

QUEENSLAND LAW REFORM COMMISSION

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A BILL TO AMEND THE PAWNBROKERS ACT 1849-1971

WORKING PAPER NO. 16

23 December 1976

A Working Paper of the Queensland Law Reform Commission

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QUEENSLAND

LAW REFORM COMMISSION

CONFIDENTIAL

WORKING PAPER ON A BILL TO
AMEND THE PAWNBROKERS ACT
1849 - 1971
QLRC W.16

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LAW REFORM COMMISSION

WORKING PAPER ON A BILL TO
AMEND THE PAWNBROKERS ACT
1849 - 1971

The Honourable the Minister for Justice and Attorney-General has requested the Law Reform Commission to review the Pawnbroker's Act 1849 - 1971 with a view to modernising its provisions and, if necessary, introducing an up to date Statute in substitution for the existing legislation.

The Commission has prepared a draft bill to provide for the licensing of Pawnbrokers and the regulation and control of persons carrying on business as Pawnbrokers. Neither the draft bill nor the brief commentary contained within this Working Paper represents the final views of the Commission.

The working paper is being circulated to persons and bodies known to be interested, from whom comment and criticism are invited. It is circulated on a confidential basis and recipients are reminded that any recommendations for the reform of the law must have the approval of the Governor in Council before being laid before Parliament. No inferences should be drawn as to any Government Policy

It is requested that any observations you may desire to make be forwarded to the Secretary, Law Reform Commission, P.O. Box 312, North Quay, Queensland, 4000, so as to be received no later than Friday, 25th March, 1977.

23rd December, 1976

D.G. Andrews

(D.G. Andrews)
CHAIRMAN.

PAWNBROKER'S ACT

COMMENTARY ON DRAFT BILL

The Honourable the Minister for Justice and Attorney-General has requested the Law Reform Commission to review the Pawnbroker's Act 1849-1971 with a view to modernising its provisions and if necessary, introducing an up to date Statute in substitution for the existing legislation.

The Pawnbroker's Act 1849-1971 was originally enacted by the Parliament of New South Wales in 1849 and the Act continued in force as part of the Statute Law of Queensland after separation of that State from New South Wales in 1859.

Four (4) sections of the original Statute were repealed by the Criminal Code Act 1899 and later the Act was further amended by the Queensland Parliament in 1971.

The fact that no subsequent amendments have been made may be taken as some indication that, notwithstanding its vintage, the Act is still operating in Queensland in a reasonably satisfactory manner.

In consequence, the accompanying draft Bill, although modernising both the language and the scope of the original Statute, will be found to retain most of the provisions of the original Act, and the operation of the legislation has not been extended to any marked extent.

The comparable legislation in both New South Wales and Victoria has also been considered by the Law Reform Commission. In a number of instances certain provisions of these two Statutes have been preferred to the existing Queensland sections.

In general the clauses of the draft Bill follow the sequence of the Victorian Act rather than that of Queensland.

Where any significant change in the provisions of the present Statute have been recommended, specific reference has been made thereto in the following commentary:-

- (a) Short Title and Commencement. Clause 1. There would seem to be no occasion to alter the title of the original Act or the method of fixing the date of commencement.
- (b) Repeals. Clause 2. As the Act originated in New South Wales as a Statute of that State, it is considered its application to this State should be terminated rather than

