

2016

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

## Traders (Licensing) Bill 2016

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2016

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

## **Traders (Licensing) Bill 2016**

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### **A Bill for**

An Act to regulate the licensing of traders, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Traders (Licensing) Act 2016*.

4 **2 Commencement**

5 (1) This Act commences on a day fixed by the Minister by written  
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see [Legislation](#)  
11 [Act](#), s 77 (1)).

12 (2) If this Act has not commenced within 12 months beginning on its  
13 notification day, it automatically commences on the first day after  
14 that period.

15 (3) The [Legislation Act](#), section 79 (Automatic commencement of  
16 postponed law) does not apply to this Act.

17 **3 Dictionary**

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

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

22 For example, the signpost definition ‘*licensee*, for part 4 (Occupational  
23 discipline and other disciplinary action)—see section 39.’ means that  
24 the term ‘licensee’ is defined in that section for part 4.

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

1   **4**       **Notes**

2           A note included in this Act is explanatory and is not part of this Act.

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

5   **5**       **Offences against Act—application of Criminal Code etc**

6           Other legislation applies in relation to offences against this Act.

7       *Note 1*   *Criminal Code*

8           The [Criminal Code](#), ch 2 applies to all offences against this Act (see  
9           Code, pt 2.1).

10          The chapter sets out the general principles of criminal responsibility  
11          (including burdens of proof and general defences), and defines terms  
12          used for offences to which the Code applies (eg *conduct*, *intention*,  
13          *recklessness* and *strict liability*).

14       *Note 2*   *Penalty units*

15          The [Legislation Act](#), s 133 deals with the meaning of offence penalties  
16          that are expressed in penalty units.

1 **Part 2** **Important concepts**

2 **6** **Meaning of *operational Act***

3 Each of the following is an *operational Act*:

- 4 (a) the *Fair Trading (Motor Vehicle Repair Industry) Act 2010*;
- 5 (b) the *Pawnbrokers Act 1902*;
- 6 (c) the *Sale of Motor Vehicles Act 1977*;
- 7 (d) the *Second-hand Dealers Act 1906*.

8 *Note* A reference to an Act includes a reference to the statutory instruments  
9 made or in force under the Act, including any regulation (see  
10 [Legislation Act](#), s 104).

11 **7** **Meaning of *trader***

12 Each of the following (a *trader category*) is a *trader*:

- 13 (a) car market operator;
- 14 (b) motor vehicle dealer;
- 15 (c) motor vehicle repairer;
- 16 (d) motor vehicle wholesaler;
- 17 (e) pawnbroker;
- 18 (f) second-hand dealer.

19 **8** **Meaning of *car market operator***

20 In this Act:

21 *car market operator*—see the *Sale of Motor Vehicles Act 1977*,  
22 dictionary.



- 1     **9**            **Meaning of *motor vehicle dealer***
- 2                    In this Act:
- 3                    *motor vehicle dealer* means a dealer under the [Sale of Motor](#)
- 4                    [Vehicles Act 1977](#).
- 5     **10**           **Meaning of *motor vehicle repairer***
- 6                    (1) In this Act:
- 7                    *motor vehicle repairer* means an entity that carries on business as a
- 8                    motor vehicle repairer if the entity performs motor vehicle repair
- 9                    work for reward.
- 10                  (2) In this section:
- 11                  *motor vehicle repair work*—see the [Fair Trading \(Motor Vehicle](#)
- 12                  [Repair Industry\) Act 2010](#), dictionary.
- 13     **11**           **Meaning of *motor vehicle wholesaler***
- 14                    In this Act:
- 15                    *motor vehicle wholesaler* means a wholesaler under the [Sale of](#)
- 16                    [Motor Vehicles Act 1977](#).
- 17     **12**           **Meaning of *pawnbroker***
- 18                    In this Act:
- 19                    *pawnbroker*—see the [Pawnbrokers Act 1902](#), dictionary.
- 20     **13**           **Meaning of *second-hand dealer***
- 21                    In this Act:
- 22                    *second-hand dealer*—see the [Second-hand Dealers Act 1906](#),
- 23                    dictionary.
- 24     **14**           **Classes of traders**
- 25                    A regulation may divide a trader category into classes.

1 **Part 3 Traders licences**

2 **Division 3.1 Preliminary**

3 **15 Definitions—pt 3**

4 (1) In this part:

5 *influential person*, for a corporation, means any of the following:

6 (a) an executive officer of the corporation;

7 (b) a person who may exercise a relevant power in relation to the  
8 corporation;

9 (c) a related corporation;

10 (d) an executive officer of a related corporation.

11 *trading address* means the address of the premises where a trader  
12 carries on a licensed activity.

13 *trading name* means the name under which a trader carries on a  
14 licensed activity.

15 (2) In this section:

16 *related corporation* means a related body corporate under the  
17 [Corporations Act](#).

18 *relevant power*, for a corporation, means a power—

19 (a) to take part in a directorial, managerial or executive decision  
20 for the corporation; or

21 (b) to elect or appoint a person as an executive officer in the  
22 corporation; or

23 (c) to exercise a significant influence in relation to the conduct of  
24 the corporation.

1 **Division 3.2** **About traders licences**

2 **16** **Licensable entity**

3 The following entities may be licensed as a trader:

- 4 (a) an individual;
- 5 (b) a partnership;
- 6 (c) a corporation;
- 7 (d) an association declared under the *Associations Incorporation*  
8 *Act 1991*, section 15 and incorporated under that Act.

9 **17** **Eligibility of entity**

10 (1) A regulation may provide eligibility requirements for an entity to be  
11 licensed as a trader, including the qualifications the entity must have  
12 to be licensed.

13 (2) A regulation may provide for how an entity may, or must, show that  
14 the entity satisfies an eligibility requirement.

15 *Note* Power to make a statutory instrument (including a regulation) includes  
16 power to make different provision in relation to different matters or  
17 different classes of matters, and to make an instrument that applies  
18 differently by reference to stated exceptions or factors (see [Legislation](#)  
19 [Act](#), s 48).

20 (3) The Minister may declare that a class of corporation is only eligible  
21 to hold a licence if a stated number or percentage of individuals  
22 carrying out a licensed activity for the corporation hold individual  
23 licences to carry out the activity.

