



Australian Capital Territory

# **Second-hand Dealers Act 1906**

**A1906-30**

**Republication No 11**

**Effective: 12 December 2011 – 21 August 2013**

Republication date: 12 December 2011

Last amendment made by [A2011-49](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Second-hand Dealers Act 1906* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 December 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 12 December 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Second-hand Dealers Act 1906

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Australian Capital Territory

## Second-hand Dealers Act 1906

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An Act to provide for the licensing and regulation of dealers in certain second-hand goods, to regulate the sale of certain second-hand goods, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Second-hand Dealers Act 1906*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*suitable person*—see section 11 (Working out whether person *suitable*).' means that the expression 'suitable person' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act 2001](#), s 155 and s 156 (1)).

### 2A Carrying on business as second-hand dealer

- (1) A person *carries on business as a second-hand dealer* if the person, for reward or profit—
  - (a) deals in second-hand goods; or
  - (b) buys and sells second-hand goods; or
  - (c) sells someone else's second-hand goods as agent.
- (2) However, a person does not carry on business as a second-hand dealer only because the person hires out second-hand goods.
- (3) In this section:  
*selling* includes selling on commission or by auction.

## Part 2 Licences

### 3 Issue of licences

- (1) If a person applies to the commissioner for a licence, or for renewal of a licence, the commissioner must issue a licence to the person or renew the licence if—
  - (a) the application complies with this Act; and

*Note* If a form is approved under s 18 (Approved forms) for an application, the form must be used.

  - (b) if the person is an individual—the person is 18 years old or older; and
  - (c) the person would not contravene a Territory law or Commonwealth law if the person carried on business as a second-hand dealer while licensed; and
  - (d) the person is a suitable person; and
  - (e) if the person is a partner applying for a licence on behalf of the partnership—each other partner is a suitable person.
- (2) A licence must state each premises where the holder of the licence may carry on business as a second-hand dealer.
- (3) A licence may be issued for up to 1 year.

## Part 3 Second-hand dealers

### 4 Dealers must be licensed

- (1) A person must not carry on business as a second-hand dealer unless the person is licensed as a second-hand dealer.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) The regulations may exempt an entity from subsection (1).
- (3) The commissioner may, in writing, exempt a named entity from subsection (1) if satisfied that it is appropriate to do so because—
- (a) the entity carries on business as a second-hand dealer infrequently or irregularly; and
  - (b) exempting the entity would not undermine the purposes of this Act.
- (4) Before exempting an entity, the commissioner must consult with the chief police officer.
- (5) The power to exempt a named entity under this section does not include the power to exempt a class of entities.
- (6) An exemption under subsection (3) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

### 5 Name of dealer etc to be displayed on premises

A licensed second-hand dealer must clearly display on the outside of each premises where the dealer carries on business, in letters not smaller than the height prescribed under the regulations—

- (a) his or her full name; and
- (b) the words ‘licensed dealer in second-hand goods’.

Maximum penalty: 20 penalty units.



**6 Records of second-hand dealers**

- (1) A licensed second-hand dealer must make, in accordance with the regulations, the records that the dealer is required to make under the regulations.

Maximum penalty: 20 penalty units.

- (2) A licensed second-hand dealer must keep, in accordance with the regulations, the records required to be made under subsection (1).

Maximum penalty: 20 penalty units.

- (3) A licensed second-hand dealer must give to the police, in accordance with the regulations, the records or copies of records that the dealer is required to give to the police under the regulations.

Maximum penalty: 20 penalty units.

**7 Inspection of records and goods**

- (1) A licensed second-hand dealer must, if asked by a police officer, allow the police officer to inspect—

- (a) any record the dealer is required to keep under this Act; or
- (b) any second-hand goods in the dealer's possession; or
- (c) any other record in the dealer's possession relating to second-hand goods.

Maximum penalty: 50 penalty units.

- (2) The police officer may—

- (a) copy any record inspected under this section; and
- (b) examine or photograph any second-hand goods in the dealer's possession that the police officer suspects on reasonable grounds have been stolen or fraudulently obtained.

