



Queensland

Motor Vehicles and Boats Securities Act 1986

Reprinted as in force on 22 April 2005

Reprint No. 3B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 22 April 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Motor Vehicles and Boats Securities Act 1986

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Definitions	5
3	Meaning of motor vehicle	7
4	Meaning of water damaged motor vehicle	8
5	Application of declared sections	8
Part 2	Registration and priority of security interests	
6	Register	9
7	Application for registration, or renewal of registration, of security interest	10
7A	Registration, or renewal of registration, of security interest	10
7B	Expiry of registration.	11
7C	Renewal of registration and expiry of renewed registration	11
7D	Registration of confiscation orders	11
8	Application for assignment of a registered security interest.	12
9	Registration of assignment of a registered security interest.	12
10	Registration becomes effective on next business day	12
12	Priority of security interests	13
Part 3	Discharge of registered security interests, and particular offences	
Division 1	Discharge of registered security interests	
14	Application for discharge of registered security interest.	14
15	Registration of discharge of registered security interest	15
17	Onus to cancel registration on discharge	15
18	Rectification of register	15
18A	Removal of particulars of improperly registered interests	15

19	Correction of errors	17
20	Chief executive may cancel registration	17
Division 2	False or misleading information or documents	
21	False or misleading information	18
21A	False or misleading documents	18
Part 4	Security interests	
Division 1	Security interest certificates	
22	Security interest certificate	19
23	Inspecting register	20
23A	Inspecting searchable application	20
24	Forged etc. certificates	20
Division 2	Notice and extinguishment of security interests	
25	Notice of security interest	21
26	Extinguishing of security interest	21
26A	Revival of extinguished security interest	22
27	Purchases to which s 26 does not apply	23
28	Compensation for loss etc. by holder of security interest	24
30	Effects of incorrect certificate	26
Part 5	Investigation and enforcement	
Division 1	Inspectors	
30A	Appointment and qualifications	27
30B	Appointment conditions and limit on powers	27
30C	Issue of identity card	27
30D	Production or display of inspector's identity card	28
30E	When inspector ceases to hold office.	28
30F	Resignation	28
30G	Return of identity card	29
Division 2	Powers of inspectors	
Subdivision 1	Entry of places	
30H	Power to enter places	29
Subdivision 2	Procedure for entry	
30I	Entry with consent	30
30J	Application for warrant	31
30K	Issue of warrant	31
30L	Special warrants	32
30M	Warrants—procedure before entry	33

Subdivision 3	Powers after entry	
30N	General powers after entering places	34
30O	Failure to help inspector	34
30P	Failure to give information	35
Subdivision 4	Power to seize evidence	
30Q	Seizing evidence at a place that may be entered without consent or warrant	35
30R	Seizing evidence at a place that may only be entered with consent or warrant	35
30S	Securing seized things	36
30T	Tampering with seized things	37
30U	Power to support seizure	37
30V	Receipts for seized things	37
30W	Return of seized things.	38
30X	Access to seized things	38
Subdivision 5	Power to obtain information	
30Y	Power to require name and address	38
30Z	Failure to give name or address	39
Division 3	General enforcement matters	
30ZA	Notice of damage	39
30ZB	Compensation	40
30ZC	False or misleading information	41
30ZD	False or misleading documents	41
30ZE	Obstructing inspectors	41
Part 6	Miscellaneous	
30ZG	Arrangements for fees	42
31	Delegation	42
32	Protection	42
34	Proceedings for offences	43
35	Offence by corporation	43
36	Fees and penalties	43
37	Evidentiary provisions	43
38	Recognised States	44
39	Regulation-making power.	44
40	Approved forms	45
Part 7	Transitional provisions for Motor Vehicles Securities and Other Acts Amendment Act 2003	
41	Definitions for pt 7.	45

Motor Vehicles and Boats Securities Act 1986

42	Registration of security interest under Bills of Sale and Other Instruments Act 1955	46
43	Chief executive to register transferred security interest	47
44	Transitional rules for deciding priority of security interests	47
Part 8	Validation and declaratory provisions	
45	Validation of regulatory provisions	47
46	Validation of inclusion of particulars of water damaged motor vehicles on register.	48
47	Validation for particular fee	48
48	Declaration about commencement of certain provisions	48
 Endnotes		
1	Index to endnotes	50
2	Date to which amendments incorporated.	50
3	Key	51
4	Table of reprints	51
5	Tables in earlier reprints	52
6	List of legislation	52
7	List of annotations	55
8	List of forms notified or published in the gazette	63

Motor Vehicles and Boats Securities Act 1986

[as amended by all amendments that commenced on or before 22 April 2005]

An Act to provide for the registration of security interests in motor vehicles, boats and outboard motors, and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Motor Vehicles and Boats Securities Act 1986*.

