



Australian Capital Territory

# Second-hand Dealers Regulations 2002

## Subordinate Law 2002 No 8

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The Australian Capital Territory Executive makes the following regulations under the *Second-hand Dealers Act 1906*.

Dated 15 April 2002.

JON STANHOPE  
Minister

BILL WOOD  
Minister

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*Second-hand Dealers Act 1906*

## Contents

	Page
1 Name of regulations	1
2 Commencement	1
3 Dictionary	1
4 Notes	1
5 Kinds of second-hand goods—Act, dict, def of <i>second-hand goods</i>	1
6 Meaning of <i>photo identification document</i>	2

## Contents

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	Page
7      Meaning of <i>non-photo identification document</i>	3
8      Making records about goods bought or received—Act, s 6 (1)	3
9      Making records about goods sold or disposed of—Act, s 6 (1)	4
10     Making records—certain goods bought by second-hand dealers—Act, s 6 (1)	5
11     Keeping records—Act, s 6 (2)	6
12     Giving records to the police—Act, s 6 (3)	6
13     Transitional—records	7
 <b>Schedule 1      Goods that are second-hand goods</b>	 8
 <b>Schedule 2      Photo and non-photo identification                          documents</b>	 10
<b>Part 2.1          Photo identification documents</b>	10
<b>Part 2.2          Non-photo identification documents</b>	12
 <b>Dictionary</b>	 14

## **1 Name of regulations**

These regulations are the *Second-hand Dealers Regulations 2002*.

## **2 Commencement**

These regulations commence on the day after their notification day or on 14 March 2002, whichever is later.

## **3 Dictionary**

The dictionary at the end of these regulations is part of these regulations.

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

For example, the signpost definition '*credit card*—see the *Fair Trading Act 1992*, section 28 (Unsolicited credit and debit cards).' means that the expression 'credit card' is defined in that section and the definition applies to these regulations.

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

## **4 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## **5 Kinds of second-hand goods—Act, dict, def of *second-hand goods***

- (1) Goods of the kinds mentioned in schedule 1 are second-hand goods.
- (2) However, goods of the following kinds are not second-hand goods:

- (a) goods held for sale by a charitable organisation;
  - (b) goods offered for sale by a person (other than a licensed second-hand dealer) at a trash and treasure market;
  - (c) goods taken as a trade-in by a person (other than a licensed second-hand dealer) as part of the sale of goods that are not second-hand goods.
- (3) In this regulation:

***charitable organisation*** means a body carried on for a religious, educational, benevolent or charitable purpose, other than a body carried on for the financial benefit of its members.

## **6 Meaning of *photo identification document***

In these regulations:

***photo identification document***, for a person, means any of the following kinds of documents issued to the person if the document contains a recent photograph of the person and shows the particulars mentioned in schedule 2, part 2.1, column 3 for the document:

- (a) a current Australian driver licence;
- (b) a current external driver licence written in English;
- (c) a current external driver licence not written in English together with—
  - (i) an international driving permit; or
  - (ii) an official English translation of the licence;
- (d) a current passport written in English;
- (e) a current passport not written in English together with an English translation of the passport;
- (f) a current proof of age card;
- (g) a current Australian student identification card.

## **7 Meaning of *non-photo identification document***

In these regulations:

***non-photo identification document***, for a person, means any of the following documents if the document shows the particulars mentioned in schedule 2, part 2.2, column 3 for the document:

- (a) the person's birth certificate;
- (b) the person's citizenship certificate;
- (c) an extract from the electoral roll;
- (d) a record about land titles;
- (e) a current entitlement card;
- (f) a current credit or debit card issued to the person;
- (g) a document issued by a financial institution;
- (h) a service bill;
- (i) a document issued by the Territory.

