

Business & storage premises:

A licenced Second-hand dealer, must nominate on their licence any premises that they intend to make regular use of, whether as business premises or storage premise

Display of licence details

- A licensee must conspicuously display, on all premises used for the conduct of a licensed business, the particulars required by the regulations to be displayed in relation to the licence.
- A licensee who is conducting a licensed business as an itinerant must, at all times while so conducting the business, display in the prescribed manner any particulars required by the regulations to be displayed in relation to the licence.

Signage required to be displayed

- Under section 14 Clause 17(1)(d), The following statement **MUST BE** displayed "Conspicuously" on licensed premises in English language using letters and figures not less than 5 cm high.

"ANY INFORMATION PROVIDED TO THE LICENSEE BY OR ABOUT A CUSTOMER IN RELATION TO THE TRADING OF SECOND-HAND GOODS MAY BE FURNISHED TO THE POLICE"

- Under section 32L Clause 33 (Form 3), A licensee must display the following notice. The notice **MUST BE** in a prominent position and be written in capital letters in Arial text in figures not less than 2.5cm high in black writing on a white background.

"YOU HAVE A LEGAL RIGHT TO CLAIM GOODS FROM THESE PREMISES THAT YOU HAVE GOOD REASON TO BELIEVE ARE YOURS. GO TO ANY POLICE STATION AND A POLICE OFFICER WILL ADVISE YOU OF YOUR RIGHTS AND WHAT YOU WILL NEED TO DO"

Please Note: This information leaflet is intended as a guide only, & is not be used as a substitute for the Pawnbrokers & Second-hand Dealers Act 1996 or Regulations 2008.



Prescribed goods requiring a Second-hand Dealers License...

- **Jewellery** (including watches) that include gems or precious metals
- **Gemstones or precious metals**
- **Sporting or recreational goods**
- **Musical instruments** (incl. electric piano's)
- **Photographic equipment**
- **Portable engine powered, motorized or air powered tools and equipment**
- **Microwave** cookers and other **electric or electronic goods** (other than whitegoods)
- **Computer hardware and software** (incl. interactive game consoles & game software)
- **Compact Discs** (laser read): (all types – dvd's, mini discs, blue-ray that are designed to be used with electronic audio, &/or visual
- **Watercraft and parts of watercraft**
- **Toolkits and car accessories**
- **Mobile phones**
- **Devices designed to play digital audio** files (MP3 players, ipods, etc)
- **Global Positioning** equipment (GPS)



Further information regarding the contents of this document can be obtained from

Pawnbrokers Unit OIA

P 02 8835 7826 F 02 8835 7829

E #PBU@police.nsw.gov.au



NSW Police Force
www.police.nsw.gov.au

PAWNBROKERS & SECOND HAND DEALERS



Information Leaflet for Market Promoters & Stallholders



NSW Police Force
www.police.nsw.gov.au

With your help, a safer community.



Operational Information
Agency

PAWNBROKERS UNIT

Market Promoters

- The "Promoter" of a Market is defined in the Pawnbrokers & Second Hand Dealers Act of 1996 as, "a person to whom vendors of goods or services offered at the market pay any fee, commission or rent in consideration of being allowed to sell there."
- Under the Act, the promoter of a market has certain responsibilities and requirements that must be met. Penalties apply to Promoters who do not meet these requirements.
- The following information may assist you in ensuring these requirements are met. They have been taken directly from the Pawnbrokers & Second Dealers Act 1996 & the Pawnbrokers & Second Dealers Regulations 2008.
- A link to helpful information to get you started including the Act & Regulations in full can be found on the NSW Police Website, by going to:

<http://www.police.nsw.gov.au>

- Click the [Registered Users](#) link on the bottom right hand corner of the page. Then Click [Weblink System – Pawnbrokers & Second-hand dealers](#) link.

A Market does not include:

- An annual event such as a school fete.
- Fundraising appeal under the Charitable Fundraising Act of an activity promoted by a person holding an authority under the Act (unless space is provided for a fee to person/business not connected with the appeal)
- An assembly of store holders, none of whom are selling Second-hand goods.
- An assembly of store holders at which every person is selling goods in household quantities.

Market Promoters & Second-hand Dealers...

Records

- The promoter of any market must keep records of all vendors selling second-hand goods at the market on any day, and of the kinds of goods sold by them and any other prescribed particulars (listed below).
- A requirement under the Act is to keep a record so that it is readily able to be produced to an authorised officer if an authorised officer should require its production. It must also be recorded electronically or in a bound (not loose leaf) book in English.
- Records must be retained for a period of 3 years after it is made.

Records relating to markets

For the purposes of section 16 (3) of the Act, the prescribed particulars are as follows:

- (a) the date on which the market is held,
- (b) the location of the market,
- (c) the name, residential address and, if possible, vehicle registration number of any unlicensed stallholder offering second-hand goods for sale,
- (d) a general description of the goods offered for sale by any such stallholder,
- (e) details of any identification documents produced by any such stallholder.
- (c) for each item taken in trade or pawn.

Evidence of identity of vendors at markets

- Before permitting a person to sell second-hand goods at a market, the promoter of the market must obtain evidence of the person's identity on each occasion a market is or is to be conducted.
- The identity must be verified by means of a card or document that:
 - (i) bears the vendor's photograph
 - (ii) is issued by the government or a statutory authority of NSW or the Commonwealth or another State/Territory
 - (iii) includes the name of the person,
 - (iv) contains the address at which they claims to reside,
 - (v) has a signature, that matches their signature, and
 - (vi) does not bear any indications of forgery or tampering,

OR...

- a combination of cards or documents:
 - (i) that appear to be issued by organisations other than the vendor and that include the information and features described above, **AND**
 - (ii) one of which is issued by the government or a statutory authority of NSW or the Commonwealth or another State/Territory,
 - (iii) and none of which bears any indications of forgery or tampering.
- However, in the case of a person licensed to carry on the business of a second-hand dealer may be satisfied by production to the promoter of documentary evidence indicating that the person is so licensed.
- A promoter of a market may impose a reasonable requirement on a person seeking to sell goods at the market to furnish information to the promoter for the purposes of the promoter's compliance with the Act.

Production of records

- An authorised officer may require the promoter of a market:
 - (a) to produce for inspection at the nearest police station within 24 hours any record required to be kept by the promoter under this Act, or
 - (b) to reveal the whereabouts of any such records.
- A person must comply with a requirement made of the person under this section.

Seizure of records

- An authorised officer may take temporary possession of any record produced to the officer under this Act for the purpose of making copies or notes of some or all of it.
- When possession of a record is taken under this section, a receipt is to be issued for it at the time it is taken.

False or misleading information

- A person must not, in purported compliance with a requirement under this Act to furnish information, make or furnish any statement that the person knows is false or misleading.