- (3) This section is additional to any other power of a police officer.

**8 Keeping of second-hand goods—dealers**

- (1) This section applies if a licensed second-hand dealer buys or otherwise receives second-hand goods from someone else.
- (2) The second-hand dealer must not sell or otherwise dispose of the second-hand goods, and must keep them in the condition in which the dealer receives them for—
  - (a) if the dealer is a dealer for which a period of less than 5 working days is prescribed under the regulations—the prescribed period after the dealer buys or otherwise receives the goods; or
  - (b) in any other case—5 working days after the dealer buys or otherwise receives the goods.

Maximum penalty: 50 penalty units.

- (3) The regulations may—
  - (a) exempt a second-hand dealer from subsection (2); or
  - (b) authorise the chief police officer to exempt a dealer from subsection (2).

**9 Goods suspected of being stolen or fraudulently obtained**

- (1) This section applies to a licensed second-hand dealer in relation to second-hand goods if—
  - (a) the dealer has or obtains possession of the goods or the goods are offered to the dealer; and
  - (b) either of the following subparagraphs applies:
    - (i) the dealer is or has been told by a police officer that the goods, or goods of their description, have been stolen or fraudulently obtained;

- (ii) the dealer suspects, or should reasonably suspect in the circumstances, that the goods have been stolen or fraudulently obtained.
- (2) The second-hand dealer must immediately tell a police officer that the goods are in the dealer's possession or have been offered to the dealer.

Maximum penalty: 50 penalty units.

## **10 Second-hand dealers—carrying on business**

- (1) A licensed second-hand dealer must not carry on business as a second-hand dealer at a place other than premises stated in the licence.

Maximum penalty: 50 penalty units.

- (2) To remove any doubt, a licensed second-hand dealer does not commit an offence against subsection (1) only because the dealer buys second-hand goods at a place other than premises stated in the licence.

### **Examples**

- 1 A licensed second-hand dealer buys second-hand goods from a charity or at a trash and treasure market.
- 2 A person advertises a piano for sale, a licensed second-hand dealer goes to the person's home to look at the piano and the dealer buys the piano while at the person's home.
- (3) A licensed second-hand dealer must not, without reasonable excuse, fail to produce his or her licence on demand made by a police officer at premises stated in the licence.

Maximum penalty: 5 penalty units.

- (4) A licensed second-hand dealer must not buy or receive second-hand goods from a person if the dealer believes or has reasonable grounds to believe that the person is under 14 years old.

Maximum penalty: 5 penalty units.

## Part 4 Miscellaneous

### 11 Working out whether person *suitable*

- (1) This section applies in working out for this Act whether a person is a *suitable person*.
- (2) A person is a suitable person if the person is not *disqualified*.
- (3) A person is *disqualified* if the person or, if the person is a corporation, the corporation or an executive officer of the corporation—
  - (a) has committed—
    - (i) an offence against this Act or a corresponding law of a State or foreign country; or
    - (ii) an offence involving fraud or dishonesty in Australia or a foreign country; or
  - (b) has been refused a licence, or had a licence cancelled or revoked, under this Act or a corresponding law of a State.
- (4) However, even if a person is disqualified, the Magistrates Court may declare that the person is a suitable person if satisfied that the person is unlikely to be disqualified again.
- (5) If a person is disqualified after being declared by the Magistrates Court to be a suitable person, the person is no longer a suitable person.

## 12 Cancellation and suspension of second-hand dealers licences

- (1) The Magistrates Court may cancel a person's licence, on application by anyone claiming that—
  - (a) the person is not a suitable person; or

*Note* A corporation licensed as a pawnbroker is disqualified, and therefore not a suitable person, if a thing mentioned in section 11 (3) (a) or (b) (Working out whether person *suitable*) applies to the corporation or an executive officer of the corporation.

  - (b) if the person is a partner who holds the licence on behalf of a partnership—the person or any other partner is not a suitable person.
- (2) The Magistrates Court may suspend the person's licence until the application is decided.