- the Act repealed. The amending Act of 1971 is to be repealed.
- (c) Savings. Clause 3. This adopts the phraseology of the legislature when enacting the Statute of Frauds, 1972.
 - (d) Interpretation. Clause 4. The Victorian provision has been followed as being more comprehensive. It embodies provisions contained in three sections of the existing Queensland Act, namely Sections 2, 36 and 37.
 - (e) Pawnbrokers. Clause 5. Again the Victorian provision has been preferred to the existing Queensland section.
 - (f) Application for licence. Clause 6. The Law Reform Commission has carried out also a review of the Hawkers and Pedlers Act and the Second-Hand Dealers Act. Each of the three (3) Acts require persons operating under their respective Act to be licensed. The Commission suggests that the method of applying for a licence as set out in this draft Bill be adopted in each of the three Acts. This clause and those following up to and including Clause 12 provide the procedure for applying for a new licence, for the renewal of a licence, for objection by the Police Officer to the application, for the hearing, the fee, the period of the licence and for the recording by the Clerk of the Court.
 - (g) Clauses 13 to 34 of the draft have all been adapted from the existing Queensland Act with the exception of Clause 15.
 - (h) Clause 15 has been adapted from Section 11 of the New South Wales Act but it has virtually the same application as Section 8 of the present Queensland Statute.
 - (i) Particular attention is drawn to Clause 20 and to the fact that it contains no maximum interest rate chargeable. This is the position under both the present Queensland and New South Wales Acts. However, in the Victorian Act, under Section 17(1)(b), a rate of 5/6 cents per twenty cents lent is fixed as the interest. The definition "Money Lender" under the Money Lenders Act, 1916 - 1973 includes a person who lends money at a rate of interest exceeding 12% per annum or such other rate as the Governor in Council prescribes for the time being by Order in Council. However, this definition does not include pawnbrokers. It is therefore recommended that any regulations made under clause 40 include a provision similar to s.13A of the Money Lenders Act.

- (j) Section 17 of the present Queensland Act provides that an article on which more than 50 cents has been lent has to be sold by public auction. This amount is considered to be too low by today's standards and therefore has been increased to \$10.00.
- (k) Under Clause 28 the prohibition against accepting pledges from children or persons who are intoxicated has been extended to include persons affected by drugs.
- (l) Clauses 29 and 30 of the draft Bill are the present Sections 25A and 26 of the Queensland Act.
- (m) Trading hours for a pawnbroker as contained in the present Section 27 have been altered in the proposed Clause 31. Under the existing Act, a pawnbroker may not receive goods by way of pawn before 8 a.m. or after 9 p.m. on any day except on Saturdays and on the evenings preceding Good Friday and Christmas Day when closing time is extended to 11 p.m. Such a provision is anachronistic in the light of present day conditions and accordingly the trading hours have been modernised as set out in the proposed Clause 31. Whilst most businesses in Queensland are required to conform to the hours prescribed by the Factories and Shops Act 1960 - 1973, under Section 60(1)(xiii) of such legislation, pawnbroker's premises are specifically exempted therefrom and persons carrying on business as such can settle their trading hours by mutual agreement.
- (o) Clauses 32 - 34 of the draft Bill are virtually identical to Sections 28 and 30 of the present Queensland Act.
- (p) Clause 35 has been adapted from the New South Wales Section 40 which itself is in effect an abbreviated form of the original Queensland Section 32.
- (q) The remaining Clauses 36 - 40 are of a formal nature and require no individual comment.

A Bill to provide for the licensing of Pawnbrokers and the regulation and control of persons carrying on business as Pawnbrokers.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows:-

1. Short title and commencement. (1) This Act may be cited as the Pawnbrokers Act 197

(2) This Act shall commence on a day to be fixed by Proclamation.

2. Acts terminated or repealed. [Qld. Act 12 of 1972 s.3.] (1) The application in Queensland of the Act mentioned in Part I of the Schedule is terminated to the extent indicated in the Schedule.

(2) The Act mentioned in part II of the Schedule is repealed to the extent indicated in the Schedule.

Abbreviations. Abbreviations used in reference to other Acts in notes appearing at the beginnings of sections have the following meanings:-

Qld. - The Pawnbrokers Act 1849 - 1971; Vic. - 6332 - Pawnbrokers Act 1958; Vic. 6269 - Hawkers and Pedlers Act, 1958; N.S.W. - Pawnbrokers Act, 1902.

3. Savings and transitional. [Vic. 6332.s.2. Qld. Act 12 of 1972 s.3.] Notwithstanding the termination of application or repeal by this Act of any of the Acts mentioned in the Schedule to this Act, or a provision of any Act so mentioned, the provisions of the Act or the provision, as the case may be apply in relation to any order licence application complaint warrant summons information distress declaration deprivation pledge ticket book certificate notice record proceeding appeal liability or right made effected issued granted required to be kept or given accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act.

