

Serial 103

Personal Property Securities (National Uniform Legislation) Implementation
Bill 2010

Ms Lawrie

A Bill for an Act to provide for the implementation of a national system of
registration of personal property securities, and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

PERSONAL PROPERTY SECURITIES (NATIONAL UNIFORM
LEGISLATION) IMPLEMENTATION ACT 2010

Act No. [] of 2010

Table of provisions

Part 1 Preliminary matters

| | | |
|---|----------------------------------|---|
| 1 | Short title | 1 |
| 2 | Commencement | 1 |
| 3 | Object of Act | 1 |
| 4 | Definitions | 2 |
| 5 | NT register and repeal day | 2 |
| 6 | Interpretation | 3 |

Part 2 Implementation of PPS Act

Division 1 General rules

| | | |
|----|---|---|
| 7 | Cessation of NT registers | 3 |
| 8 | Migration of data to PPS Register | 4 |
| 9 | NT register information received by Territory after registration commencement time | 4 |
| 10 | Giving information or document after registration commencement time on PPS Registrar's request | 5 |
| 11 | Issuing certificates after registration commencement time | 5 |
| 12 | Compensation relating to PPS transitional matters | 5 |
| 13 | Transitional security interests | 6 |

**Division 2 Special rules for Registration of Interests in
Motor Vehicles and Other Goods Act**

| | | |
|----|--|---|
| 14 | Definitions | 6 |
| 15 | Savings – existing cancellation or variation process | 6 |
| 16 | Savings – appeals | 7 |
| 17 | Savings – right to compensation | 7 |
| 18 | Savings – agreements under section 24 of RIMVOG Act | 8 |
| 19 | Delegation by registrar | 8 |

Part 3 Other matters

| | | |
|----|---|---|
| 20 | Functions and powers of CEO on and after repeal day | 8 |
|----|---|---|

| | | |
|----|--------------------------------|---|
| 21 | Delegation by CEO | 9 |
| 22 | Regulations..... | 9 |
| 23 | Transitional regulations | 9 |

Part 4 Consequential amendments and repeals of legislation

Division 1 Consequential amendments of Acts

| | | |
|----|--|----|
| 24 | Amendment of <i>Agents Licensing Act</i> | 10 |
| | 111A Licence not transferable | |
| 25 | Amendment of <i>Agricultural and Veterinary Chemicals (Control of Use) Act</i> | 10 |
| | 70A Licence not transferable | |
| 26 | Amendment of <i>Animal Welfare Act</i> | 10 |
| | 39A Licence not transferable | |
| 27 | Amendment of <i>Auctioneers Act</i> | 11 |
| | 18A Licence not transferable | |
| 28 | Amendment of <i>Biological Resources Act 2006</i> | 11 |
| | 44A Permit not transferable | |
| 29 | Amendment of <i>Commercial Passenger (Road) Transport Act</i> | 11 |
| | 69A Licence not transferable | |
| 30 | Amendment of <i>Consumer Affairs and Fair Trading Act</i> | 11 |
| | 154A Licence not transferable | |
| 31 | Amendment of <i>Co-operatives Act</i> | 12 |
| 32 | Amendment of <i>Electrical Workers and Contractors Act</i> | 12 |
| | 55AA Licence not transferable | |
| 33 | Amendment of <i>Electricity Reform Act</i> | 12 |
| | 37A Licence not personal property | |
| 34 | Amendment of <i>Energy Pipelines Act</i> | 12 |
| | 32A Licence not personal property | |
| 35 | Amendment of <i>Fisheries Act</i> | 13 |
| | 14B Licence not personal property | |
| 36 | Amendment of <i>Gaming Control Act</i> | 13 |
| | 20A Licence not personal property | |
| | 46R Licence not personal property | |
| | 47R Licence not personal property | |
| 37 | Amendment of <i>Geothermal Energy Act</i> | 14 |
| | 123A Licence not personal property | |
| 38 | Amendment of <i>Liquor Act</i> | 14 |
| | 127A Licence etc. not personal property | |
| 39 | Amendment of <i>Marine Act</i> | 15 |
| | 142B Licence not transferable | |
| 40 | Amendment of <i>Mining Act</i> | 15 |
| | 173A Licence etc. not personal property | |