## 13 Records of market promoters

- (1) The promoter of a market must make, in accordance with the regulations, the records that the promoter is required to make under the regulations.

Maximum penalty: 20 penalty units.
- (2) The promoter of a market must keep, in accordance with the regulations, the records required to be made under subsection (1).

Maximum penalty: 20 penalty units.
- (3) The promoter of a market must give to the police, in accordance with the regulations, the records or copies of records that the promoter is required to give to the police under the regulations.

Maximum penalty: 20 penalty units.

- (4) In this section:

*market* means a market in which second-hand goods are sold, bought or otherwise dealt with (whether or not other goods are also dealt with at the market), but does not include an event or activity prescribed under the regulations.

*promoter*, of a market, includes someone who manages, controls or organises the market.

#### **14 Register of licences**

- (1) The commissioner must keep a register of licences under this Act.
- (2) The register must be available for public inspection at reasonable times.

#### **15 Keeping of register**

- (1) The register may include information about licences given to the commissioner under this Act and any other information the commissioner considers appropriate.
- (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the commissioner considers appropriate.
- (3) The commissioner may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the commissioner in relation to the register.

#### **16A Authority to ask for identification**

A licensed second-hand dealer may ask a person to show the dealer identification—

- (a) to enable the dealer to comply with section 6 (1); or

- (b) if the dealer sells second-hand goods, or disposes of second-hand goods in another way, to the person, the goods are worth more than \$50 and the dealer believes or has reasonable grounds to believe that the name or home address given by the person is incorrect.

## 17 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

*Note* The [Legislation Act 2001](#) contains provisions about the making of determinations and regulations relating to fees and charges (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

## 18 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) An approved form that is an application for, or for renewal of, a licence may include a consent for a police officer or Crim Trac to make inquiries about any criminal record of—

- (a) the applicant; or
- (b) if the applicant is a partner applying for a licence on behalf of the partnership—each partner; or
- (c) if the applicant is a corporation—the applicant and each executive officer of the applicant.

- (3) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- (4) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

## 19 Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may authorise the chief police officer to give written directions to licensed second-hand dealers imposing requirements with which they must comply for section 6 (Records of second-hand dealers).
- (3) The regulations may provide—
- (a) that prescribed money received by a licensed second-hand dealer is trust money; and
  - (b) how trust money may be dealt with; and
  - (c) what records may be kept in relation to trust money.



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## Dictionary

(see s 2)

*Note 1* The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- chief police officer
- commissioner for fair trading
- CrimTrac
- foreign country
- home address
- individual
- police officer
- regulations
- State.

***carrying on business as a second-hand dealer***—see section 2A.

***commissioner*** means the commissioner for fair trading.

***executive officer***, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

***licence*** means a second-hand dealers licence under this Act.

***licensed second-hand dealer*** means a person who is licensed under this Act as a second-hand dealer.

***second-hand dealer*** means a person who carries on business as a second-hand dealer.

***second-hand goods*** means second-hand goods of a kind prescribed under the regulations.

***suitable person***—see section 11.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a NSW Act—the *Second-hand Dealers and Collectors A1906-30* (NSW).

This Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4, the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) converted certain former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967*, s 63 (all former NSW Acts in force in the ACT immediately before 10 November 1999 became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW laws fully into ACT laws.

The Act was later renamed as the *Second-hand Dealers Act 1906* by the *Justice and Community Safety Legislation Amendment Act 2001* A2001-70 (see amdt 1.176).