## **8 Making records about goods bought or received—Act, s 6 (1)**

- (1) This regulation applies if a second-hand dealer buys, or receives in another way, second-hand goods from a person.
- (2) The dealer must make a record of the following:
  - (a) the date and time when the dealer bought or received the goods from the person;
  - (b) a description of the goods, including colour, any brand name, serial number or other identifiable number and any hallmark, inscription or engraving on the goods;
  - (c) the person's verified full name;
  - (d) the person's home address, home telephone number and date of birth;

- (e) for at least—
  - (i) 1 photo identification document for the person—the kind of document and the required particulars; or
  - (ii) 3 non-photo identification documents for the person, 1 of which must show the person's home address—
    - (A) the required particulars; and
    - (B) for a birth certificate, citizenship certificate or extract from the electoral roll—the kind of document;
- (f) if the goods were bought by the dealer—the amount paid to the person;
- (g) if the goods were received in another way by the dealer—the consideration given to the person for the goods;
- (h) the stock number given to the goods by the dealer.
- (3) For subregulation (2) (c), the person's name is verified only if the person shows the dealer—
  - (a) at least 1 photo identification document for the person; or
  - (b) at least 3 non-photo identification documents that each show the person's name and the name is the same on each document.

## **9 Making records about goods sold or disposed of—Acts 6 (1)**

- (1) This regulation applies if—
  - (a) a second hand-dealer—
    - (i) sells second-hand goods to a person; or
    - (ii) disposes of second-hand goods in another way to a person; or
    - (iii) disposes of second-hand goods other than to a person; and



- (b) the value of the second-hand goods is more than \$50.
- (2) The dealer must make a record of the following:
  - (a) the date and time when the dealer sold or disposed of the goods;
  - (b) the person's full name and home address or, if the goods were disposed of other than to a person, details of how the goods were disposed of;
  - (c) the stock number given to the goods by the dealer.

**10 Making records—certain goods bought by second-hand dealers—Act, s 6 (1)**

- (1) This regulation applies if—
  - (a) a second-hand dealer buys goods of a kind mentioned in regulation 5 (2) (a) or (b); and
  - (b) the dealer buys the goods for the purpose of selling, or disposing of, them to someone else.
- (2) The dealer must make a record of the following:
  - (a) the date and time when, and place where, the dealer bought the goods;
  - (b) a description of the goods, including colour, any brand name, serial number or other identifiable number and any hallmark, inscription or engraving on the goods;
  - (c) the amount paid for the goods;
  - (d) the stock number given to the goods by the dealer.
- (3) If the goods are sold or disposed of to someone else, the dealer must make a record of the following if the value of the goods is more than \$50:
  - (a) the date and time that the dealer sold or disposed of the goods;
  - (b) the other person's full name and home address;

- (c) the stock number given to the goods by the dealer.

## **11 Keeping records—Act, s 6 (2)**

- (1) A licensed second-hand dealer must keep records mentioned in regulation 8, 9 or 10 in such a way that transactions may be identified on both the basis of the date of the transaction and the kind of goods.
- (2) The chief police officer may, in writing, issue directions to licensed second-hand dealers about the keeping of records.
- (3) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) If a direction is issued, the chief police officer must also publish a notice of the issuing of the direction in a daily newspaper published and circulating in the ACT.
- (5) Subregulations (3) and (4) do not apply if the direction is addressed only to a licensed second-hand dealer named in the direction.

*Note* A direction addressed to a licensed second-hand dealer named in the direction must be given to the dealer in accordance with the *Legislation Act 2001*, part 18.5 (Service of documents).

## **12 Giving records to the police—Act, s 6 (3)**

- (1) The chief police officer may, in writing, issue directions to licensed second-hand dealers about the records that must be given and the giving of those records to the police.
- (2) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) If a direction is issued, the chief police officer must also publish a notice of the issuing of the direction in a daily newspaper published and circulating in the ACT.
- (4) Subregulations (2) and (3) do not apply if the direction is addressed only to a licensed second-hand dealer named in the direction.

*Note* A direction addressed to a licensed second-hand dealer named in the direction must be given to the dealer in accordance with the *Legislation Act 2001*, part 18.5 (Service of documents).