| | | |
|----|--|----|
| 41 | Amendment of <i>Petroleum Act</i> | 16 |
| | 117AMA Licence etc. not personal property | |
| 42 | Amendment of <i>Petroleum (Submerged Lands) Act</i> | 16 |
| | 137AC Licence etc. not personal property | |
| 43 | Amendment of <i>Plumbers and Drainers Licensing Act</i> | 17 |
| | 35A Licence not transferable | |
| 44 | <i>Poisons and Dangerous Drugs Act</i> | 17 |
| | 19A Registration not transferable | |
| | 27A Licence not transferable | |
| | 59A Licence not transferable | |
| 45 | Amendment of <i>Private Security Act</i> | 18 |
| | 25A Licence not transferable | |
| 46 | Amendment of <i>Prostitution Regulation Act</i> | 18 |
| | 47B Licence not transferable | |
| 47 | Amendment of <i>Racing and Betting Act</i> | 18 |
| | 88A Licence and permit not transferable | |
| | 119AA Licence not transferable | |
| 48 | Amendment of <i>Soccer Football Pools Act</i> | 19 |
| | 11A Licence not transferable | |
| 49 | Amendment of <i>Therapeutic Goods and Cosmetics Act</i> | 19 |
| | 22A Licence and permit not transferable | |
| 50 | Amendment of <i>Tobacco Control Act</i> | 19 |
| | 36A Licence not personal property | |
| 51 | Amendment of <i>Totalisator Licensing and Regulation Act</i> | 20 |
| | 23A Licence not personal property | |
| 52 | Amendment of <i>Traffic Act</i> | 20 |
| 53 | Amendment of <i>Uncollected Goods Act</i> | 21 |
| | 19 PPS Register search result | |
| 54 | Amendment of <i>Warehousemen's Liens Act</i> | 22 |
| 55 | Amendment of <i>Waste Management and Pollution Control Act</i> | 22 |
| 56 | Amendment of <i>Water Supply and Sewerage Services Act</i> | 23 |
| | 25A Licence not personal property | |

Division 2 Consequential amendments of Regulations

| | | |
|----|---|----|
| 57 | Amendment of <i>Co-operatives Regulations</i> | 23 |
|----|---|----|

Division 3 Repeals and expiry

| | | |
|----|-------------------------------------|----|
| 58 | Repeal of Act..... | 24 |
| 59 | Repeal of Act and Regulations | 24 |
| 60 | Expiry of Part..... | 24 |

Schedule 1 Repeal of Acts

Schedule 2 Repeal of Act and Regulations



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2010

An Act to provide for the implementation of a national system of registration of personal property securities, and for related purposes

[Assented to [] 2010]
[Second reading [] 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Personal Property Securities (National Uniform Legislation) Implementation Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Object of Act

The object of this Act is to make necessary provisions for the implementation of a national system of registration of personal property securities.

Note for section 3

The Commonwealth, the States and agreed to establish the national registration system by an Act of the Commonwealth through a referral of powers to the Commonwealth Parliament under section 51(xxxvii) of the Constitution.

4 Definitions

In this Act:

business day means a day other than a Saturday, Sunday or public holiday.

CEO means the Chief Executive Officer administering this Act.

cessation time means the end of the last business day before the registration commencement time.

NT register, see section 5(1).

NT registrar means the person or body responsible for maintaining the information in an NT register under the law establishing the NT register.

personal property, see section 10 of the PPS Act.

PPS Act means the *Personal Property Securities Act 2009* (Cth).

PPS Register means the Personal Property Securities Register established under section 147 of the PPS Act.

PPS Registrar means the Registrar of Personal Property Securities mentioned in section 194 of the PPS Act.

registration commencement time, see section 306(2) of the PPS Act.

repeal day, for an NT register, see section 5(2).

responsible registrar, of an NT register, means the NT registrar responsible for maintaining the information in the NT register.

transitional security interest, see section 308 of the PPS Act.

5 NT register and repeal day

- (1) An **NT register** is each of the following:
 - (a) the Register of Co-operative Charges mentioned in clause 18 of Schedule 3 of the *Co-operatives Act* as in force immediately before the repeal day;
 - (b) the information kept by the Registrar-General in relation to each registration under the *Instruments Act* as in force immediately before the repeal day;

- (c) the Register of Interests in Motor Vehicles and Other Goods maintained under the *Registration of Interests in Motor Vehicles and Other Goods Act* as in force immediately before the repeal day.