4. Interpretation. [Vic. 6332.s.3.] Every person who carries on business or seeks his livelihood in or by advancing upon interest or in expectation of profit gain or reward any sum of money upon security (whether collateral or otherwise) of any article or articles goods or chattels whatsoever taken by such person by way of pawn pledge or security shall be deemed and taken to be a "Pawnbroker", and shall be deemed and taken to have carried on the trade or business of a Pawnbroker within the intent and meaning of this Act.

The term "article" used herein shall be considered to include every species of chattel and goods whatsoever.

Nothing herein shall be held or construed to apply to loans or advances made on any goods chattels live stock wool bonds bills title deeds or other security by merchants bankers commission agents brokers or licensed auctioneers in the ordinary and bona fide course of mercantile or banking transactions.

5. Pawnbroker to be licensed. [Vic. 6332. s.4.] It shall not be lawful for any person to carry on the trade or business of a Pawnbroker without having previously obtained a licence to carry on such trade or business in manner and form as is hereinafter directed. And every person who without having first obtained such licence carries on such trade or business of Pawnbroker shall for every such offence be liable to a penalty of not more than \$40.

6. Application for licence. [Vic. 6269 s.5.] Every person who desires to obtain a licence under the provisions of this Act -

- (a) shall apply for the licence to the Magistrates Court nearest to the place where he intends to carry on business; and
- (b) shall, not less than fourteen days before the day on which he makes the application, give to the Clerk of the Court and to the member of the police force in charge of the police station nearest to those premises -
 - (i) notice in writing in the form in the Second Schedule to this Act of his intention to apply for the licence specifying the day on which the application will be made; and
 - (ii) a certificate that the applicant is a person of good character signed by two householders residing in the city, town or district in which the premises are situated.

7. Renewal of licence. [Vic. 6269 s.6.] (1) A person who holds a licence under this Act which is in force may apply to the Magistrates Court nearest to the premises where he carries on business for a renewal of the licence and the court shall deal with the application on a day within fourteen days before the licence expires or if there is no day appointed for holding the court within that period then on the last day appointed before the licence expires.

(2) The licensee shall give notice in writing of his application to the Clerk of the Court and to the member of the police force in charge of the police station nearest to the premises where he carries on business not less than fourteen days before the day on which the application is to be dealt with by the Court.

8. Objection to application. [Vic. 6269 s.7.] (1) The member of the police force in charge of the police station nearest to the premises where he carries on business may object to the granting or renewal of a licence on the ground that he has reason to believe that the applicant is not a fit and proper person to hold a licence.

(2) Notice in writing of any such objection shall be given to the Clerk of the Court and to the applicant not less than seven days before the hearing of the application for the licence or renewal of the licence.

(3) The Magistrates Court may entertain any such objection even though notice thereof was not given as aforesaid but in that case the applicant shall be entitled to an adjournment for such time as the court thinks fit.

9. Hearing of application. [Vic. 6269 s.8.] The Magistrates Court shall consider every application for a licence or for renewal of a licence and any objections thereto as aforesaid and -

(a) if, in the case of an application for a licence, it is satisfied that the applicant is a fit and proper person to hold a licence it may grant to him a licence in the form in the Second Schedule, and

(b) if, in the case of an application for a renewal of a licence, it is satisfied that the licensee has not been convicted of any breach of the provisions of this Act or of any corresponding previous enactment and that he is a fit and proper person to continue to hold the licence it may, notwithstanding that the licensee does not appear personally or by anyone on his behalf, renew the licence for a period of twelve months from the date of expiry of the original licence or of the last renewal (as the case may be).

10. Fee for licence. [Vic. 6269 s.5.] Every person to whom a licence has been granted as aforesaid (whether a new licence or by way of renewal) shall pay to the Clerk of the Court the sum of forty dollars and until that sum is paid the licence shall have no force or effect whatsoever.

11. Period of licence. [Vic. 2629 s.5.] Every licence granted or renewed under the provisions of this Act shall unless revoked or suspended, be in force for a period of twelve months.

12. Clerk of the Court to keep record of licence. [Qld. s.5]
Every Clerk of the Court by which such licence shall be granted shall keep an alphabetical record thereof.