24 (4) The Minister may only make a declaration if satisfied on reasonable  
25 grounds the declaration is in the public interest.

26 (5) A declaration is a disallowable instrument.

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

1 **18 Suitability of entity**

2 In deciding whether an entity is a *suitable entity* to hold a licence,  
3 the commissioner—

4 (a) must consider the following:

5 (i) suitability information about the entity, and each relevant  
6 person for the entity, prescribed by regulation;

7 (ii) any information given to the commissioner under  
8 section 32 (Commissioner may request more  
9 information); and

10 (b) may consider whether the premises where the entity intends to  
11 carry out the licensed activity are—

12 (i) suitable premises for carrying out the licensed activity;  
13 and

14 (ii) premises that the entity is entitled to use.

15 **19 Traders licence term and form**

16 (1) A licence may be issued for up to 5 years.

17 (2) A licence must state, in writing—

18 (a) a unique identifying number for the licence; and

19 (b) the licensee's name; and

20 (c) the licensee's trading name; and

21 (d) the trader category and trader class (if any) for which the  
22 licence is issued; and

23 (e) the date of expiry for the licence; and

24 (f) any condition that applies to the licence.

1   **20           Conditions for traders licence**

- 2           (1) A licence is subject to any condition—
- 3               (a) required under an operational Act; or
- 4               (b) imposed by the commissioner when issuing the licence or by
- 5               written notice given to the licensee at any other time; or
- 6               (c) prescribed by regulation.

7           *Note*     Power to make a statutory instrument (including a regulation) includes

8                   power to make different provision in relation to different matters or

9                   different classes of matters (see [Legislation Act](#), s 48).

- 10          (2) The commissioner may impose a condition on a licence at any
- 11          time—
- 12               (a) if satisfied on reasonable grounds the condition is in the public
- 13               interest; or
- 14               (b) for a reason prescribed by regulation.
- 15          (3) The commissioner must give the licensee written notice of the
- 16          condition.
- 17          (4) A condition on a licence takes effect on the later of—
- 18               (a) the day stated by the commissioner in the notice; or
- 19               (b) if the applicant applies to the ACAT for a review of the
- 20               imposition of the condition and the ACAT upholds the
- 21               condition—5 working days after the day the ACAT makes the
- 22               decision; or
- 23               (c) 5 working days after the day the commissioner gives the
- 24               licensee notice.

1 **21 Exemption from licensing**

2 (1) The commissioner may declare that an entity may carry out the  
3 activities of a trader in a trader category or trader class without a  
4 licence.

5 (2) The commissioner may only make a declaration if the commissioner  
6 is satisfied that allowing the trader to trade without a licence is in  
7 the public interest.

8 (3) A declaration is a notifiable instrument.

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

10 **Division 3.3 Licensing and licence management**

11 **22 Licence application**

12 (1) An entity may apply to the commissioner for a licence as a trader in  
13 a trader category or trader class.

14 (2) An application may be made for a licence in more than 1 trader  
15 category or trader class.

16 (3) The application must—

17 (a) be in writing; and

18 (b) state—

19 (i) the applicant's name; and

20 (ii) the applicant's trading name; and

21 (iii) the applicant's proposed trading address or addresses; and

22 (c) include information to show the applicant is eligible to be  
23 licensed in the trader category or class; and

24 (d) include any information prescribed by regulation.

25 *Note* A fee may be determined under s 52 for this provision.

1   **23           Licence issue**

2           (1) If an entity applies for a licence, the commissioner must, within the  
3           decision-making period—

4                   (a) issue the licence; or

5                   (b) refuse to issue the licence.

6           *Note*     A licence may be issued with a condition (see s 20).

7           (2) The licence may authorise the entity to carry on business in—

8                   (a) more than 1 trader category; and

9                   (b) more than 1 trader class.

10          (3) The commissioner may issue the licence to the entity only if the  
11          commissioner is satisfied—

12                   (a) about the identity of each relevant person for the entity; and

13                   (b) that the entity—

14                           (i) is eligible to hold the licence; and

15                           (ii) is a suitable entity to hold the licence.

16   **24           Transfer application**

17          (1) A licensee may apply to the commissioner to transfer a licence in a  
18          prescribed trader category or trader class to another entity (the  
19          *transferee*).

20          (2) An application must—

21                   (a) be in writing; and

22                   (b) include evidence to show that the licensee and transferee agree  
23                   to the transfer; and

24                   (c) state—

25                           (i) the transferee's name; and

26                           (ii) the transferee's trading name; and

1 (iii) the transferee's proposed trading address or addresses;  
2 and

3 (d) include information to show the transferee is eligible to be  
4 licensed in the trader category or class; and

5 (e) include any information prescribed by regulation.

6 *Note* A fee may be determined under s 52 for this provision.

7 **25 Transfer decision**

8 (1) If a licensee applies to transfer a licence, the commissioner must,  
9 within the decision-making period—

10 (a) approve the transfer; or

11 (b) refuse to approve the transfer.

12 (2) The commissioner may approve the transfer to the transferee only if  
13 the commissioner is satisfied—

14 (a) about the identity of a relevant person for the transferee; and

15 (b) that the transferee—

16 (i) is eligible to hold the licence; and

17 (ii) is a suitable entity to hold the licence.

18 (3) A transfer is subject to any condition—

19 (a) required under an operational Act; or

20 (b) if the commissioner is satisfied on reasonable grounds that  
21 imposing a condition is in the public interest—imposed by the  
22 commissioner when approving the transfer; or

23 (c) prescribed by regulation.

24 *Note* Power to make a statutory instrument (including a regulation) includes  
25 power to make different provision in relation to different matters or  
26 different classes of matters (see [Legislation Act](#), s 48).



1   **26**           **Renewal application**

2           (1) A licensee may apply, in writing, to the commissioner to renew the  
3           licence up to 6 months before the licence expires.

4           (2) The application must—

5               (a) be in writing; and

6               (b) include information to show the applicant remains eligible and  
7               suitable to be licensed in the trader category or class; and

8               (c) include any information prescribed by regulation.