### **13 Transitional—records**

- (1) This regulation applies to a licensed second-hand dealer who was licensed as a second-hand dealer under the unamended Act immediately before the commencement of these regulations (a *continuing dealer*).
- (2) Regulations 8, 9, 10 and 11 (1) do not apply to a continuing dealer until 1 July 2002 if the dealer makes records of second-hand goods in accordance with the unamended Act, schedules 3 and 4.
- (3) For subregulation (2)—
  - (a) a reference in schedule 3 to old wares is a reference to second-hand goods; and
  - (b) a reference in schedule 4 to old wares is a reference to second-hand goods worth more than \$50.
- (4) In this regulation:

*old wares* means old wares as defined in the unamended Act, section 2 (Definitions for Act) immediately before 14 March 2002.

*unamended Act* means the *Second-hand Dealers and Collectors Act 1906* as in force immediately before 14 March 2002.
- (5) This regulation expires on 1 July 2002.

## **Schedule 1**      **Goods that are second-hand goods**

(see reg 5)

<b>column 1 item</b>	<b>column 2 goods</b>
1	jewellery that includes gemstones or precious metals
2	gemstones
3	precious metals
4	watches
5	sporting and recreational goods, other than— <ul style="list-style-type: none"><li>• clothes; or</li><li>• shoes; or</li><li>• goods sold by the Defence Force</li></ul>
6	bicycles
7	musical instruments
8	photographic equipment
9	tools, including tool kits and portable engine-powered tools, portable motorised tools or portable air-powered tools, other than tools sold by the Defence Force
10	portable engine-powered, portable motorised or portable air-powered equipment, other than— <ul style="list-style-type: none"><li>• motorised wheelchairs, wheeled lounges, spinal carriages and other similar goods designed to carry a person with a disability; or</li><li>• goods sold by the Defence Force</li></ul>

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column 1 item	column 2 goods
11	electrical or electronic goods, including microwave ovens, compact disc readers, compact disc writers and compact disc rewriters, other than refrigerators, washing machines and other whitegoods
12	computer hardware
13	computer software
14	audio cassettes and records (singles and albums)
15	video cassettes, floppy discs, compact (laser-read) discs, digital video discs and other electronic information storage devices
16	watercraft
17	parts of watercraft
18	car radios, car stereos and car sound equipment
19	mobile telephones
20	mobile telephone accessories

## **Schedule 2      Photo and non-photo identification documents**

(see regs 6 and 7)

### **Part 2.1      Photo identification documents**

<b>column 1 item</b>	<b>column 2 kind of document</b>	<b>column 3 particulars</b>
1	current Australian driver licence	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• licence number</li></ul>
2	current external driver licence written in English	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• licence number</li></ul>
3	current external driver licence not written in English together with— <ul style="list-style-type: none"><li>• an international driving permit; or</li><li>• an official English translation of the licence</li></ul>	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• licence number; and</li><li>• for the permit—<ul style="list-style-type: none"><li>• issuing body; and</li><li>• permit number</li></ul></li></ul>
4	current passport written in English	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• passport number</li></ul>
5	current passport not written in English together with an English translation of the passport	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• passport number</li></ul>
6	current proof of age card	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• card number</li></ul>

<b>column 1 item</b>	<b>column 2 kind of document</b>	<b>column 3 particulars</b>
7	current Australian student identification card	<ul style="list-style-type: none"><li>• issuing institution; and</li><li>• the student number shown on the card</li></ul>

## Part 2.2 Non-photo identification documents

column 1 item	column 2 kind of document	column 3 particulars
1	birth certificate	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• registration number; and</li><li>• date of issue</li></ul>
2	citizenship certificate	<ul style="list-style-type: none"><li>• certificate number; and</li><li>• date of issue</li></ul>
3	extract from the electoral roll	<ul style="list-style-type: none"><li>• date of issue</li></ul>
4	record about land titles	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• type of document; and</li></ul> <p><b>Examples of type of document</b></p> <p>1 mortgage 2 certificate of title.</p> <ul style="list-style-type: none"><li>• date of issue</li></ul>
5	entitlement card	<ul style="list-style-type: none"><li>• issuing jurisdiction; and</li><li>• type of card; and</li></ul> <p><b>Example of type of card</b></p> <p>age pension card</p> <ul style="list-style-type: none"><li>• customer reference number</li></ul>
6	credit or debit card	<ul style="list-style-type: none"><li>• name of the issuer of the card; and</li><li>• type of card</li></ul> <p><b>Example</b></p> <p>ABC Bank, visa card</p>