(2) The **repeal day** for an NT register is:

- (a) for the NT register mentioned in subsection (1)(a) – the day on which section 31 commences; or
- (b) for the NT register mentioned in subsection (1)(b) – the day on which section 58 commences; or
- (c) the NT register mentioned in subsection (1)(c) – the day on which section 59 commences.

6 Interpretation

Except as otherwise provided in this Act, terms used in this Act and in the PPS Act have the same meanings in this Act as they have in the PPS Act.

Part 2 Implementation of PPS Act

Division 1 General rules

7 Cessation of NT registers

- (1) From the cessation time, the responsible registrar of an NT register:
 - (a) must not alter any information in, or add any information to, the NT register; and
 - (b) may refuse to deal with an application relating to the NT register made before the cessation time under a law of the Territory if the application does not comply with a requirement of that law as in force at the time of the application.
- (2) The responsible registrar must refund any application fee paid by the applicant if the responsible registrar refuses to deal with the application under subsection (1)(b).
- (3) Subsections (1) and (2) have effect despite any other provision of a law of the Territory in force at or after the cessation time.

8 Migration of data to PPS Register

- (1) This section applies to information:
 - (a) held in an NT register immediately before the cessation time;
and
 - (b) comprising data relating to personal property.
- (2) The responsible registrar is authorised to give the information to the Commonwealth, the PPS Registrar or another person, as the responsible registrar considers appropriate in order to establish the PPS Register.
- (3) The responsible registrar may give the information in any form (including electronic form or another form approved for the PPS Act) the responsible registrar considers appropriate.
- (4) This section does not prevent the responsible registrar from retaining any of the information for the Territory at or after the registration commencement time.

9 NT register information received by Territory after registration commencement time

- (1) This section applies if:
 - (a) there is a matter concerning an NT register that:
 - (i) arises after the registration commencement time; and
 - (ii) results in the generation of information that would, apart from section 7, have been included in the NT register;
and
 - (b) the information is given to the Territory.
- (2) The responsible registrar of the NT register is authorised to give the information to the Commonwealth, PPS Registrar or another person, as the responsible registrar considers appropriate in order to include the information in the PPS Register.
- (3) The responsible registrar may give the information in any form (including electronic form or another form approved for the PPS Act) the responsible registrar considers appropriate.
- (4) This section does not prevent the responsible registrar from retaining any of the information for the Territory.

10 Giving information or document after registration commencement time on PPS Registrar's request

- (1) This section applies if, after the registration commencement time, the PPS Registrar requests the responsible registrar of an NT register to give to the PPS Registrar specified information or documents under the control of the Territory in relation to a matter concerning the NT register.
- (2) The responsible registrar is authorised to give the information or document to the PPS Registrar.
- (3) The responsible registrar may give information under subsection (2) in any form (including electronic form or another form approved for the PPS Act) the NT registrar considers appropriate.
- (4) This section does not prevent the responsible registrar from retaining any of the information or the document for the Territory.

11 Issuing certificates after registration commencement time

This Part does not prevent:

- (a) a person from applying, on or after the cessation time, to the responsible registrar of an NT register for the issue of a certificate that the responsible registrar may issue under a law of the Territory in force immediately before that time; and
- (b) the responsible registrar from issuing the certificate.

Example for section 11

A certificate under section 12 of the Registration of Interests in Motor Vehicles and Other Goods Act as in force before the repeal day.

12 Compensation relating to PPS transitional matters

- (1) Compensation is not payable by or for the Territory, an authority of the Territory, or a person employed or engaged to perform work for the Territory, for an act or omission that:
 - (a) is done or omitted to be done in good faith; and
 - (b) is a PPS transitional matter or arises (whether directly or indirectly) from a PPS transitional matter; and
 - (c) is not an act or omission causing a personal injury to, or the death of, someone.

(2) In this section:

compensation includes damages and any other form of monetary compensation.

PPS transitional matter means any of the following:

- (a) the giving of information to the Commonwealth, the PPS Registrar or another person, for assisting the Commonwealth in establishing the PPS Register;
- (b) the administration of this Act;
- (c) the exercise of a power or performance of a function under this Act.