9           *Note*       A fee may be determined under s 52 for this provision.

10          (3) If a licensee applies to renew a licence, the licence remains in force  
11          until the application is decided.

12   **27**           **Renewal decision**

13          (1) If a licensee applies to renew a licence, the commissioner must,  
14          within the decision-making period—

15               (a) renew the licence; or

16               (b) refuse to renew the licence.

17          (2) However, if the commissioner has asked the licensee to do a thing in  
18          relation to being a licensee, and the licensee has not yet done the  
19          thing, the commissioner must not renew the licence until the thing is  
20          done.

21               **Examples—thing not done**

- 22               • pay a fee  
23               • provide information  
24               • condition of licence met

25           *Note*       An example is part of the Act, is not exhaustive and may extend, but  
26                       does not limit, the meaning of the provision in which it appears (see  
27                       [Legislation Act](#), s 126 and s 132).

28          (3) A licence may be renewed for up to 5 years.

- 1 (4) The renewal of a licence—  
2 (a) starts immediately after the licence would have expired if it  
3 had not been renewed; and  
4 (b) if there is a condition imposed on the licence—does not affect  
5 the condition.
- 6 (5) A renewal is subject to any condition—  
7 (a) required under an operational Act; or  
8 (b) if the commissioner is satisfied on reasonable grounds  
9 imposing a condition is in the public interest—imposed by the  
10 commissioner when approving the renewal; or  
11 (c) prescribed by regulation.

12 *Note* Power to make a statutory instrument (including a regulation) includes  
13 power to make different provision in relation to different matters or  
14 different classes of matters (see [Legislation Act](#), s 48).

## 15 **28 Late renewal application**

- 16 (1) This section applies if a licensee fails to apply to the commissioner  
17 to renew the licence before the day the licence expires (the *expiry*  
18 *day*).
- 19 (2) Within 1 year after the expiry day the licensee may apply to the  
20 commissioner to renew the licence (a *late renewal*).
- 21 (3) The application must—  
22 (a) be in writing; and  
23 (b) include information to show the applicant remains eligible and  
24 suitable to be licensed in the trader category or class; and  
25 (c) include any information prescribed by regulation.
- 26 *Note* A fee may be determined under s 52 for this provision.
- 27 (4) If a licensee applies for a late renewal, the licence remains in force  
28 but is taken to be suspended for the period between the expiry day  
29 and the day the renewal decision is made.

- 1     **29**           **Late renewal decision**
- 2           (1) If a licensee applies for a late renewal, the commissioner must,  
3           within the decision-making period—
- 4                 (a) renew the licence; or
- 5                 (b) refuse to renew the licence.
- 6           (2) However, if the commissioner has asked the licensee to do a thing in  
7           relation to being a licensee, and the licensee has not yet done the  
8           thing, the commissioner must not renew the licence until the thing is  
9           done.
- 10          (3) A licence may be renewed for up to 5 years.
- 11          (4) The renewal of a licence starts on the day the renewal decision is  
12          made.
- 13          (5) If a condition is imposed on the licence, late renewal does not affect  
14          the condition.
- 15     **30**           **Temporary licence following death of licensee**
- 16           (1) This section applies if—
- 17                 (a) a licensee dies; and
- 18                 (b) an entity is, is named as, or is otherwise entitled to become, a  
19                 legal personal representative of the deceased licensee (an  
20                 *eligible personal legal representative*).
- 21           (2) The entity may apply to the commissioner for authorisation to carry  
22           on the business of the deceased licensee for a period of not longer  
23           than 6 months.
- 24           (3) The application must—
- 25                 (a) be in writing; and
- 26                 (b) be made within—
- 27                         (i) 28 days after the death of the licensee; or
- 28                         (ii) a longer period agreed by the commissioner; and

- 1 (c) state the applicant's name; and  
2 (d) include information to show the applicant is eligible to be  
3 licensed in the trader category or class; and  
4 (e) include evidence to show the applicant is an eligible personal  
5 legal representative; and  
6 (f) state the period, not longer than 6 months after the date of  
7 death of the deceased licensee, for which the authorisation is  
8 sought; and  
9 (g) include any information prescribed by regulation.
- 10 *Note* A fee may be determined under s 52 for this provision.
- 11 (4) The commissioner may authorise the applicant to carry on the  
12 deceased licensee's business only if the commissioner is satisfied  
13 the applicant is—  
14 (a) eligible and suitable to be licensed in the trader category or  
15 class for which the deceased licensee was licensed; and  
16 (b) an eligible personal legal representative of the deceased  
17 licensee.
- 18 (5) An entity authorised to carry on the business of the deceased  
19 licensee—  
20 (a) is taken to be the licensee of the deceased licensee's licence for  
21 the period for which the authorisation is approved; and  
22 (b) must carry on the business with the same trading name and  
23 trading address.

- 1     **31           Amendment of licence**
- 2           (1) If the commissioner becomes aware that 1 or more of the following
- 3           change, the commissioner may amend a licensee’s licence to reflect
- 4           the change:
- 5               (a) the licensee’s name;
- 6               (b) the licensee’s trading name;
- 7               (c) a trading address for the licensee;
- 8               (d) a condition that applies to the licence.
- 9           (2) The commissioner may also amend the licence at any time, at the
- 10           request of the licensee or otherwise, if the commissioner believes on
- 11           reasonable grounds the amendment is necessary.
- 12     **32           Commissioner may request more information**
- 13           (1) This section applies to—
- 14               (a) an application for a licence under section 22; and
- 15               (b) an application to transfer a licence under section 24; and
- 16               (c) an application to renew a licence under section 26; and
- 17               (d) an application for a late renewal of a licence under section 28;
- 18               and
- 19               (e) an application for a temporary licence under section 30; and
- 20               (f) a request to amend a licence under section 31.
- 21           (2) The commissioner may ask an applicant to give the commissioner,
- 22           within a stated reasonable time, information about the applicant or a
- 23           relevant person for the applicant that the commissioner reasonably
- 24           needs to decide the application.
- 25           (3) If the applicant does not comply with a requirement in the request,
- 26           the commissioner may refuse to consider the application further.