column 1 item	column 2 kind of document	column 3 particulars
7	document issued by a financial institution	<ul style="list-style-type: none"> <li>name of the financial institution; and</li> <li>type of account; and</li> </ul> <b>Examples</b> <ol style="list-style-type: none"> <li>Cheap Home Loans, mortgage account</li> <li>XYZ credit union, savings account</li> </ol> <ul style="list-style-type: none"> <li>date of issue</li> </ul>
8	service bill	<ul style="list-style-type: none"> <li>name of the biller; and</li> <li>type of service; and</li> </ul> <b>Example</b> ACTEW/AGL, electricity bill <ul style="list-style-type: none"> <li>date of issue</li> </ul>
9	document issued by the Territory	<ul style="list-style-type: none"> <li>name of the Territory entity that issued the document; and</li> <li>type of document; and</li> </ul> <b>Examples</b> <ol style="list-style-type: none"> <li>ACT Revenue Office, rates notice</li> <li>Urban Services, certificate of dog registration</li> </ol> <ul style="list-style-type: none"> <li>date of issue</li> </ul>

## Dictionary

(see reg 3)

***Australian student identification card*** means a card issued to a person who is a student at an Australian secondary or tertiary education institution to identify the person as a student at the institution.

***birth certificate***, for a person, means the person's birth certificate, or a certified extract from the register about the person's birth, under the *Births, Deaths and Marriages Registration Act 1997* or a corresponding law of a State, an external Territory or New Zealand.

***citizenship certificate***, for a person, means the person's citizenship certificate issued under the *Australian Citizenship Act 1948* (Cwlth), section 46 (Issue and proof of certificates of Australian citizenship) or a certified copy of the entry in the register about the person under that Act, section 44 (Evidence of entries in register).

***credit card***—see the *Fair Trading Act 1992*, section 28 (Unsolicited credit and debit cards).

***debit card***—see the *Fair Trading Act 1992*, section 28 (Unsolicited credit and debit cards).

***document issued by a financial institution***, for a person, means a document issued to the person by a financial institution from its records about the person's account with the institution.

***document issued by the Territory***, for a person, means a document issued to the person by the Territory from its records.

***entitlement card***, for a person, means a card issued to the person by the Commonwealth, a State, an external Territory or New Zealand as evidence of the person's entitlement to a financial benefit.

***external driver licence***—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

***extract from the electoral roll***, for a person, means an extract about the person made by the Australian Electoral Office from the electoral roll.

***financial institution*** means—

- (a) an authorised deposit-taking institution; or

*Note*     *Authorised deposit-taking institution* is defined in the *Legislation Act 2001*, dict, pt 1.

- (b) a credit provider, registered under the *Consumer Credit (Administration) Act 1996* or a corresponding law of a State, an external Territory or New Zealand, that carries on the business of providing home loans.

***international driving permit***—see the *Road Transport (Driver Licensing) Regulations 2000*, dictionary.

***non-photo identification document***—see regulation 7.

***official English translation***, of a licence—see the *Road Transport (Driver Licensing) Regulations 2000*, dictionary.

***photo identification document***—see regulation 6.

***proof of age card*** means a proof of age card issued under the *Liquor Act 1975* or a law of a State, an external Territory or New Zealand.

***record about land titles***, for a person, means a copy of a record issued under a law about land titles relating to the person's interest in land that is certified by the registrar-general or a corresponding person under a law of a State, an external Territory or New Zealand.

***required particulars***—

- (a) for a photo identification document—the particulars mentioned in schedule 2, part 2.1, column 3 for the document; or
- (b) for a non-photo identification document—the particulars mentioned in schedule 2, part 2.2, column 3 for the document.

***service bill***, for a person, means a bill issued to the person for the use of a utility service, telephone service or internet service.

***utility service***—see the *Utilities Act 2000*, dictionary.

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## Endnote

### Notification

- 1 Notified under the *Legislation Act 2001* on 16 April 2002.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))