

**PAWNBROKERS (AMENDMENT) BILL, 1985**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Second-hand Dealers and Collectors (Amendment) Bill, 1985.

The object of this Bill is to amend the Pawnbrokers Act, 1902 ("the Act"), so as—

- (a) to increase penalties for certain offences under the Act (Schedule 1 (1), (2) and (4) and Schedule 2);
- (b) to require a pawnbroker to forward to the police a copy of the record the pawnbroker is required to keep under section 13 (1) of the Act with respect to any pawnbroking transaction (Schedule 1 (3));
- (c) to provide for the return of stolen articles or unlawfully obtained or pawned articles in the possession of a pawnbroker to their lawful owner without compensation to the pawnbroker except in circumstances to be prescribed (Schedule 1 (5) and (6)); and
- (d) to provide that a court shall not order the delivery of an article to the owner from the possession of a pawnbroker if the pawnbroker satisfies the court that the article was not stolen or otherwise unlawfully dealt with (Schedule 1 (5) (b)),

and to make other amendments of a minor, consequential or ancillary nature.

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# PAWNBROKERS (AMENDMENT) BILL, 1985

No. , 1985.

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## A BILL FOR

An Act to amend the Pawnbrokers Act, 1902, in relation to the recovery of stolen goods from a pawnbroker by the lawful owner and the records to be kept by pawnbrokers, to increase certain penalties and for other purposes.

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*Pawnbrokers (Amendment) 1985*

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**BE** 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.**

- 5    **1.** This Act may be cited as the "Pawnbrokers (Amendment) Act, 1985".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor  
10 in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PAWNBROKERS ACT, 1902.

15    **SCHEDULE 2.**—AMENDMENT TO THE PAWNBROKERS (AMENDMENT) ACT, 1980.

**Amendment of Act No. 66, 1902.**

4. The Pawnbrokers Act, 1902, is amended in the manner set forth in Schedule 1.

20 **Amendment of Act No. 150, 1980.**

5. The Pawnbrokers (Amendment) Act, 1980, is amended in the manner set forth in Schedule 2.

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**SCHEDULE 1.**

(Sec. 4.)

25                    **AMENDMENTS TO THE PAWNBROKERS ACT, 1902.**

(1) Sections 5, 8 (3), 12 (2), 13 (3), 14 (2), 18, 19 (3), 22 (2), 28 (2), 29 (2), 30, 35, 36, 37 (2), 40, 46 (4)—

Omit "\$200" wherever occurring, insert instead "\$1,000".

*Pawnbrokers (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE PAWNBROKERS ACT, 1902—*continued.*

## (2) Section 11 (2)—

Omit “\$50”, insert instead “\$250”.

## 5 (3) Section 13A—

After section 13, insert:—

**Pawnbroker to forward copy of record to police.**

10 13A. A person required by section 13 (1) to cause a record to be made shall within 14 days of the making of the record forward an accurate and legible copy of the record to the Commissioner of Police.

## (4) Sections 20, 21 (2), 23, 24, 26 (2), 27 (2), 33, 34—

Omit “\$100” wherever occurring, insert instead “\$500”.

## (5) (a) Section 38 (2)—

15 Omit “, either without any payment or upon payment of such sum and”.

## (b) Section 38 (2A), (2B)—

After section 38 (2), insert:—

20 (2A) A court may, in such circumstances as may be prescribed but in no other circumstances, make in respect of an article an order under subsection (2) that will have effect only upon payment, by the owner of the article to the licensed pawnbroker, of such sum as the court thinks fit.

25 (2B) A court shall not make an order under subsection (2) for the delivery up of an article where the licensed pawnbroker has satisfied it that the article was not stolen, unlawfully obtained or unlawfully deposited, pawned, sold or exchanged.

## (6) (a) Section 39 (1)—

Omit “either without compensation or with such compensation to the party in question as the said justices deem fit”.

*Pawnbrokers (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAWNBROKERS ACT, 1902—*continued.*

(b) Section 39 (2)—

After section 39 (1), insert:—

- 5           (2) A court may, in such circumstances as may be prescribed  
but in no other circumstances, make in respect of an article an  
order under subsection (1) that will have effect only upon  
payment, by the owner of the article to the person with whom  
10           the article was unlawfully pawned or exchanged, of such  
compensation as the court thinks fit.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENT TO THE PAWNBROKERS (AMENDMENT) ACT, 1980.

Schedule 1 (16)—

- 15           Omit "\$100", insert instead "\$500".







**PAWNBROKERS (AMENDMENT) ACT, 1985, No. 10**

**New South Wales**



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**



**Act No. 10, 1985.**

An Act to amend the Pawnbrokers Act, 1902, in relation to the recovery of stolen goods from a pawnbroker by the lawful owner and the records to be kept by pawnbrokers, to increase certain penalties and for other purposes. [Assented to, 29th March, 1985.]

*Pawnbrokers (Amendment) 1985*

**BE** 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, 1985".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Except as provided by subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PAWNBROKERS ACT, 1902.

SCHEDULE 2.—AMENDMENT TO THE PAWNBROKERS (AMENDMENT) ACT, 1980.

**Amendment of Act No. 66, 1902.**

4. The Pawnbrokers Act, 1902, is amended in the manner set forth in Schedule 1.

**Amendment of Act No. 150, 1980.**

5. The Pawnbrokers (Amendment) Act, 1980, is amended in the manner set forth in Schedule 2.

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SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PAWNBROKERS ACT, 1902.

- (1) Sections 5, 8 (3), 12 (2), 13 (3), 14 (2), 18, 19 (3), 22 (2), 28 (2), 29 (2), 30, 35, 36, 37 (2), 40, 46 (4)—

Omit "\$200" wherever occurring, insert instead "\$1,000".

*Pawnbrokers (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAWNBROKERS ACT, 1902—*continued.*

(2) Section 11 (2)—

Omit “\$50”, insert instead “\$250”.

(3) Section 13A—

After section 13, insert:—

**Pawnbroker to forward copy of record to police.**

13A. A person required by section 13 (1) to cause a record to be made shall within 14 days of the making of the record forward an accurate and legible copy of the record to the Commissioner of Police.

(4) Sections 20, 21 (2), 23, 24, 26 (2), 27 (2), 33, 34—

Omit “\$100” wherever occurring, insert instead “\$500”.

(5) (a) Section 38 (2)—

Omit “, either without any payment or upon payment of such sum and”.

(b) Section 38 (2A), (2B)—

After section 38 (2), insert:—

(2A) A court may, in such circumstances as may be prescribed but in no other circumstances, make in respect of an article an order under subsection (2) that will have effect only upon payment, by the owner of the article to the licensed pawnbroker, of such sum as the court thinks fit.

(2B) A court shall not make an order under subsection (2) for the delivery up of an article where the licensed pawnbroker has satisfied it that the article was not stolen, unlawfully obtained or unlawfully deposited, pawned, sold or exchanged.

(6) (a) Section 39 (1)—

Omit “either without compensation or with such compensation to the party in question as the said justices deem fit”.

*Pawnbrokers (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PAWNBROKERS ACT, 1902—*continued.*

(b) Section 39 (2)—

After section 39 (1), insert:—

(2) A court may, in such circumstances as may be prescribed but in no other circumstances, make in respect of an article an order under subsection (1) that will have effect only upon payment, by the owner of the article to the person with whom the article was unlawfully pawned or exchanged, of such compensation as the court thinks fit.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENT TO THE PAWNBROKERS (AMENDMENT) ACT, 1980.

Schedule 1 (16)—

Omit "\$100", insert instead "\$500".

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 29th March, 1985.*