
1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

Presented, 26 April 1990

(Attorney-General)

Pawnbrokers (Amendment) Bill 1990

A BILL

FOR

**An Act to amend the Pawnbrokers Act 1902 of the State
of New South Wales in its application in the Territory**

The Legislative Assembly for the Australian Capital Territory enacts
as follows:

Short title

5 1. This Act may be cited as the *Pawnbrokers (Amendment) Act
1990*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act
is notified in the *Gazette*.

10 (2) The remaining provisions commence on a day, or respective
days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced
before the end of the period of 6 months commencing on the day on

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which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, "Principal Act" means the Pawnbrokers Act 1902 of the State of New South Wales in its application in the Territory. 5

Separate licence for each shop

4. Section 9 of the Principal Act is amended by adding at the foot of the section the following penalty:

"Penalty: \$20."

Pawnbroker's name on premises 10

5. Section 11 of the Principal Act is amended—

- (a) by omitting from subsection (1) "have his name at length painted" and substituting "not, without reasonable excuse, fail to have his or her full name displayed";
- (b) by omitting from subsection (1) "by him"; 15
- (c) by inserting in subsection (1) "by that person" after "made use of,";
- (d) by adding at the foot of subsection (1) the following penalty:
"Penalty: \$20."; and
- (e) by omitting subsection (2). 20

Book entries on taking pledges

6. Section 13 of the Principal Act is amended by inserting in subsection (3) " , without reasonable excuse," after "who".

Duplicates of entry to be given

7. Section 14 of the Principal Act is amended— 25

- (a) by omitting subsection (2); and
- (b) by adding at the foot of the section the following penalty:
"Penalty: \$20."

Duplicates lost or stolen

8. Section 15 of the Principal Act is amended by adding at the foot of the section the following penalty: 30

"Penalty: \$20."

Holders of duplicates deemed owners of goods pawned

9. Section 16 of the Principal Act is amended—

- (a) by omitting from subsection (2) "he shall" and substituting "the pawnbroker shall not, without reasonable excuse, fail to"; and 35
- (b) by adding at the foot of the section the following penalty:
"Penalty: \$20."

Application of proceeds of sale

10. Section 21 of the Principal Act is amended—

- (a) by inserting in subsection (1) “the pawnbroker shall not, without reasonable excuse, fail to pay” after “then”;
- 5 (b) by omitting from subsection (1) “shall,”;
- (c) by omitting from subsection (1) “be paid upon demand” and substituting “within 2 days of the claim”;
- (d) by adding at the foot of subsection (1) the following penalty:
“Penalty: \$20.”; and
- 10 (e) by omitting subsection (2).

Entries of articles sold

11. Section 22 of the Principal Act is amended—

- (a) by inserting at the foot of subsection (1) the following penalty:
“Penalty: \$20.”; and
- 15 (b) by omitting subsection (2) and substituting the following subsection:
“(2) A pawnbroker shall not knowingly or recklessly make a false entry in a book kept pursuant to subsection (1).
Penalty: \$20.”.

20 **Children and drunken persons**

12. Section 24 of the Principal Act is amended by omitting all the words from and including “apparently” (first occurring) to and including “liquor,” and substituting “who is or is reasonably believed by the pawnbroker to be—

- 25 (a) under the age of 14 years; or
- (b) intoxicated with liquor;”.

Repeal

13. Section 25 of the Principal Act is repealed.

Substitutions

30 14. Sections 32 and 33 of the Principal Act are repealed and the following sections substituted:

Evidentiary certificates

35 “32. (1) The Clerk of the Magistrates Court may issue a certificate stating whether a specified person was or was not on a specified date or during a specified period the holder of a licence.

“(2) A certificate issued under subsection (1) is evidence of the facts stated in the certificate.

Advertisements

“33. An unlicensed person shall not display any sign on or near premises which he or she occupies which states or gives reasonable cause to believe that those premises are being used to carry on the trade or business of a pawnbroker.

Penalty: \$20.”

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Lending licences

15. Section 34 of the Principal Act is amended by omitting from subsection (1) “for the purpose of carrying on” and substituting “with the intention of enabling that person to carry on”.

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Repeal

16. Section 40 of the Principal Act is repealed.

Further amendments

17. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 17

Subsection 12 (1)—

Insert “or her” after “his”.

Subsection 12 (2)—

(a) Insert “or her” after “his”.

(b) Insert “or she” after “he”.

Paragraph 13 (1) (d)—

Insert “or her” after “his” and “him”.

Subsection 14 (3)—

Insert “or she” after “he”.

Paragraph 15 (c)—

Insert “or herself” after “himself”.

Section 15—

Insert “or her” after “him”.

Subsection 16 (1)—

Insert “or herself” after “himself”.

Paragraph 16 (1) (a)—

Insert “or her” after “him” (wherever occurring).

Section 20—

Insert “or her” after “his” and “him”.

Subsection 21 (1)—

Insert “or her” after “his” (wherever occurring).

Subsection 22 (1)—

Insert “or her” after “him” (wherever occurring).

Subsection 23 (2)—

Insert “or her” after “him” (wherever occurring).

Paragraph 26 (1) (b)—

Insert “or her” after “his”.

Section 29—

Insert “or her” after “him”.

SCHEDULE—continued**Subsection 34 (2)—**

Insert “or her” after “his”.

Section 46—

- (a) Insert “or her” after “him”.
- (b) Insert “or she” after “he”.

Second Schedule—

- (a) Insert “or her” after “him” (wherever occurring).
- (b) Insert “or she” after “he”.