1 **33 Issue of copy of licence**

2 The commissioner may issue a licensed trader with a copy of the  
3 trader's licence if the commissioner is satisfied the licence—

- 4 (a) is in force; and  
5 (b) has been lost or destroyed.

6 **34 Surrender of licence**

7 (1) A licensee may surrender the licensee's licence to the commissioner  
8 before the licence expires by giving the commissioner—

- 9 (a) a written statement that the licensee surrenders the licence; and  
10 (b) for a physical licence—the licence.

11 *Note* A fee may be determined under s 52 for this provision.

12 (2) The licence is cancelled on the day stated by the commissioner after  
13 receiving—

- 14 (a) the written statement; and  
15 (b) for a physical licence—the licence.

16 (3) The commissioner must tell the former licensee, in writing, the day  
17 on which the licence is cancelled.

18 **35 Surrender of licence during suspension**

19 (1) This section applies if a licensee's licence is suspended.

20 (2) The licensee must surrender the licensee's licence to the  
21 commission for the period of the suspension.

22 *Note* It is an offence not to surrender the licence within 7 days of the licence  
23 being suspended (see s 48(2)).

24 (3) The commissioner must return the licensee's licence within 10  
25 business days after the end of the suspension.

1    **36           Cancellation of licence issued by mistake**

- 2           (1) This section applies to a licence that was issued by mistake.
- 3           (2) The commissioner may cancel the licence.
- 4           (3) The licence is cancelled on the day stated by the commissioner.
- 5           (4) The commissioner must tell the former licensee, in writing, the day
- 6           on which the licence is cancelled.

7    **Division 3.4           Licence register**

8    **37           Licence register**

- 9           (1) The commissioner must keep a register of licences.
- 10          (2) The register may include information about licences given to the
- 11          commissioner under this Act and any other information the
- 12          commissioner considers appropriate.
- 13          (3) The register may be kept in any form, including electronically, that
- 14          the commissioner decides.
- 15          (4) The register may be kept in 1 or more parts, as the commissioner
- 16          considers appropriate.
- 17          (5) The commissioner must make the following information in the
- 18          register about a licensee available for public inspection:
- 19               (a) the licensee's trading name;
- 20               (b) if the licensee is an individual—the individual's name;
- 21               (c) if the licensee is a partnership—the name of each partner;
- 22               (d) the trader category and class (if any) for which the licensee is
- 23               licensed;
- 24               (e) if the licensee has an Australian business number (an *ABN*)—
- 25               the *ABN*;
- 26               (f) if the licensee has an Australian company number (an *ACN*)—
- 27               the *ACN*;

- 1 (g) if the licensee is an association—the association’s unique  
2 identifying number (if any);
- 3 (h) whether the licensee’s licence is subject to a condition;
- 4 (i) whether the licensee’s licence is suspended;
- 5 (j) the date the licensee’s licence expires;
- 6 (k) information prescribed by regulation.

7 *Note* The Commissioner must comply with the Territory privacy principles  
8 under the [Information Privacy Act 2014](#).

9 **Example**

10 the information may be available on a website

11 *Note* An example is part of the Act, is not exhaustive and may extend, but  
12 does not limit, the meaning of the provision in which it appears (see  
13 [Legislation Act](#), s 126 and s 132).

14 **38 Correcting register and keeping it up-to-date**

- 15 (1) The commissioner may correct a mistake, error or omission in the  
16 register.
- 17 (2) The commissioner may change a detail included in the register to  
18 keep the register up-to-date.



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1 **Part 4** **Occupational discipline and**  
2 **other disciplinary action**

3 **39** **Meaning of *licensee*—pt 4**

4 In this part:

5 *licensee* includes a former licensee.

6 **40** **Meaning of *ground for occupational discipline*—pt 4**

7 (1) For this part, each of the following is a *ground for occupational*  
8 *discipline* in relation to a licensee:

9 (a) the licensee gave information to the commissioner in relation  
10 to 1 of the following that was false or misleading in a material  
11 particular:

12 (i) an application for a licence under section 22;

13 (ii) an application to transfer a licence under section 24;

14 (iii) an application to renew a licence under section 26;

15 (iv) an application for a late renewal of a licence under  
16 section 28;

17 (v) an application for a temporary licence under section 30;

18 (b) the licensee is no longer eligible for the licensee's licence;

19 (c) the licensee, or a relevant person for the licensee, is no longer  
20 suitable for the licensee's licence;

21 (d) the licensee has contravened, or is contravening, this Act or an  
22 operational Act, whether or not the licensee has been convicted  
23 or found guilty of an offence for the contravention;

24 (e) the licensee has contravened, or is contravening, a territory law  
25 (other than this Act or an operational Act) or a law of the  
26 Commonwealth, a State or another Territory, whether or not  
27 the licensee has been convicted or found guilty of an offence  
28 for the contravention;

- 1 (f) the licensee has contravened, or is contravening, an order of  
2 the ACAT in relation to being a trader;
- 3 (g) the licensee has contravened, or is contravening a condition of  
4 the licence;
- 5 (h) the licence was obtained by fraud;
- 6 (i) a ground prescribed by regulation.
- 7 (2) A ground for occupational discipline applies to a former licensee if  
8 the ground applied to the licensee while licensed.

9 **41 Application to ACAT for occupational discipline**

10 If the commissioner believes on reasonable grounds that a ground  
11 for occupational discipline exists in relation to a licensee, the  
12 commissioner may apply to the ACAT for an occupational  
13 discipline order in relation to the licensee.

14 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 66 sets out  
15 occupational discipline orders the ACAT may make.

16 **42 Considerations before making occupational discipline**  
17 **orders**

- 18 (1) This section applies if the ACAT is considering an application for  
19 occupational discipline in relation to a licensee.
- 20 (2) Without limiting the matters the ACAT must consider in relation to  
21 the licensee, the ACAT must consider the following:
- 22 (a) the degree of responsibility of the licensee for the act or  
23 omission that made up the ground for occupational discipline;
- 24 (b) the extent to which it is necessary to discourage the licensee  
25 and others from doing something, or not doing something, that  
26 made up the disciplinary ground;
- 27 (c) whether, and the extent to which, it is necessary to protect the  
28 public from the licensee;

- 1 (d) the desirability of making the licensee responsible for the  
2 consequences of the licensee's actions or omissions;
- 3 (e) the desirability of maintaining public confidence in the  
4 regulatory system set up by this Act.