13 Transitional security interests

This Act does not affect the operation of the PPS Act in relation to an interest that:

- (a) was an interest in personal property registered in an NT register before the registration commencement time; and
- (b) is a transitional security interest.

Division 2 Special rules for Registration of Interests in Motor Vehicles and Other Goods Act

14 Definitions

In this Division:

register means the Register as defined in the RIMVOG Act.

registrar means the Registrar as defined in the RIMVOG Act.

RIMVOG Act means the *Registration of Interests in Motor Vehicles and Other Goods Act* as in force immediately before the cessation time.

15 Savings – existing cancellation or variation process

(1) This section applies if:

- (a) the registrar has given a notice to a person under section 10(5) or 11(2) or (4) of the RIMVOG Act in relation to an interest registered under that Act; and

- (b) the period specified in the notice ends after the cessation time.
- (2) If the registrar decides that, apart from the operation of section 7, the registrar would vary the information recorded in the register or cancel the registration, the registrar:
 - (a) must notify the person of the decision; and
 - (b) is authorised to give any information about the decision to the PPS Registrar as the PPS Registrar requires.
- (3) The registrar may give information under subsection (2) in any form (including electronic form or another form approved for the PPS Act) the registrar considers appropriate.

16 Savings – appeals

- (1) This section applies if an appeal was started under section 19 of the RIMVOG Act before the cessation time and the appeal has not been decided before that time.
- (2) The Local Court must:
 - (a) deal with the appeal under the RIMVOG Act as in force immediately before the cessation time; and
 - (b) notify the registrar of the decision.
- (3) Section 19(3) of the RIMVOG Act as in force immediately before the cessation time has no effect in relation to the decision of the Local Court.
- (4) The registrar is authorised to give any information about the decision of the Local Court to the PPS Registrar as the PPS Registrar requires.
- (5) The registrar may give information under subsection (4) in any form (including electronic form or another form approved for the PPS Act) the registrar considers appropriate.

17 Savings – right to compensation

- (1) This section applies if:
 - (a) a person suffered a loss because of the operation of the RIMVOG Act as in force at any time before the cessation time; and

- (b) the person would, apart from the operation of this Act, have been able to apply to the registrar for an order awarding compensation for that loss under the RIMVOG Act.
- (2) The person may apply for the order, and the registrar may deal with the application as if the RIMVOG Act as in force immediately before the cessation time continues to be in force.

18 Savings – agreements under section 24 of RIMVOG Act

- (1) An agreement in force under section 24 of the RIMVOG Act immediately before the registration commencement time continues to have effect after that time for matters arising before that time.
- (2) Section 24 of RIMVOG Act continues to have effect for subsection (1).

19 Delegation by registrar

- (1) The registrar may, in writing, delegate all or any of the powers and functions of the registrar under this Act, or a provision of the RIMVOG Act that continues to have effect under this Act, to:
 - (a) a person administering all or any part of the RIMVOG Act; or
 - (b) a person administering this or another Act administered by the Minister.
- (2) A delegation in force immediately before the registration commencement time in relation to a provision of the RIMVOG Act that continues to have effect after that time because of this Act continues to have effect until it is revoked by the registrar.

Part 3 Other matters

20 Functions and powers of CEO on and after repeal day

On and after the repeal day for an NT register, the CEO may exercise the powers and perform the functions of the responsible registrar for the NT register under sections 8, 9, 10, 11, 15, 16, 17 and 19(2) as if:

- (a) the provisions in a law of the Territory relating to the NT register in force immediately before the repeal day continue to be in force; and
- (b) the CEO were the responsible registrar.

21 Delegation by CEO

The CEO may, in writing, delegate all or any of the powers and functions of the CEO under this Act.

22 Regulations

- (1) The Administrator may make regulations under this Act.
- (2) A regulation may declare a matter to be an excluded matter for section 259 of the PPS Act in relation to any of the following:
 - (a) the whole of the PPS Act (or an instrument made under that Act);
 - (b) a specified provision of the PPS Act (or an instrument made under that Act);
 - (c) the PPS Act (or an instrument made under the PPS Act), other than a specified provision;
 - (d) the PPS Act (or an instrument made under the PPS Act), otherwise than to a specified extent.

