sold contrary to the said provisions a sum not exceeding forty dollars” and by inserting instead the words “, for every such offence, be liable to a penalty not exceeding \$200”;
  - (m) by omitting section 20 and by inserting instead the Sec. 20. following section :—
    - 20. No purchase or purported purchase of any Pawnbroker not to purchase. article pawned with a licensed pawnbroker—
      - (a) where the pawnbroker is a natural person —by that pawnbroker or any person acting on his behalf; or
      - (b) where the pawnbroker is a corporation— by an officer or employee of that corporation or a person acting on behalf of that corporation,
- shall be valid against the owner of the article and any person referred to in paragraph (a) or (b) purchasing or purporting to purchase any such article is liable to a penalty not exceeding \$100.
- (n) by omitting from section 21 (2) the words “twenty dollars” and by inserting instead the matter Sec. 21. (Application of proceeds of sale.) “\$100”;
  - (o)

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*Pawnbrokers (Amendment).*


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- Sec. 22.  
(Entry to be made of all articles sold.)
- (o) (i) by omitting from section 22 (1) the words "from time to time enter in a book to be kept by him for that purpose a true and just account" and by inserting instead the words ", within such time and in such form and manner as may be prescribed, make a record";
- (ii) by omitting from section 22 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- Sec. 23.  
(Pawnner may inspect entries.)
- (p) (i) by omitting from section 23 (2) the word "book" and by inserting instead the word "record";
- (ii) by omitting from section 23 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- Sec. 24.  
(Pledges not to be taken from children or drunken persons.)
- (q) by omitting from section 24 the words "fifty dollars" and by inserting instead the matter "\$100";
- Sec. 25.  
(Pawnbroker not to advance, etc., anything but money.)
- (r) by omitting section 25;
- Sec. 26.  
(Hours for taking pledges.)
- (s) (i) by omitting from section 26 (1) the words "Part VI of the Factories and Shops Act, 1912-1936, or any Act amending the same" and by inserting instead the words "Part IV of the Factories, Shops and Industries Act, 1962";
- (ii) by omitting from section 26 (2) the words "twenty dollars" and by inserting instead the matter "\$100";
- (t)

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*Pawnbrokers (Amendment).*


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- (t) by omitting from section 27 (2) the words "twenty dollars" and by inserting instead the matter "\$100"; (Days on which business not to be carried on.) Sec. 27.
- (u) (i) by omitting from section 28 (b) the words "wilfully gives any false information" and by inserting instead the words "gives any information"; (Persons offering article not giving good account of themselves, etc., may be apprehended and article seized.) Sec. 28.
- (ii) by inserting in section 28 (b) after the word "article" where secondly occurring the words "which that pawnbroker, servant or agent suspects is false"; be apprehended and article seized.)
- (iii) by omitting from section 28 the words "illegally or clandestinely" and by inserting instead the word "unlawfully";
- (iv) by inserting at the end of section 28 the following subsection :—
- (2) Any person who offers to any licensed pawnbroker, his servant, or agent, by way of pawn, pledge, exchange, or sale, any article that may reasonably be suspected of being stolen or otherwise unlawfully obtained is liable to a penalty not exceeding \$200.
- (v) by inserting at the end of section 29 the following subsection :— Sec. 29.
- (2) Any person who attempts or endeavours to redeem any article without any pretence or colour of right to do so is liable to a penalty not exceeding \$200. (Persons not entitled attempting to redeem article may be apprehended.)

(w)

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*Pawnbrokers (Amendment).*


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Sec. 30. (w) by omitting section 30 and by inserting instead the following section :—

False or misleading information.

30. Any person who—

(a) offers any article by way of pledge, pawn, exchange or sale to a licensed pawnbroker;  
or

(b) seeks to redeem any article in pledge or pawn with a pawnbroker,

and who, upon demand being made of him by the pawnbroker, his servant or agent at the time the article is pledged, pawned, exchanged, sold or redeemed for any information required under this Act, does not furnish that information to the person by whom the demand is made or without reasonable excuse furnishes false or misleading information is liable to a penalty not exceeding \$200.

Sec. 31.  
(Record to be evidence.)