#### NSW legislation

##### **Second-hand Dealers Act 1906 A1906-30**

assented to 12 December 1906

commenced 1 January 1907

as amended by

#### Commonwealth legislation

##### **New South Wales Acts Application Ordinance 1985 Ord1985-25**

notified 28 June 1985 (Cwlth Gaz 1985 No S244)

commenced 28 June 1985 (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12)

disallowed by Senate 28 November 1985

##### **Magistrates Court Ordinance 1985 Ord1985-67**

notified 19 December 1985 (Cwlth Gaz 1985 No S542)

commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

## Endnotes

3 Legislation history

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### **New South Wales Acts Ordinance 1986 Ord1986-91**

notified 12 January 1987 (Cwlth Gaz 1987 No S1)  
commenced 12 January 1987 (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12)

### **Legislation after becoming Territory enactment**

#### **Second-hand Dealers and Collectors (Amendment) Act 1990**

##### **A1990-34**

notified 30 October 1990 (*Gaz 1990 No S72*)  
ss 1-3 commenced 30 October 1990 (s 2 (1))  
remainder commenced 1 December 1990 (s 2 (2) and *Gaz 1990 No 46*)

#### **Magistrates and Coroner's Courts (Registrar) Act 1991 A1991-44 s 9**

notified 20 September 1991 (*Gaz 1994 No S95*)  
s 1, s 2 commenced 20 September 1991 (s 2 (1))  
s 9 commenced 25 September 1991 (s 2 (2) and *Gaz 1991 No S103*)

#### **Statute Law Revision (Penalties) Act 1994 A1994-81 sch**

notified 29 November 1994 (*Gaz 1994 No S253*)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and *Gaz 1994 No S269*)

#### **Second-hand Dealers and Collectors (Amendment) Act 1995**

##### **A1995-16**

notified 30 June 1995 (*Gaz 1995 No S135*)  
commenced 30 June 1995 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 A2001-44 pt 362**

notified 26 July 2001 (*Gaz 2001 No 30*)  
s 1, s 2 commenced 26 July 2001 (s 10B)  
amdt 1.3885 commenced 14 March 2002 (LA s 79)  
remainder pt 362 commenced 12 September 2001 (s 2 and see *Gaz 2001 No S65*)

#### **Justice and Community Safety Legislation Amendment Act 2001**

##### **A2001-70 sch 1**

notified LR 14 September 2001  
s 1, s 2 commenced 14 September 2001 (LA s 75)  
amds commenced 14 March 2002 (LA s 79)

**Justice and Community Safety Legislation Amendment Act 2002  
pt 14 and pt 1.2**

notified LR 9 September 2002  
s 1, s 2 commenced 9 September 2002 (LA s 75)  
pt 14 and pt 1.2 commenced 7 October 2002 (s 2 (2))

**Agents Act 2003 A2003-20 sch 3 pt 3.2**

notified LR 19 May 2003  
s 1, s 2 commenced 19 May 2003 (LA s 75)  
sch 3 pt 3.2 commenced 1 November 2003 (s 2 and [CN2003-12](#))

**Justice and Community Safety Legislation Amendment Act 2003  
(No 2) A2003-47 pt 10**

notified LR 31 October 2003  
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))  
pt 10 commenced 1 November 2003 (s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 2 pt 2.85**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.85 commenced 9 April 2004 (s 2 (1))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.93**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.93 commenced 12 April 2007 (s 2 (1))

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.68**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.68 commenced 17 December 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2011  
(No 3) A2011-49 sch 1 pt 1.11**

notified LR 22 November 2011  
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))  
sch 1 pt 1.11 commenced 12 December 2011 (s 2 (2) (a) and see  
[Statute Law Amendment Act 2011 \(No 3\) A2011-52 s 2](#))

## Endnotes

4 Amendment history

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### 4 Amendment history

The *New South Wales Acts Act 1986*, schedule 2, part 6 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after that date.

#### Title

title sub [A2001-70](#) amdt 1.175

#### Preliminary

pt 1 hdg om [A1995-16](#) s 7  
ins [A1995-16](#) s 4

#### Name of Act

s 1 sub [A2001-70](#) amdt 1.176

#### Dictionary

s 2 am [A1990-34](#) s 4  
def **charge** ins [A1995-16](#) s 5  
def **collector** am [A1990-34](#) sch  
def **convicted** ins [A1995-16](#) s 5  
def **registrar** ins [A1995-16](#) s 5  
sub [A2001-70](#) amdt 1.176  
am [A2002-27](#) amdt 1.17