13. Manner or proving licence. [Qld. s.6] In any proceeding against any person alleged to be a licensed Pawnbroker and liable as such to any such proceeding the production of the alphabetical record hereinbefore directed to be kept by the Clerk of the Court shall be prima facie evidence both of the personal identity of the person therein named and that the said person is a licensed Pawnbroker under this Act until the contrary be shown.

Provided always that any other proof as to the fact of any person holding any such licence may be admitted before any such court as it may see fit.

14. Pawnbroker to be deemed unlicensed until contrary shown. [Qld. s.7] In all proceedings under this Act against any person carrying on the trade or business of a Pawnbroker without a licence such person shall for all purposes connected with such proceedings be deemed and taken to be unlicensed unless such person shall produce the licence authorising such person to carry on such trade or business to the Magistrates Court hearing the case or shall produce other proof which shall be satisfactory to such Magistrates Court of his being a licensed Pawnbroker within the meaning of this Act.

15. Pawnbrokers' names, etc., to be painted on their premises under a penalty. [N.S.W. s.11] (1) Every person who holds a Pawnbroker's licence under this Act shall have his name at length painted in legible characters at least fifty millimetres high with the words "Licensed Pawnbroker" constantly and permanently remaining and plainly to be seen and read over the door of each shop or other place by him kept or made use of for carrying on the trade or business of a pawnbroker.

(2) Any such licensed person who fails or neglects to comply with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty dollars.

16. Unlicensed persons keeping up signs, etc., to be fined. [Qld. s.9] If any person not actually holding a Pawnbroker's licence shall keep up any sign writing painting or other mark on or near to his house or shop or premises which may imply or give reasonable cause to believe that such shop house or premises is or are the house shop or premises of a licensed Pawnbroker he shall for every such offence forfeit and pay on conviction any sum not exceeding twenty dollars.

17. Not to keep more than one shop by virtue of one licence.

[Qld. s.10 & 11] No Pawnbroker licensed by authority of this Act shall by virtue of one licence keep more than one house shop or other place for taking in goods or chattels to pawn but for each and every house shop or other place which any person shall keep for the purposes aforesaid a separate and distinct licence shall be taken out and paid for by such Pawnbroker. Provided always that persons in partnership and carrying on the trade or business of a Pawnbroker in one house shop or tenement only shall not be obliged to take out more than one licence in any one year for the carrying on such trade or business.

18. Licence to be produced on demand of a Justice or constable authorized in writing under a penalty. [Qld. s.12.] Any person holding a licence under this Act shall on demand at his licensed house or place wherein or whereat such licence shall be exercised produce his licence to any constable and if any such licensed person shall refuse or neglect to produce his licence he shall forfeit and pay on conviction for every such refusal or neglect any sum not exceeding twenty dollars unless some reasonable excuse can be given by such licensed person to the satisfaction of the Court hearing the case for the non-production thereof.

19. Penalty on person lending licence. [Qld. s.13] If any person having obtained such licence as aforesaid shall lend the same to any other person for the purpose of carrying on such business as aforesaid under colour thereof he shall forfeit and pay on conviction for every such offence any sum not exceeding fifty dollars and on conviction it shall be lawful for the court so convicting to declare his said licence void and no such licence shall thereafter be granted to such person so convicted for the period of two years from the date of such conviction.

20. Articles pledged to be entered in books under a penalty.

[Qld. s.15] Every licensed person taking in pawn any article whereon any sum of money shall be lent shall forthwith (before advancing any money thereon) cause to be entered in a fair and legible manner in some book kept for that purpose a fair and reasonable description of every such article and the sum of money in the whole advanced thereon with the rate of interest to be charged on the same by the week or month (as the case may be) and the true date at which and the name of the party by or for whom the article is pawned and his place of residence according to the statement of the person so pawning into which last mentioned circumstances the Pawnbroker shall inquire of the person so pawning before any money shall be lent or advanced and any licensed person who shall fail or neglect to keep such book or to make such entry therein shall forfeit and pay on conviction for every such offence any sum not exceeding twenty dollars.