23 Transitional regulations

- (1) A regulation may provide for a matter of a transitional nature:
 - (a) because of the enactment of this Act; or
 - (b) to otherwise allow or facilitate the transition from the operation of the repealed Act to this Act.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement day.
- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (4) The regulation must declare it is made under this section.
- (5) This section, and each regulation made under it, expires 1 year after the commencement day.

Part 4 Consequential amendments and repeals of legislation

Division 1 Consequential amendments of Acts

24 Amendment of *Agents Licensing Act*

(1) This section amends the *Agents Licensing Act*.

(2) After section 111

insert

111A Licence not transferable

A licence is not transferable by the holder of the licence.

25 Amendment of *Agricultural and Veterinary Chemicals (Control of Use) Act*

(1) This section amends the *Agricultural and Veterinary Chemicals (Control of Use) Act*.

(2) After section 70, in Part 5, Division 2

insert

70A Licence not transferable

A licence is not transferable by the licensee.

26 Amendment of *Animal Welfare Act*

(1) This section amends the *Animal Welfare Act*.

(2) After section 39

insert

39A Licence not transferable

A licence is not transferable by the licensee.

27 Amendment of *Auctioneers Act*

(1) This section amends the *Auctioneers Act*.

(2) After section 18

insert

18A Licence not transferable

A licence is not transferable by the holder of the licence.

28 Amendment of *Biological Resources Act 2006*

(1) This section amends the *Biological Resources Act 2006*.

(2) After section 44

insert

44A Permit not transferable

A permit to take biological resources is not transferable by the person to whom the permit is issued.

29 Amendment of *Commercial Passenger (Road) Transport Act*

(1) This section amends the *Commercial Passenger (Road) Transport Act*.

(2) Before section 70, in Part 10

insert

69A Licence not transferable

A licence is not transferable by the holder of the licence.

30 Amendment of *Consumer Affairs and Fair Trading Act*

(1) This section amends the *Consumer Affairs and Fair Trading Act*.

(2) After section 154, in Part 10, Division 3, Subdivision D

insert

154A Licence not transferable

A licence is not transferable by the licensee.

31 Amendment of *Co-operatives Act*

(1) This section amends the *Co-operatives Act*.

(2) Part 10, Division 2 and Schedule 3

repeal

32 Amendment of *Electrical Workers and Contractors Act*

(1) This section amends the *Electrical Workers and Contractors Act*.

(2) After section 55

insert

55AA Licence not transferable

A licence is not transferable by the holder of the licence.

33 Amendment of *Electricity Reform Act*

(1) This section amends the *Electricity Reform Act*.

(2) After section 37, in Part 3, Division 2

insert

37A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence is not personal property for that Act.

Note for section 37A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

34 Amendment of *Energy Pipelines Act*

(1) This section amends the *Energy Pipelines Act*.

(2) After section 32, in Part III

insert

32A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence is not personal property for that Act.

Note for section 32A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

35 Amendment of *Fisheries Act*

(1) This section amends the *Fisheries Act*.

(2) After section 14A, in Part II, Division 2

insert

14B Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence is not personal property for that Act.

Note for section 14B

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

36 Amendment of *Gaming Control Act*

(1) This section amends the *Gaming Control Act*.

(2) After section 20, in Part 3, Division 1

insert

20A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a casino licence is not personal property for that Act.

Note for section 20A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

(3) After section 46Q, in Part 4, Division 4

insert

46R Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence granted under this Division is not personal property for that Act.

Note for section 46R

A law of the Commonwealth, a State or a Territory may declare a right, licence or

authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

- (4) After section 47Q, in Part 4, Division 5

insert

47R Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence granted under this Division is not personal property for that Act.

Note for section 47R

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

37 Amendment of *Geothermal Energy Act*

- (1) This section amends the *Geothermal Energy Act*.

- (2) Before section 124, in Part 11

insert

123A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) a geothermal authority;
- (b) a geothermal authority interest.

Note for section 123A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

38 Amendment of *Liquor Act*

- (1) This section amends the *Liquor Act*.

- (2) After section 127

insert

127A Licence etc. not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) a licence;
- (b) a special licence;
- (c) a permit.

Note for section 127A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

39 Amendment of *Marine Act*

- (1) This section amends the *Marine Act*.
- (2) After section 142A, in Part V

insert

142B Licence not transferable

A licence is not transferable by the licensee.