#### Licences

pt 2 hdg om [A1995-16](#) s 9  
ins [A1995-16](#) s 6

#### Carrying on business as second-hand dealer

s 2A ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177  
ins [A2003-20](#) amdt 3.10

#### Licences

s 2B ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177

#### Certificates of convictions

s 2C ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177

#### Objections to granting of licences

s 2D ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177

#### Grant of licences

s 2E ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177

**Duration of licences**

s 2F ins [A1995-16](#) s 6  
om [A2001-70](#) amdt 1.177

**Second-hand dealers**

pt 3 hdg orig pt 3 hdg renum as pt 5 hdg R2 LRA  
ins [A1995-16](#) s 7

**Issue of licences**

s 3 am [A1990-34](#) s 5; [A1994-81](#) sch  
sub [A2001-70](#) amdt 1.177  
am [A2002-27](#) amdts 1.18–1.20; [A2003-47](#) s 33; pars renum  
R6 LA (see [A2003-47](#) s 34)

**Dealers must be licensed**

s 4 om [A1995-16](#) s 8  
ins [A2001-70](#) amdt 1.178  
am [A2002-27](#) s 64, s 65; [A2003-47](#) s 35

**Name of dealer etc to be displayed on premises**

s 5 am [A1990-34](#) sch; [A1991-44](#) s 9  
om [A1995-16](#) s 8  
ins [A2001-70](#) amdt 1.178  
am [A2002-27](#) amdt 1.21; [A2003-47](#) s 36

**Records of second-hand dealers**

s 6 om [A1995-16](#) s 8  
ins [A2001-70](#) amdt 1.178  
am [A2002-27](#) amdt 1.22

**Inspection of records and goods**

s 7 om [A1995-16](#) s 8  
ins [A2001-70](#) amdt 1.178  
am [A2002-27](#) amdt 1.22, amdt 1.23

**Keeping of second-hand goods—dealers**

s 8 am [A1990-34](#) s 6, sch; [A1994-81](#) sch  
sub [A2001-70](#) amdt 1.178  
am [A2002-27](#) amdt 1.24; [A2003-20](#) amdt 3.11

**Goods suspected of being stolen, embezzled or fraudulently obtained**

s 8A ins [A1990-34](#) s 7  
am [A1994-81](#) sch  
om [A2001-70](#) amdt 1.178

**Goods suspected of being stolen or fraudulently obtained**

s 9 orig s 9 renum as s 10  
ins [A2001-70](#) amdt 1.180  
am [A2002-27](#) amdt 1.25

## Endnotes

### 4 Amendment history

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#### **Second-hand dealers—carrying on business**

s 10 am [A1991-44](#) s 9  
om [A1996-16](#) s 10  
(prev s 9) sub [A1990-34](#) s 8  
am [A1994-81](#) sch  
am [A2001-70](#) amdts 1.181-1.185  
renum [A2001-70](#) amdt 1.179  
sub [A2002-27](#) s 66

#### **Miscellaneous**

pt 4 hdg ins [A1995-16](#) s 9  
pt 4 sub [A2001-70](#) amdt 1.186

#### **Working out whether person *suitable***

s 11 am [A1990-34](#) s 9, sch; [A1994-81](#) sch  
sub [A2001-70](#) amdt 1.186; [A2002-27](#) amdt 1.26

#### **Cancellation and suspension of second-hand dealers licences**

s 12 sub [A1990-34](#) s 10  
am [A1994-81](#) sch  
sub [A2001-70](#) amdt 1.186  
am [A2002-27](#) amdt 1.27

#### **Hours of business**

s 12A ins [A1990-34](#) s 10  
am [A1994-81](#) sch  
om [A2001-70](#) amdt 1.186

#### **Records of market promoters**

s 13 sub [A1990-34](#) s 11  
am [A1994-81](#) sch  
sub [A2001-70](#) amdt 1.186  
am [A2002-27](#) amdt 1.28