21. Period for sale of pledges. [Qld. s.16] Unless a longer time shall be expressly agreed upon the period for redemption of any article or articles so taken in pawn shall be three months at the expiration of which period (or at the expiration of any such longer period as may have been so agreed upon) every such article shall be deemed forfeited and may be sold and if any Pawnbroker shall under any circumstances or upon any pretence sell or otherwise dispose of or cause or knowingly suffer to be sold or disposed of any article whatever so pawned before the expiration of the said term of three months or of such longer period (if any) as was so agreed upon he shall forfeit and pay for every such offence upon conviction (over and above any damages for which he may be liable to the owner or party injured) any sum not exceeding forty dollars.

Provided always that in every case where a longer time for redemption than the said term of three months shall have been agreed upon such time shall be specified in the entry so to be made as aforesaid or at the foot thereof and shall be mentioned in like manner in the duplicate of such entry hereinafter required to be given to the party pawning.

22. Mode of sale. [Qld. s.17] All articles forfeited on which in the whole any sum above ten dollars shall have been lent shall be sold by public auction and not otherwise and a notice of every such sale containing a catalogue of all such articles and the time when the same were respectively taken in pawn shall be twice inserted in some public newspaper generally circulating in the district in which he is carrying on business four days at the least before the proposed day of sale upon pain of forfeiting to the owner of any article sold contrary to the provisions of this section a sum not exceeding forty dollars to be paid by the Pawnbroker in any such case offending and no purchase or pretended purchase by any Pawnbroker or person on his behalf of any article pawned with him shall be lawful or if made shall be valid against the owner in any case.

23. Entries to be numbered and duplicates given under a penalty. [Qld. s.18] Every entry made under s.20 shall be numbered consecutive throughout the year the first pledge received by any Pawnbroker after the commencement of this Act being numbered one the second two and so on until the end of the year and the first pledge received on or after the first day of January next and on or after any succeeding first day of January being respectively numbered one and so on progressively throughout the year.

Every Pawnbroker at the time of taking any article in pawn shall give to the person pawning the same a duplicate of every such entry fairly and legibly written or partly written and partly printed with the signature of such Pawnbroker thereto attached containing every particular inserted in the original entry and corresponding therewith in number and any licensed Pawnbroker who shall fail to neglect so to do shall forfeit and pay on conviction any sum not exceeding twenty dollars.

No Pawnbroker shall receive or retain any pledge unless such duplicate shall be or shall have been accepted at the time by the party pawning and every such duplicate shall be delivered gratis and shall be produced to the Pawnbroker before he shall be obliged to re-deliver the articles mentioned therein or any of them.

24. Holders of duplicates to be deemed owners of goods pawned. [Qld. s.21.] Every person who shall at any time produce any such duplicate as aforesaid to the Pawnbroker who gave the same and shall require delivery of the article therein specified claiming to be the owner or representing himself to be authorised by the owner thereof shall be deemed and taken to be such owner or to be so authorised and shall be entitled to redeem such article accordingly unless such Pawnbroker shall previously have had notice from the real owner that such duplicate has been lost by him or fraudulently taken or obtained from him or such Pawnbroker shall have been informed by some credible person that such article has been stolen.

Provided always that in every case where the Pawnbroker shall refuse to deliver the article to the party producing such duplicate he shall give immediate information of such refusal and of the particular grounds thereof to a Justice of the Peace or to some constable together with a description of the person of such party on (if known to the Pawnbroker) such party's name and place of residence.

25. When duplicate is lost a copy may be obtained. [Qld. s.22.] In case any Pawnbroker's duplicate shall be lost or mislaid by or fraudulently taken or obtained from the owner thereof and the article mentioned therein shall remain unredeemed the Pawnbroker who gave such duplicate shall at the request of any person representing himself to be such owner deliver to such person a copy of such duplicate such person previously producing to and leaving with such Pawnbroker a declaration in writing made under the Oaths Act 1867 to 1960 setting forth the circumstances of such loss or otherwise satisfactorily accounting for the non-production of such duplicate.