5 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 65 (3) sets out  
6 other considerations that must be taken into account by the ACAT.

7 **43 Information about cancellations etc to be given to**  
8 **corresponding authorities**

- 9 (1) This section applies if the ACAT cancels or suspends a licensee's  
10 licence or disqualifies a licensee from applying for a licence.
- 11 (2) The commissioner may give the corresponding authority of each  
12 State the following information about the licensee:
- 13 (a) the name and any other identifying details of the licensee;
- 14 (b) a short description of the ground for occupational discipline on  
15 which the occupational discipline order was based;
- 16 (c) whether the licence has been cancelled or suspended or the  
17 licensee disqualified;
- 18 (d) if the licence has been suspended—the period of suspension;
- 19 (e) if the licensee has been disqualified—the period of  
20 disqualification.
- 21 (3) This section does not limit any other requirement or power, under  
22 this Act or another law in force in the ACT, to give information to  
23 an entity in another jurisdiction.
- 24 (4) In this section:
- 25 *corresponding authority*, of a State, means the entity responsible in  
26 the State for regulation of the trader category or class equivalent to  
27 the trader category or class for which the licensee is, or was,  
28 licensed.

1 **Part 5 Offences**

2 **44 Meaning of *licensed*—pt 5**

3 For this part, a person is not *licensed* if the person's licence is  
4 suspended, cancelled or expired.

5 **45 Carrying out licensed activity when not licensed**

6 (1) A person commits an offence if the person—

- 7 (a) carries out a licensed activity; and  
8 (b) is not licensed to carry out the licensed activity.

9 Maximum penalty: 50 penalty units.

10 (2) A person commits an offence if the person—

- 11 (a) carries out a licensed activity at premises; and  
12 (b) does not hold a licence authorising the person to carry out the  
13 licensed activity at the premises.

14 Maximum penalty: 50 penalty units.

15 (3) This section does not apply to a trader declared by the commissioner  
16 under section 21 to be exempt from holding a licence.

17 **46 False or misleading representations**

18 (1) A person commits an offence if the person—

- 19 (a) represents that the person is licensed to carry out a licensed  
20 activity; and  
21 (b) is not licensed to carry out the licensed activity.

22 Maximum penalty: 50 penalty units.

23 (2) This section does not apply to a trader declared by the commissioner  
24 under section 21 to be exempt from holding a licence.

1     **47           Failure to meet condition of licence**

- 2           (1) A person commits an offence if—
- 3               (a) the person is licensed to carry out a licensed activity; and
- 4               (b) the licence is subject to a condition; and
- 5               (c) the person carries out the licensed activity in a way that fails to
- 6               comply with the condition.

7           Maximum penalty: 50 penalty units.

- 8           (2) This section does not apply to a trader declared by the commissioner
- 9           under section 21 to be exempt from holding a licence.

10    **48           Failure to surrender licence**

- 11           (1) A person commits an offence if—
- 12               (a) the person's licence is cancelled; and
- 13               (b) the person fails to surrender the person's licence to the
- 14               commissioner within 7 days of the cancellation.

15           Maximum penalty: 20 penalty units.

- 16           (2) A person commits an offence if—
- 17               (a) the person's licence is suspended; and
- 18               (b) the person fails to surrender the person's licence to the
- 19               commissioner within 7 days of the suspension.

20           Maximum penalty: 20 penalty units.

- 21           (3) This section does not apply if the person has a reasonable excuse.

1 **Part 6** **Notification and review of**  
2 **decisions**

3 **49** **Meaning of *reviewable decision*—pt 6**

4 In this part:

5 *reviewable decision* means a decision mentioned in schedule 1,  
6 column 3 under a provision of this Act mentioned in column 2 in  
7 relation to the decision.

8 **50** **Reviewable decision notices**

9 If a person makes a reviewable decision, the person must give a  
10 reviewable decision notice to each entity mentioned in schedule 1,  
11 column 4 in relation to the decision.

12 *Note 1* The person must also take reasonable steps to give a reviewable  
13 decision notice to any other person whose interests are affected by the  
14 decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

15 *Note 2* The requirements for reviewable decision notices are prescribed under  
16 the [ACT Civil and Administrative Tribunal Act 2008](#).

17 **51** **Applications for review**

18 The following may apply to the ACAT for review of a reviewable  
19 decision:

20 (a) an entity mentioned in schedule 1, column 4 in relation to the  
21 decision;

22 (b) any other person whose interests are affected by the decision.

23 *Note* If a form is approved under the [ACT Civil and Administrative Tribunal](#)  
24 [Act 2008](#) for the application, the form must be used.

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## 1 Part 7 Miscellaneous

### 2 52 Determination of fees

- 3 (1) The Minister may determine fees for this Act.

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

- 6 (2) A determination is a disallowable instrument.

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

### 9 53 Regulation-making power

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

- 11 (2) A regulation may make provision in relation to the following:

- 12 (a) licences;
- 13 (b) the keeping of a register, including the particulars that must or  
14 may be entered in the register;
- 15 (c) the supervision of licensees' activities.

- 16 (3) A regulation may create offences and fix maximum penalties of not  
17 more than 10 penalty units for offences.

- 18 (4) A regulation may adopt an Australian Standard as in force from time  
19 to time.

20 *Note* The text of an applied, adopted or incorporated law or instrument,  
21 whether applied as in force from time to time or at a particular time, is  
22 taken to be a notifiable instrument if the operation of the [Legislation](#)  
23 [Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

- 24 (5) The [Legislation Act](#), section 47 (6) does not apply to an Australian  
25 Standard mentioned in subsection (4).

1 **54 Operation of Act with other rights etc**

2 (1) This Act does not limit or affect a legal right a person would have  
3 had if this Act had not been made.

4 (2) A term of an agreement, other than an agreement between a licensee  
5 and a corporation, that attempts to do 1 or more of the following is  
6 void:

7 (a) exclude or limit the operation of this Act;

8 (b) prevent a right of action for failure to comply with this Act;

9 (c) prevent a defence for failure to comply with this Act.