#### **Miscellaneous**

pt 5 hdg (prev pt 3 hdg) renum R2 LRA  
om [A2001-70](#) amdt 1.186

#### **Register of licences**

s 14 am [A1995-16](#) s 11  
sub [A2001-70](#) amdt 1.186

#### **Keeping of register**

s 15 sub [A1990-34](#) s 12  
am [A1991-44](#) s 9  
sub [A2001-70](#) amdt 1.186

#### **False or misleading information**

s 16 om [A1990-34](#) s 12  
ins [A2001-70](#) amdt 1.186  
om [A2004-15](#) amdt 2.175



**Authority to ask for identification**s 16A ins [A2002-27](#) s 67**Determination of fees and charges**s 17 om [A1990-34](#) s 12  
ins [A2001-70](#) amdt 1.186  
sub [A2001-44](#) amdt 1.3885**Approved forms**s 18 sub [A2001-70](#) amdt 1.186; [A2001-44](#) amdt 1.3885  
am [A2002-27](#) amdt 1.29; [A2007-3](#) amdt 3.474; [A2011-49](#) amdt  
1.21**Regulation-making power**s 19 am [A1991-44](#) s 9; [A1995-16](#) s 12  
sub [A2001-70](#) amdt 1.186  
sub [A2001-44](#) amdt 1.3885  
am [A2003-20](#) amdt 3.12**Transitional provisions—licensed auctioneers**s 20 om [A1990-34](#) s 13  
ins [A2001-70](#) amdt 1.186  
om [A2001-44](#) amdt 1.3885  
ins [A2003-20](#) amdt 3.13  
exp 1 November 2005 (s 20 (4))**Suspicious offering of old wares**s 22 om [A1990-34](#) s 13**Proceedings**s 23 om [A1990-34](#) s 13**Schedule 1**sch 1 am [Ord1985-67](#); [A1990-34](#) sch; [A1991-44](#) s 9; [A1995-16](#) s 13  
om [A2001-70](#) amdt 1.187**Schedule 5**sch 5 om [A1995-16](#) s 14**Schedule 6**sch 6 am [Ord1985-67](#); [A1990-34](#) sch; [A1991-44](#) s 9; [A1995-16](#) s 15  
om [A2001-70](#) amdt 1.187**Dictionary**dict ins [A2001-70](#) amdt 1.188  
am [A2002-27](#) amdt 1.30; [A2009-49](#) amdt 3.179; [A2011-49](#)  
amdt 1.22  
def *carrying on business as a second-hand dealer* ins  
[A2003-20](#) amdt 3.14  
def *commissioner* ins [A2001-70](#) amdt 1.188  
am [A2002-27](#) amdt 1.31

## Endnotes

4 Amendment history

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- def **executive officer** ins [A2001-70](#) amdt 1.188  
am [A2002-27](#) amdt 1.32
- def **licence** ins [A2001-70](#) amdt 1.188
- def **licensed auctioneer** ins [A2001-70](#) amdt 1.188  
om [A2007-3](#) amdt 3.475
- def **licensed second-hand dealer** ins [A2001-70](#) amdt 1.188
- def **second-hand dealer** ins [A2001-70](#) amdt 1.188  
am [A2002-27](#) s 68  
sub [A2003-20](#) amdt 3.15
- def **second-hand goods** ins [A2001-70](#) amdt 1.188
- def **suitable person** ins [A2001-70](#) amdt 1.188
- def **unsuitable person** ins [A2001-70](#) amdt 1.1880  
om [A2002-27](#) amdt 1.33

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">A1991-44</a>	30 November 1992
2	<a href="#">A1995-16</a>	31 January 1998
3	<a href="#">A2001-70</a>	19 February 2002
4	<a href="#">A2001-70</a>	14 March 2002
5*	<a href="#">A2002-27</a>	7 October 2002
6	<a href="#">A2003-47</a>	1 November 2003
7	<a href="#">A2004-15</a>	9 April 2004
8	<a href="#">A2004-15</a>	2 November 2005
9	<a href="#">A2007-3</a>	12 April 2007
10	<a href="#">A2009-49</a>	17 December 2009

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