26. Entry to be made of all articles sold. [Qld. s.23.] Every Pawnbroker shall from time to time enter in a book to be kept by him for that purpose a true and just account of the sale of every article which shall have been pawned and which shall be sold or otherwise disposed of by him specifying the date when such article was pledged and the true number of the entry then made thereof and the name of the person who pledged the same and the day when and the amount for which every such article was sold and in case any such article shall have been sold for more than the full amount of the principal money and interest thereon which was due at the time of such sale then the overplus (deducting the necessary charges of such sale) shall if claimed within twelve months next after such sale be paid upon demand to the person by or for whom such article was pawned or his agent or assigns or (in case of death) to his executor or administrator.

27. Every such entry may be inspected. [Qld. s.24.] Every person by or for whom any such article as last aforesaid shall have been pawned shall be permitted to inspect the entry of such sale thereof and if any Pawnbroker or person employed by a Pawnbroker shall refuse to permit any such person as aforesaid to inspect any such entry (such person producing the duplicate relating to the articles respecting which such inspection is required) or shall not produce the book containing such entry or shall in any manner offend against the provisions of the preceding section every person so offending shall for every such offence forfeit and pay on conviction any sum not exceeding twenty dollars.

28. Pledges not to be taken from children or drunken persons or persons affected by drugs under a penalty. [Qld. s.25.] If any licensed Pawnbroker or any agent or servant employed by any such Pawnbroker shall at any time purchase receive or take in pawn any article whatever from any person apparently under the age of fourteen years or who shall be apparently intoxicated with liquor or affected by drugs or shall (in any case where the value of the pledge or the amount agreed to be lent thereon does not exceed twenty dollars) advance upon any article or articles pawned or offered in pawn any thing but money or shall in respect of any such article or articles give sell or exchange any goods or property in lieu of or in return for money such Pawnbroker shall for every such offence upon conviction forfeit and pay any sum not exceeding twenty dollars.

29. Police entitled to enter and inspect pawnbroker's premises. [Qld. s.25A.] A member of the Police Force may at all reasonable hours in the day-time enter the licensed premises of a pawnbroker and therein -

(a) inspect all books and documents that are by this Act required to be kept by the pawnbroker and make therefrom any copy or extract;

(b) inspect all pledges in the pawnbroker's possession.

(2) A pawnbroker shall, upon request, produce to a member of the Police Force at all reasonable hours in the day-time all books and documents that are by this Act required to be kept by the Pawnbroker and all pledges in his possession.

(3) A Pawnbroker who fails to comply with subsection (2) of this section commits an offence against this Act.

30. A Court may compel a Pawnbroker to produce books vouchers etc., under a penalty. [Qld. s.26.] If in the course of any proceedings (whether under this Act or otherwise) it shall appear to the court to be material or proper to require the production of any book note voucher entry memorandum licence or other paper required by this Act to be kept by or which ought to be in the custody of any Pawnbroker it shall be lawful for the court to summon such Pawnbroker to attend before it and produce the same and such Pawnbroker is hereby required to produce every such book duplicate note voucher entry memorandum licence or other paper accordingly. In any case where a Pawnbroker does not attend upon such summons or does not produce to the court any book duplicate or entry so required or produce the same in an altered state and does not show a reasonable excuse in that behalf he shall for every such offence forfeit and pay on conviction any sum not exceeding twenty dollars.

31. Hours between which Pawnbrokers are allowed to take in pledge. Penalty for offending. [Qld. s.27.] No licensed Pawnbroker shall receive or take in or permit or suffer to be received or taken in any goods or chattels by way of pawn pledge or in exchange except between 8.30 a.m. and 5 p.m. on Mondays to Fridays and except between 8.30 a.m. and 11.30 a.m. on Saturdays and in case any licensed Pawnbroker shall offend against the provision hereof every such Pawnbroker shall for every offence on conviction forfeit and pay any sum not exceeding twenty dollars.

32. Pawnbroker not to exercise or carry on business on Christmas Day or Good Friday under a penalty. [Qld. s. 28] No Pawnbroker shall in any way exercise or carry on his trade or business as such Pawnbroker on Christmas Day or Good Friday and in case any such Pawnbroker shall offend against this provision every such Pawnbroker shall for every such offence on conviction forfeit and pay any sum not exceeding the sum of twenty dollars.