10 **55 Evidence of licensing**

11 A document signed by the commissioner stating the period or  
12 periods during which an entity was licensed under this Act is  
13 evidence of whether the entity was, or was not, licensed on a day or  
14 during a period.



1 **Part 8** **Repeal and consequential**  
2 **amendments**

3 **56** **Repeal of Sale of Motor Vehicles Regulation 1977**

4 The *Sale of Motor Vehicles Regulation 1977* (SL1977-21) is  
5 repealed.

6 **57** **Legislation amended—sch 2**

7 This Act amends the legislation mentioned in schedule 2.

1 **Part 20 Transitional**

2 **150 Definitions—pt 20**

3 In this part:

4 ***commencement day*** means the day this Act, section 3 commences.

5 ***operational Act licence***, for a trader category, means the following:

- 6 (a) for a car market operator—a car market operator licence under  
7 the *Sale of Motor Vehicles Act 1977*;
- 8 (b) for a motor vehicle dealer—a vehicle sale licence under the  
9 *Sale of Motor Vehicles Act 1977*;
- 10 (c) for a motor vehicle repairer—a licence under the *Fair Trading*  
11 *(Motor Vehicle Repair Industry) Act 2010*;
- 12 (d) for a motor vehicle wholesaler—a vehicle sale licence to carry  
13 on business as a wholesaler under the *Sale of Motor Vehicles*  
14 *Act 1977*;
- 15 (e) for a pawnbroker—a licence under the *Pawnbrokers Act 1902*;
- 16 (f) for a second-hand dealer—a licence under the *Second-hand*  
17 *Dealers Act 1906*.

18 **151 Current trader remains licensed**

- 19 (1) A person who, immediately before the commencement day, held an  
20 operational Act licence for a trader category is taken to be licensed  
21 for the trader category under section 23 (Licence issue).
- 22 (2) If the operational Act licence was issued subject to a condition, the  
23 condition is taken to be a condition of the licence imposed under  
24 section 20 (Conditions for traders licence).

1 (3) The licence under this Act expires when the licence would have  
2 expired under the operational Act.

3 *Note* The repeal of a law does not affect the previous operation of the law or  
4 anything done, begun or suffered under the law and does not affect an  
5 existing right, privilege or liability acquired, accrued or incurred under  
6 the law. An investigation, proceeding or remedy in relation to an  
7 existing right, privilege or liability under a repealed law may be started,  
8 exercised, continued or completed, and the right, privilege or liability  
9 may be enforced and any penalty imposed, as if the repeal had not  
10 happened (see [Legislation Act](#), s 84).

## 11 **152 Applications under operational Act**

12 (1) This section applies if, before the commencement day—

13 (a) a person made an application—

14 (i) under an operational Act—

15 (A) for an operational Act licence for a trader category;  
16 or

17 (B) for the transfer of an operational Act licence; or

18 (C) for the renewal of an operational Act licence for a  
19 trader category; or

20 (ii) under the *Sale of Motor Vehicles Act 1977*, section 89A  
21 (Temporary revival of licence following death of  
22 licensee); and

23 (b) the application had not been decided.

24 (2) The application is taken to be—

25 (a) for an application for an operational Act licence for a trader  
26 category—an application for a licence for the trader category  
27 under section 22; and

1 (b) for an application for the transfer of an operational Act  
2 licence—an application for a transfer under section 24; and

3 (c) for an application for the renewal of an operational Act licence  
4 for a trader category—an application for the renewal of a  
5 licence for the trader category under section 26.

6 **153 Application by former licensee**

7 (1) This section applies to a person if the person—

8 (a) had an operational Act licence for a trader category that  
9 expired not more than 18 months before the commencement  
10 day; and

11 (b) applies for a licence for the trader category under section 22.

12 (2) The application is taken to be an application for a late renewal of a  
13 licence for the trader category under section 29.

14 **154 Occupational discipline**

15 (1) This section applies if, before the commencement day, an  
16 application was made to the ACAT in relation to occupational  
17 discipline for a trader or former trader under an operational Act.

18 (2) The application is taken to have been made under section 41.

19 (3) However, a *ground for occupational discipline* for the application  
20 is a ground for occupational discipline under the operational Act  
21 immediately before the commencement day.

22 **155 Review of decision**

23 (1) This section applies if, before the commencement day, an  
24 application was made to the ACAT for the review of a reviewable  
25 decision under an operational Act.

26 (2) The application is taken to have been made under section 51 as if  
27 the decision were a decision mentioned in schedule 1, column 3.

1 **156 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or  
3 convenient to be prescribed because of the enactment of this Act.
- 4 (2) A regulation may modify this part (including in relation to another  
5 territory law) to make provision in relation to anything that, in the  
6 Executive's opinion, is not, or is not adequately or appropriately,  
7 dealt with in this part.
- 8 (3) A regulation under subsection (2) has effect despite anything  
9 elsewhere in this Act or another territory law.

10 **157 Expiry—pt 20**

11 This part expires 2 years after the commencement day.

12 *Note* Transitional provisions are kept in the Act for a limited time.  
13 A transitional provision is repealed on its expiry but continues to have  
14 effect after its repeal (see [Legislation Act](#), s 88).

## Schedule 1 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	20 (2)	imposition of condition	<ul style="list-style-type: none"> <li>applicant for licence</li> <li>licensee</li> </ul>
2	21 (1)	exemption from holding licence	
3	23 (1) (b)	refuse to issue licence	applicant for licence
4	25 (1) (b)	refuse to approve transfer of licence	<ul style="list-style-type: none"> <li>licensee</li> <li>transferee</li> </ul>
5	25 (3)	imposition of condition on transfer	transferee
6	27 (1) (b)	refuse to renew licence	licensee
7	29 (1) (b)	refuse to renew licence	licensee
8	30 (4)	refusal to authorise temporary licence	eligible personal legal representative
9	31 (2)	refuse to amend licence	licensee
10	32 (3)	refuse to further consider application	<ul style="list-style-type: none"> <li>applicant for licence</li> <li>licensee</li> <li>transferee</li> </ul>

1 **Schedule 2** **Consequential amendments**

2 (see s 44)

3 **Part 2.1** **Fair Trading (Australian**  
4 **Consumer Law) Act 1992**

5 **[2.1]** **Section 34 (2), definition of *consumer and trader***  
6 ***legislation*, new paragraph (h)**

7 *insert*

8 (h) the *Traders (Licensing) Act 2016*.