40 Amendment of *Mining Act*

- (1) This section amends the *Mining Act*.
- (2) After section 173

insert

173A Licence etc. not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) a mining interest;
- (b) an interest in a mining interest.

Note for section 173A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

41 Amendment of *Petroleum Act*

(1) This section amends the *Petroleum Act*.

(2) Before section 117A, in Part VI

insert

117AMA Licence etc. not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) an access authority;
- (b) an exploration permit;
- (c) a retention licence;
- (d) a production licence;
- (e) an interest in an authority, permit or licence mentioned in paragraph (a), (b), (c) or (d).

Note for section 117AMA

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

42 Amendment of *Petroleum (Submerged Lands) Act*

(1) This section amends the *Petroleum (Submerged Lands) Act*.

(2) After section 137AB, in Part II, Division 6

insert

137AC Licence etc. not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), each of the following is not personal property for that Act:

- (a) an access authority;
- (b) a permit;
- (c) a lease;
- (d) a licence;
- (e) a pipeline licence;

- (f) an interest in an authority, permit, lease or licence mentioned in paragraph (a), (b), (c), (d) or (e).

Note for section 137AC

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

43 Amendment of *Plumbers and Drainers Licensing Act*

- (1) This section amends the *Plumbers and Drainers Licensing Act*.

- (2) After section 35, in Part 4

insert

35A Licence not transferable

A licence is not transferable by the licensee.

44 Poisons and Dangerous Drugs Act

- (1) This section amends the *Poisons and Dangerous Drugs Act*.

- (2) After section 19

insert

19A Registration not transferable

A registration of premises under this Part is not transferable by the registered owner or occupier of the premises.

- (3) After section 27, in Part IV

insert

27A Licence not transferable

A licence granted under this Part is not transferable by the licensee.

- (4) After section 59, in Part XI

insert

59A Licence not transferable

A licence granted under this Part is not transferable by the licensee.

45 Amendment of *Private Security Act*

(1) This section amends the *Private Security Act*.

(2) After section 25, in Part 3

insert

25A Licence not transferable

A licence granted under this Act is not transferable by the licensee.

46 Amendment of *Prostitution Regulation Act*

(1) This section amends the *Prostitution Regulation Act*.

(2) After section 47A, in Part 3, Division 8

insert

47B Licence not transferable

A licence is not transferable by the licensee.

47 Amendment of *Racing and Betting Act*

(1) This section amends the *Racing and Betting Act*.

(2) After section 88, in Part IV, Division 1

insert

88A Licence and permit not transferable

A licence or permit (including a special licence or special permit) granted under this Part is not transferable by the holder of the licence or permit.

(3) After section 119, in Part V

insert

119AA Licence not transferable

A licence granted under this Part is not transferable by the holder of the licence.

48 Amendment of *Soccer Football Pools Act*

(1) This section amends the *Soccer Football Pools Act*.

(2) After section 11, in Part II

insert

11A Licence not transferable

A licence is not transferable by the licensee.

49 Amendment of *Therapeutic Goods and Cosmetics Act*

(1) This section amends the *Therapeutic Goods and Cosmetics Act*.

(2) After section 22, in Part III

insert

22A Licence and permit not transferable

A licence or permit is not transferable by the holder of the licence or permit.

50 Amendment of *Tobacco Control Act*

(1) This section amends the *Tobacco Control Act*.

(2) After section 36

insert

36A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a tobacco retail licence is not personal property for that Act.

Note for section 36A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

51 Amendment of *Totalisator Licensing and Regulation Act*

(1) This section amends the *Totalisator Licensing and Regulation Act*.

(2) After section 23, in Part 3, Division 1

insert

23A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence is not personal property for that Act.

Note for section 23A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

52 Amendment of *Traffic Act*

(1) This section amends the *Traffic Act*.

(2) Section 3(1)

insert (in alphabetical order)

PPS Act means the *Personal Property Securities Act 2009* (Cth).

PPS Register means the Personal Property Securities Register established under section 147 of the PPS Act.

(3) Section 29AJ(2)(e)

omit, substitute

(e) for an application for a forfeiture order – anyone whose interest in the vehicle is recorded in the PPS Register.

(4) Section 29AR(2)(e)

omit, substitute

(e) the Commissioner has obtained a written search result of the PPS Register in the appropriate form in relation to the vehicle under the PPS Act.

