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SPECIAL

Subordinate Legislation Act 1994 PROPOSED SECOND-HAND DEALERS AND PAWNBROKERS REGULATIONS 1997

Following recent amendments to the **Second-Hand Dealers and Pawnbrokers Act 1989** ("the Act") it has become necessary to develop new regulations to reflect the resulting changes to the regulation of second-hand dealers and pawnbrokers. Briefly, these changes include:

- (a) replacement of the current licensing system with a registration system, to be administered by the Department of Justice;
- (b) replacement of the "fit and proper person" test by a "no serious offences" test; and
- (c) abolition of the maximum interest rate which may be charged by pawnbrokers.

These amendments to the Act are intended, among other things, to improve the process of accreditation of second-hand dealers and pawnbrokers and facilitate the recovery of stolen goods.

The objective of the proposed Regulations is to prescribe, for the purposes of the Act:

- (a) persons who and goods which are exempt from the whole or part of the Act or Regulations;
- (b) fees payable under the Act;
- (c) the particulars to be contained in the register of second-hand dealers;
- (d) categories of identification to be produced by persons:
 - * applying for registration as a second-hand dealer; and
 - * attempting to sell or pawn goods to a second-hand dealer or pawnbroker;
- (e) the form and content of records required to be kept by second-hand dealers and pawnbrokers;

- (f) the particulars to be included by a pawnbroker in a pledge ticket;
- (g) the procedure to be adopted when disposing of unredeemed goods; and
- (h) other matters that are necessary or convenient for carrying out or giving effect to the Act.

A Regulatory Impact Statement (RIS) has been prepared for the proposed Regulations. It considers a draft of the proposed Regulations and alternatives to them. It concludes that the objectives of the Act are best met by the current form of the proposed Regulations.

Copies of the RIS and the proposed Regulations are available from the Legislation Unit, Office of Fair Trading and Business Affairs (telephone 9627-6086). Written submissions are invited and must be addressed to the Director, Office of Fair Trading and Business Affairs, 3rd Floor, 452 Flinders Street, Melbourne 3000. Submissions must be received at this address no later than 5.00 pm on 13 December 1997.

Subordinate Legislation Act 1994 PROPOSED CONSUMER AFFAIRS (PRODUCT SAFETY) (CHILDREN'S TOYS) REGULATIONS 1997

The Consumer Affairs (Product Safety) (Children's Toys) Regulations 1987 required certain toys to comply with the Australian Standard AS 1647.2-1981 to minimise the risk of ingestion and inhalation hazards associated with those toys for children less than 3 years of age. Under the **Subordinate Legislation Act 1989** ("the Act"), those regulations automatically ceased operation on 21 October 1997. It is proposed to remake the 1987 regulations, updating it to comply with the 1992 version of the Australian Standard.

The proposed Regulations:

- (a) require that, where a toy is intended for a child less than 3 years of age, the toy and any part of that toy which may

become detached during use, must not present an ingestion or inhalation hazard;

- (b) adopt certain test requirements for determining ingestion or inhalation hazards, of Australian Standard AS 1647.2-1992, 'Children's Toys (Safety Requirements) Part 2: Constructional Requirements', published by the Standards Association of Australia on 14 September 1992, as amended by Amendment No. 1 published on 5 March 1995;
- (c) exempt certain toys from the Australian Standard as the toys are either covered by another standard or are exempted by the Commonwealth and U.S. Consumer Products Safety Committee.

A Regulatory Impact Statement (RIS) has been prepared for the proposed Regulations. It considers a draft of the proposed Regulations and alternatives to them. It concludes that the objectives of the Act are best met by the current form of the proposed Regulations.

Copies of the RIS and the proposed Regulations are available from the Legislation Unit, Office of Fair Trading and Business Affairs (telephone 9627-6086). Written submissions are invited and must be addressed to the Director, Office of Fair Trading and Business Affairs, 3rd Floor, 452 Flinders Street, Melbourne 3000. Submissions must be received at this address no later than 5.00 pm on 13 December 1997.



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