2 Definitions

In this Act—

approved form means a form approved under section 40.¹

auctioneer means an auctioneer under the Auctioneers and Motor Dealers legislation.

Auctioneers and Motor Dealers legislation means the *Auctioneers and Agents Act 1971* or the *Property Agents and Motor Dealers Act 2000*.

bill of sale has the same meaning as in the *Bills of Sale and Other Instruments Act 1955*.

boat means a ship within the meaning of the *Transport Operations (Marine Safety) Act 1994* that—

(a) is registrable under that Act; and

1 Section 40 (Approved forms)

Motor Vehicles and Boats Securities Act 1986

- (b) has a unique alphanumeric identifier, of at least 14 characters, that is—
- (i) assigned to the ship by the ship's manufacturer or under a law of a State; and
 - (ii) permanently attached to, or marked on, the hull of the ship.

chassis number, of a motor vehicle, means an identification number of the chassis that is permanently marked on the chassis or another part of the motor vehicle, but does not include the motor vehicle's VIN.

HIN, for a boat, means the boat's unique alphanumeric identifier mentioned in the definition *boat*, paragraph (b).

hire-purchase agreement has the same meaning as in the *Hire-purchase Act 1959* or the *Credit (Rural Finance) Act 1996*.

identifying particulars, of a motor vehicle, means the following—

- (a) registration number, including the name of the State the vehicle is registered in;
- (b) make, model and body type;
- (c) year of manufacture;
- (d) engine number;
- (e) chassis number or VIN.

instrument means an instrument evidencing a security interest.

insurer means a body corporate authorised under the *Insurance Act 1973* (Cwlth) to carry on insurance business.

motor vehicle see section 3.

outboard motor means an internal-combustion engine that—

- (a) has a propeller and an engine number; and
- (b) is designed to be attached to the stern of a boat and used to propel a boat.

primary subsection, for part 7, see section 41.

register means the register kept under section 6.²

registered security interest means a security interest that is included in the register under this Act.

security interest means an interest in a motor vehicle, boat or outboard motor by way of security for or in respect of a liability, whether present, contingent or future created or otherwise arising in or under or in connection with a bill of sale, mortgage, charge, lien, hire-purchase agreement, lease or instrument having a like effect to any of them and includes the interest of—

- (a) an owner within the meaning of the *Hire-purchase Act 1959* in respect of the liability of the hirer within the meaning of that Act; and
- (b) a lessor in respect of the liability of a lessee.

security interest certificate means a security interest certificate issued under section 22.³

transferred security interest, for part 7, see section 41.

VIN, of a motor vehicle, means the unique vehicle identification number assigned to, and permanently attached to, the vehicle.

water damaged motor vehicle see section 4.

3 Meaning of *motor vehicle*

- (1) **Motor vehicle** means a land vehicle that moves on wheels and is propelled by a motor that is part of the vehicle.
- (2) **Motor vehicle** also includes a caravan or trailer designed to be attached to, or drawn by, a motor vehicle of a type mentioned in subsection (1).
- (3) **Motor vehicle** does not include the following—
 - (a) a vehicle designed for use primarily in the mining industry;

2 Section 6 (Register)

3 Section 22 (Security interest certificate)

- (b) farm machinery;
- (c) a vehicle designed for use on a railway or tramway.

4 **Meaning of *water damaged motor vehicle***

A motor vehicle is a *water damaged motor vehicle* if the vehicle—

- (a) is insured against damage by water; and
- (b) on or after 8 April 1986 but before the commencement of the *Motor Vehicles Securities and Another Act Amendment Act 2002*, section 5, is so severely damaged by water that the vehicle's insurer decides it is uneconomic to repair the vehicle.