(x) by omitting from section 31 the words “alphabetical record hereinbefore mentioned” and by inserting instead the words “record kept by the clerk of the court of the issue of the license”;

Sec. 33.  
(Unlicensed persons keeping up signs, etc., liable to a penalty.)

(y) by omitting from section 33 the words “twenty dollars” and by inserting instead the matter “\$100”;

Sec. 34.  
(Lending license.)

(z) by omitting from section 34 (1) the words “fifty dollars” and by inserting instead the matter “\$100”;

Sec. 35.  
(Forged licenses.)

(aa) by omitting from section 35 the words “shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit.” and by inserting instead the words “is liable to a penalty not exceeding \$200.”;

(bb)

*Pawnbrokers (Amendment).*

- (bb) by omitting from section 36 the words "shall be guilty of a misdemeanour, and shall be liable to such punishment by fine or imprisonment for any term not exceeding two years, with or without hard labour, or by both fine and imprisonment as aforesaid, as the Court thinks fit." and by inserting instead the words "is liable to a penalty not exceeding \$200."; Sec. 36.  
(Forging, etc., duplicates.)
- (cc) (i) by omitting from section 37 the word "book" wherever occurring and by inserting instead the words "receipt or disposal record"; Sec. 37.  
(Any justice may compel a pawnbroker to produce records, vouchers, etc.)
- (ii) by inserting in section 37 (1) after the words "required by" the words "or under";
- (iii) by omitting from section 37 (2) the words "twenty dollars" and by inserting instead the matter "\$200";
- (dd) by omitting section 39 (2); Sec. 39.  
(Justices may order delivery of goods pawned on payment of compensation or otherwise.)
- (ee) by omitting from section 40 the words "forty dollars" and by inserting instead the matter "\$200"; Sec. 40.  
(Penalties.)
- (ff) by omitting section 41 and by inserting instead the following section :— Sec. 41.
41. It is a sufficient defence to a prosecution under section 13 or 22 if the pawnbroker satisfies the court that the particulars comprised in the record Defence to prosecution for recording incorrect particulars.
- were

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*Pawnbrokers (Amendment).*


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were furnished pursuant to a demand made under section 30 and that at the time the particulars were given and the record was made the person to whom they were given had no reasonable grounds for suspecting and did not suspect that the particulars were false or misleading.

Secs. 42, 43. (gg) by omitting sections 42 and 43;

Sec. 45. (hh) (i) by omitting from section 45 the words "the  
(Limitation of action.) next preceding section" and by inserting instead the matter "section 44";

(ii) by omitting from section 45 the words "three months" and by inserting instead the words "six months";

Sec. 46. (ii) by inserting after section 45 the following section :—

Regulations.

46. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) prescribing the forms to be used under this Act;

(b) prescribing fees in connection with licenses;

(c) prescribing the form and manner in which the records required by this Act to be kept by pawnbrokers may be kept;

(d)



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*Pawnbrokers (Amendment).*

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(d) prescribing the time within which entries shall be made by pawnbrokers in disposal records.

(3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof and any such penalty may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace sitting in petty sessions.

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(jj) by omitting the First, Second and Third Schedules. First,  
Second  
and Third  
Schedules.

4. (1) Any application for a pawnbroker's license made but not disposed of before the commencement of this Act may be disposed of as if this Act had not been enacted. Savings.

(2) Any license granted under the Pawnbrokers Act, 1902, and in force immediately before the commencement of this Act, and any license granted by virtue of the operation of subsection (1), shall be deemed to be a license issued under the Pawnbrokers Act, 1902, as amended by this Act.

(3) Any book containing particulars recorded in accordance with sections 13 and 22 of the Pawnbrokers Act, 1902, as in force immediately before the commencement of this Act, shall be deemed to be a record complying with those sections as in force after that commencement.

(4)

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*Pawnbrokers (Amendment).*

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(4) Notwithstanding the amendments to the Pawnbrokers Act, 1902, effected by section 3 (paragraphs (aa) and (bb) excepted) the penalty to which a person convicted of an offence is liable is the penalty applicable to that offence at the time the offence was committed.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 16th October, 1974.*