(5) Section 29AR(6)(d)

omit, substitute

- (d) fourth – in payment of the amount owing to the holder of a security interest in the vehicle that is registered in the PPS Register;

(6) Section 29AS(2)(d)

omit, substitute

- (d) fourth – in payment of the amount owing to the holder of a security interest in the vehicle that is registered in the PPS Register;

53 Amendment of *Uncollected Goods Act*

- (1) This section amends the *Uncollected goods Act*.

- (2) Section 4, definitions ***motor vehicle*** and ***publicly registered interest***

omit

- (3) Section 4

insert (in alphabetical order)

motor vehicle means a motor vehicle as defined in the regulations made under the PPS Act.

PPS Act means the *Personal Property Securities Act 2009* (Cth).

PPS Register means the Personal Property Securities Register established under section 147 of the PPS Act.

- (4) Section 19

repeal, substitute

19 PPS Register search result

A receiver must not dispose of a motor vehicle that is of, or greater than, medium value unless the receiver has obtained a written search result of the PPS Register in the appropriate form in relation to the vehicle under the PPS Act.

Maximum penalty: 100 penalty units.

54 Amendment of *Warehousemen's Liens Act*

(1) This section amends the *Warehousemen's Liens Act*.

(2) Section 3

insert (in alphabetical order)

PPS Act means the *Personal Property Securities Act 2009* (Cth).

(3) Section 6(1)

omit, substitute

(1) The warehouseman must, within 3 months after the date of the deposit of goods with the warehouseman, give notice of the lien on the goods to a person if:

(a) the goods are of, or greater than, medium value as defined in section 4 of the *Uncollected Goods Act*; and

(b) one of the following applies:

(i) the person has an interest in the goods in relation to which a registration was made under the PPS Act before the deposit of the goods and the registration is in effect;

(ii) the person has an interest in the goods that the warehouseman is aware of at any time before the expiration of 2 months after the deposit of the goods.

55 Amendment of *Waste Management and Pollution Control Act*

(1) This section amends the *Waste Management and Pollution Control Act*.

(2) Section 98, heading

omit

, &c.

(3) Section 98(4)(a)

omit, substitute

(a) search the Personal Property Securities Register established under section 147 of the *Personal Property Securities Act 2009* (Cth); and

56 Amendment of *Water Supply and Sewerage Services Act*

(1) This section amends the *Water Supply and Sewerage Services Act*.

(2) After section 25, in Part 2, Division 4

insert

25A Licence not personal property

For section 8(1)(k) of the *Personal Property Securities Act 2009* (Cth), a licence mentioned in section 13(2) is not personal property for that Act.

Note for section 25A

A law of the Commonwealth, a State or a Territory may declare a right, licence or authority granted by or under that law not to be personal property for the Personal Property Securities Act 2009 (Cth).

Division 2 Consequential amendments of Regulations

57 Amendment of *Co-operatives Regulations*

(1) This section amends the *Co-operatives Regulations*.

(2) Regulation 40(m)

omit

, or under clause 44 of Schedule 3 to the Act

(3) Regulation 40(q)

omit

(4) Regulation 40(a) to (p), at the end

insert

and

(5) Regulations 43, 44 and 45

repeal

Division 3 Repeals and expiry

58 Repeal of Act

The Acts specified in Schedule 1 are repealed.

59 Repeal of Act and Regulations

The Act and Regulations specified in Schedule 2 are repealed.

60 Expiry of Part

This Part expires on the day after all the provisions in this Part have commenced.

Schedule 1 Repeal of Acts

section 58

| | |
|---------------------------------------|------------------------|
| <i>Instruments Ordinance 1935</i> | Ordinance No. 22, 1935 |
| <i>Instruments Ordinance 1965</i> | Ordinance No. 65, 1965 |
| <i>Instruments Amendment Act 1983</i> | Act No. 43, 1983 |
| <i>Instruments Amendment Act 1989</i> | Act No. 73, 1989 |
| <i>Instruments Amendment Act 1998</i> | Act No. 7, 1998 |

Schedule 2 Repeal of Act and Regulations

section 59

*Registration of Interests in Motor Vehicles and
Other Goods Act 1989*

Act No. 85, 1989

*Motor Vehicles (Hire Car) Loan Security
Regulations*

Subordinate Legislation
No. 6, 1988