33. Justice to order delivery of goods fraudulently pawned etc.
[Qld. s.29] If any articles goods or chattels shall be stolen or unlawfully obtained from any person or being lawfully obtained shall be unlawfully deposited pawned pledged sold or exchanged and complaint shall be made thereof to any Justice of the Peace and that such goods are in possession of any licensed Pawnbroker it shall be lawful for such Justice to issue a summons or warrant for the appearance of such licensed Pawnbroker before a Magistrates Court and for the production of the goods and such Court may order such goods to be delivered up to the owner thereof either without any payment or upon payment of such sum and at such time as the said Court shall think fit. Every licensed Pawnbroker who being so ordered shall refuse or neglect to deliver up the goods or who shall dispose of or make away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid shall forfeit to the owner of the goods the full value thereof to be determined by the said Court:

Provided always that no such order shall bar any such licensed Pawnbroker from recovering possession of such goods by suit or action at law from the person into whose possession they may come by virtue of the order of the said Court if such action be commenced within three calendar months next after such order shall be made.

34. Court to order delivery of goods pawned on payment of compensation or otherwise. [Qld. s.30] It shall and may be lawful for any Magistrates Court to order that any goods unlawfully pawned pledged or exchanged which shall be brought before it and the ownership of which shall be satisfactorily established shall be delivered up to the owner by the party with whom they were so unlawfully pawned pledged or exchanged either without compensation or with such compensation to the party in question as the said Court may deem fit.

35. Penalty in any case not specifically provided for.
[N.S.W. s.40] Any pawnbroker who offends against the provisions of this Act where no penalty in that behalf is by this Act specifically provided shall be liable to a penalty not exceeding forty dollars.

36. Recovery of Penalty. All penalties or forfeitures incurred under the provisions of this Act may be sued for and recovered by way of summary proceedings under the Justices Act 1886 - 1975.

37. Appropriation of Penalties. [Vic. 6269 s.24.] All fines, penalties and forfeitures under this Act shall be paid to Consolidated Revenue.

38. Time for Proceedings. [Vic. 6269 s.26.] No proceedings shall be taken for any offence under this Act unless within six months of the commission of the offence complained of.

39. Duplicate licence. [Vic. 6269 s.28] A Magistrates Court upon being satisfied that a licence granted under the provisions of this Act has been lost or destroyed may upon payment to the Clerk of the Court of a fee of one dollar (\$1.00) cause to be issued a duplicate licence which shall be of the same force as the original licence.

40. Regulations. The Governor may make regulations, not inconsistent with this Act, prescribing all matters which this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, making provision for penalties not exceeding a fine of \$200.00 or imprisonment for six (6) months or both, for offences against the regulations.

F I R S T
S C H E D U L E

S.2

CITATION	SHORT TITLE	EXTENT OF TERMINATION OF APPLICATION OR REPEAL
13 Vic. No. 37	<u>Part I</u> Pawnbrokers Act	The Whole
No. 16 of 1971	<u>Part II</u> Pawnbrokers Act Amendment Act	The Whole

SECOND SCHEDULE

Ss. 6 & 7

PAWNBROKERS ACT 197 .

FORM OF APPLICATION FOR A PAWNBROKERS LICENCE

TO:

Clerk of the Court and to Officer in Charge of
Police at in the State of Queensland.

I, of
hereby give notice that it is my intention to apply to
the Magistrates Court at on the
day of 19

* for a licence to carry on the trade or business of a
Pawnbroker in the house or premises situated at
and which I intend to keep as
a Pawnbroker's shop.

* for a renewal of the Pawnbroker's licence issued under
this Act dated the day of 19 .

Dated at this day of 19 .

* Delete which is not applicable.

FORM OF HOUSEHOLDERS' CERTIFICATE

We, the undersigned householders residing with
the Magistrates Court District of in
the State of Queensland, hereby certify that the above
is a person of good
character and fit and proper to be licensed to carry on
the trade and business of a Pawnbroker.

.....

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