9 **[2.2]** **Dictionary, definition of *fair trading legislation*, new**  
10 **paragraph (ia)**

11 *insert*

12 (ia) the *Traders (Licensing) Act 2016*; or

13 **Part 2.2** **Fair Trading (Motor Vehicle**  
14 **Repair Industry) Act 2010**

15 **[2.3]** **Section 6**

16 *omit*

17 **[2.4]** **Parts 3 to 5**

18 *omit*

- 1 **[2.5] Section 40 (a) (i)**
- 2 *substitute*
- 3 (i) the licensing, registration or training of people in the
- 4 motor vehicle repair industry; and
- 5 **[2.6] Section 40 (b)**
- 6 *substitute*
- 7 (b) advising the Minister about conditions of a licence under the
- 8 *Traders (Licensing) Act 2016*;
- 9 **[2.7] Sections 46 and 48**
- 10 *omit*
- 11 **[2.8] Part 8**
- 12 *omit*
- 13 **[2.9] Sections 54 and 55**
- 14 *omit*
- 15 **[2.10] Schedule 1**
- 16 *omit*
- 17 **[2.11] Dictionary, note 2**
- 18 *omit*
- 19
  - Corporations Act



1 **[2.12] Dictionary**

2 *omit the definitions of*  
3 *carries on business as a motor vehicle repairer*  
4 *corporation*  
5 *disqualified person*  
6 *ground for occupational discipline*  
7 *licence*  
8 *licence number*  
9 *licensee*

10 **[2.13] Dictionary, definition of *motor vehicle repair work***

11 *substitute*  
12 *motor vehicle repair work—*  
13 (a) means—  
14 (i) any of the following work performed on a motor vehicle,  
15 motor vehicle part or motor vehicle system:  
16 (A) examining or assessing condition or performance  
17 improvement;  
18 (B) diagnosing and detecting of faults;  
19 (C) overhauling;  
20 (D) dismantling and assembling;  
21 (E) servicing and maintenance;  
22 (F) replacing and adjusting of objects for performance  
23 improvement;

- 1 (G) painting and treatment;  
2 (H) modifying, altering, installing or fitting work; and  
3 (ii) giving advice on any of the work mentioned in  
4 subparagraph (i); and  
5 (iii) any other work prescribed by regulation to be motor  
6 vehicle repair work; but  
7 (b) does not include any work prescribed by regulation not to be  
8 motor vehicle repair work.

9 **[2.14] Dictionary, definitions of *police certificate* and *register***

10 *omit*

11 **Part 2.3 Pawnbrokers Act 1902**

12 **[2.15] Section 2, note 1**

13 *substitute*

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

17 For example, the signpost definition '*redemption period*—see  
18 section 13 (1) (Period for sale of pawned articles).' means that the term  
19 '*redemption period*' is defined in that section.

20 **[2.16] Part 2**

21 *omit*

22 **[2.17] Sections 6, 21 to 24, 27 and 28**

23 *omit*

1 **[2.18] Dictionary, note 2**

2 *omit*

- 3 • commissioner for fair trading  
4 • CrimTrac

5 *substitute*

- 6 • fail

7 **[2.19] Dictionary**

8 *omit the definitions of*

9 *commissioner*

10 *disqualified*

11 *executive officer*

12 *licence*

13 **[2.20] Dictionary, new definition of *licensed***

14 *insert*

15 *licensed* means licensed under the *Traders (Licensing) Act 2016*.

16 **[2.21] Dictionary, definition of *licensed pawnbroker***

17 *omit*

18 **[2.22] Dictionary, definition of *pawnbroker*, new note**

19 *insert*

20 *Note* A person must not carry on business as a pawnbroker unless the person  
21 is licensed as a pawnbroker under the *Traders (Licensing) Act 2016*.

22 **[2.23] Dictionary, definition of *suitable person***

23 *omit*

1 **Part 2.4 Sale of Motor Vehicles Act 1977**

2 **[2.24] Section 2, note 1**

3 *substitute*

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

7 For example, the signpost definition ‘*occupier*, of premises, for  
8 part 10A (Enforcement)—see section 70.’ means that the term  
9 ‘occupier’ is defined in that section for part 10A.

10 **[2.25] Sections 6 and 6AA**

11 *omit*

12 **[2.26] Parts 2, 6 and 7**

13 *omit*

14 **[2.27] Sections 71 to 74**

15 *omit*

16 **[2.28] Sections 82 and 83**

17 *after*

18 this Act

19 *insert*

20 or the *Traders (Licensing) Act 2016*

21 **[2.29] Sections 88 and 89A**

22 *omit*

23 **[2.30] Schedule 2, items 1 to 10, 12 and 13**

24 *omit*

1 **[2.31] Dictionary, note 2**

2 *omit*

- 3 • CrimTrac

4 **[2.32] Dictionary, definition of *car market operator*, new note**

5 *insert*

6 *Note* A person must not carry on the activities of a car market operator unless  
7 the person is licensed as a motor vehicle dealer under the *Traders*  
8 (*Licensing*) Act 2016.

9 **[2.33] Dictionary, definition of *dealer***

10 *substitute*

11 *dealer*—

12 (a) means a person who—

13 (i) buys, sells or exchanges motor vehicles as a business; or

14 (ii) sells more than 6 vehicles in any 12-month period; but

15 (b) does not include—

16 (i) a person whose business consists exclusively of buying  
17 motor vehicles for the purpose of demolishing or  
18 dismantling those vehicles; or

19 (ii) a wholesaler; or

20 (iii) a car market operator; or

21 (iv) a financier; or

22 (v) a person who is exempted by the commissioner by  
23 written notice.

24 *Note* A person must not carry on the activities of a dealer unless the person is  
25 licensed as a motor vehicle dealer under the *Traders (Licensing)*  
26 *Act 2016*.

1 **[2.34] Dictionary, definition of *ground for occupational***  
2 ***discipline***

3 *omit*

4 **[2.35] Dictionary, definition of *licence***

5 *substitute*

6 *licence* means a licence under the *Traders (Licensing) Act 2016*.

7 **[2.36] Dictionary, new definition of *licensed***

8 *insert*

9 *licensed* means licensed under the *Traders (Licensing) Act 2016*.

10 **[2.37] Dictionary**

11 *omit the definitions of*

12 *licensed car market operator*

13 *licensed dealer*

14 *licensed wholesaler*

15 *police certificate*

16 *register*

17 *suitable person*

18 *unsuitable person*

19 *vehicle sale licence*

20 **[2.38] Dictionary, definition of *wholesaler*, new note**

21 *insert*

22 *Note* A person must not carry on the activities of a wholesaler unless the  
23 person is licensed as a motor vehicle dealer under the *Traders*  
24 *(Licensing) Act 2016*.

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## 1      **Part 2.5**                                      **Second-hand Dealers Act 1906**

### 2      **[2.39]      Section 2, note 1**

3                                      *substitute*

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

7                                      For example, the signpost definition ‘*carries on business as a*  
8                                      *second-hand dealer*—see section 2A.’ means that the term ‘carries on  
9                                      business as a second-hand dealer’ is defined in that section.

### 10     **[2.40]      Part 2**

11                                      *omit*

### 12     **[2.41]      Section 4**

13                                      *omit*

### 14     **[2.42]      New section 10 (5)**

15                                      *insert*

16                      (5) In this section:

17                                      *licence*, of a licensed second-hand dealer, means the second-hand  
18                                      dealer’s licence under the *Traders (Licensing) Act 2016*.

### 19     **[2.43]      Sections 11, 12, 14, 15, 17 and 18**

20                                      *omit*

1 **[2.44] Dictionary, note 2**

2 *substitute*

3 *Note 2* In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- 4 • chief police officer
- 5 • home address
- 6 • police officer.

7 **[2.45] Dictionary, new definition of *carries on business as a***  
8 ***second-hand dealer***

9 *insert*

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

11 **[2.46] Dictionary**

12 *omit the definitions of*

13 *carrying on business as a second-hand dealer*

14 *commissioner*

15 *executive officer*

16 *licence*

17 **[2.47] Dictionary, new definition of *licensed***

18 *insert*

19 *licensed* means licensed under the *Traders (Licensing) Act 2016*.

20 **[2.48] Dictionary, definition of *licensed second-hand dealer***

21 *omit*



1 **[2.49] Dictionary, definition of *second-hand dealer*, new note**

2 *insert*

3 *Note* A person must not carry on business as a second-hand dealer unless the  
4 person is licensed as a second-hand dealer under the *Traders*  
5 (*Licensing*) *Act 2016*.

6 **[2.50] Dictionary, definition of *suitable person***

7 *omit*

8 **Part 2.6 Second-hand Dealers**  
9 **Regulation 2002**

10 **[2.51] Section 5A**

11 *omit*

12 **[2.52] Dictionary, note 3**

13 *substitute*

14 *Note 3* Terms used in this regulation have the same meaning that they have in  
15 the *Second-hand Dealers Act 1906* (see [Legislation Act](#), s 148.) For  
16 example, the following terms are defined in the *Second-hand Dealers*  
17 *Act 1906*, dict:

- 18 • licensed  
19 • second-hand dealer.

20 **[2.53] Dictionary, definition of *exempt entity***

21 *substitute*

22 *exempt entity* means an entity exempt under the *Traders (Licensing)*  
23 *Act 2016*, section 21.

## 1 Dictionary

2 (see s 3)

3 *Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to  
4 this Act.

5 *Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- 6 • ACAT
- 7 • Australian Standard (see s 164 (1))
- 8 • commissioner for fair trading
- 9 • Corporations Act
- 10 • entity
- 11 • fail
- 12 • occupational discipline order
- 13 • reviewable decision notice
- 14 • working day.

15 *car market operator*—see section 8.

16 *commissioner* means the commissioner for fair trading.

17 *decision-making period* means—

18 (a) 60 days; or

19 (b) if a period is prescribed by regulation for a certain decision—  
20 the period prescribed.

21 *executive officer*, of a corporation, means a person, however  
22 described and whether or not the person is a director of the  
23 corporation, who is concerned with, or takes part in, the  
24 corporation's management.

25 *ground for occupational discipline*, for part 4 (Occupational  
26 discipline and other disciplinary action)—see section 40.

27 *influential person*, for a corporation, for part 3 (Traders licences)—  
28 see section 15.

29 *licensee*, for part 4 (Occupational discipline and other disciplinary  
30 action)—see section 39.

31 *licensed*, for part 5 (Offences)—see section 44.

- 1            **motor vehicle dealer**—see section 9.
- 2            **motor vehicle repairer**—see section 10.
- 3            **motor vehicle wholesaler**—see section 11.
- 4            **operational Act**—see section 6.
- 5            **pawnbroker**—see section 12.
- 6            **relevant person**, for an entity, means—
- 7            (a) if the entity is an individual—
- 8                (i) the individual; and
- 9                (ii) if the individual is also a partner in a partnership—
- 10                another partner of the partnership; or
- 11            (b) if the entity is a partnership—a partner of the partnership; or
- 12            (c) if the entity is a corporation—an executive officer of the
- 13                corporation; or
- 14            (d) if the entity is an association—an office bearer for the
- 15                association.
- 16            **reviewable decision**, for part 6 (Notification and review of
- 17                decisions)—see section 49.
- 18            **second-hand dealer**—see section 13.
- 19            **suitable entity**, to hold a licence, for part 3 (Traders licences)—see
- 20                section 18.
- 21            **trader**—see section 7.
- 22            **trader category**—see section 7.
- 23            **trading address**, for part 3 (Traders licences)—see section 15.
- 24            **trading name**, for part 3 (Traders licences)—see section 15.
- 25            **transferee**—see section 24.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 June 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 2016.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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