Example of paragraph (b)—

A motor vehicle is so severely damaged by flood that the cost of repairing the vehicle is more than its value or insured value.

5 **Application of declared sections**

- (1) If a motor vehicle is in Queensland, a declared section applies to a security interest in the motor vehicle despite anything to the contrary in an Act or a law of a recognised State about a security interest in the motor vehicle.
- (2) For subsection (1), it does not matter whether the interest is created within or outside Queensland.
- (3) In this section—

declared section means each of the following—

- section 12
- section 25
- section 26
- section 26A
- section 27.⁴

4 Sections 12 (Priority of security interests), 25 (Notice of security interest), 26 (Extinguishing of security interest), 26A (Revival of extinguished security interest) and 27 (Purchases to which s 26 does not apply)

- (ii) the day the particulars mentioned in subparagraph (i) were included in the register; and
- (b) may include in the register any particulars of stolen motor vehicles, boats or outboard motors the chief executive considers appropriate.

7 Application for registration, or renewal of registration, of security interest

- (1) An application for the registration, or renewal of registration, of a security interest must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed under a regulation.
- (2) Also, the application must be state—
 - (a) for a security interest in a motor vehicle—
 - (i) the motor vehicle's VIN; or
 - (ii) if the motor vehicle has no VIN, the motor vehicle's chassis number; or
 - (b) for a security interest in a boat—the boat's HIN; or
 - (c) for a security interest in an outboard motor—the outboard motor's engine number.
- (3) The chief executive is not required to inquire into the validity of information given in support of the application.

7A Registration, or renewal of registration, of security interest

- (1) If the chief executive is satisfied that an application under section 7 is properly made, the chief executive must register, or renew the registration of the security interest by entering in the register the relevant particulars mentioned in section 6(2).⁶
- (2) Applications for registration, or renewal of registration, of security interests must be registered in the order of time of lodgment with the chief executive.

⁶ Section 6 (Register)

7B Expiry of registration

A registration of a security interest after the commencement of this section expires on the earlier of the following days—

- (a) the day 5 years after the registration takes effect;
- (b) the day the security interest expires.

7C Renewal of registration and expiry of renewed registration

- (1) The registration of a security interest may be renewed before the registration, or a renewal of the registration, expires.
- (2) A renewal expires on the earlier of the following days—
 - (a) the day 5 years after the day the renewal of registration takes effect;
 - (b) the day the security interest expires.

7D Registration of confiscation orders

- (1) A confiscation order applying to, or creating a charge over, a motor vehicle, boat or outboard motor of a person may be registered under this Act.
- (2) If the confiscation order is a restraining order, registration of the order has effect for the duration of the restraining order.
- (3) Otherwise, registration has effect until the confiscation order is discharged.
- (4) A person who deals with a motor vehicle, boat or outboard motor affected by a confiscation order registered under this section is taken to know of the confiscation order for the purposes of the *Criminal Proceeds Confiscation Act 2002*, section 52 or 143.⁷
- (5) The chief executive must, on receipt of a request accompanied by a certified copy of the confiscation order, include in the register particulars of the confiscation order for the motor

⁷ *Criminal Proceeds Confiscation Act 2002*, section 52 (Contravention of restraining order) or 143 (Contravention of restraining order)

vehicle, boat or outboard motor that may be prescribed under a regulation.

(6) In this section—

confiscation order means any of the following under the *Criminal Proceeds Confiscation Act 2002*—

- (a) a restraining order;
- (b) a forfeiture order;
- (c) a pecuniary penalty order;
- (d) a proceeds assessment order.

8 Application for assignment of a registered security interest

- (1) An assignment of a registered security interest may be registered, but is not required to be registered.
- (2) An application for the assignment of a registered security interest must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed under a regulation.
- (3) The chief executive is not required to inquire into the validity of information given in support of the application.

9 Registration of assignment of a registered security interest

- (1) If the chief executive is satisfied that an application made under section 8 is properly made, the chief executive must register the assignment by entering in the register particulars of the parties to the assignment.
- (2) Applications for registration of assignments of security interests must be registered in the order of time of lodgment with the registrar.

10 Registration becomes effective on next business day

The registration, or renewal of registration, of—

- (a) a security interest; or
- (b) an assignment of a registered security interest; or
- (c) a memorandum of satisfaction; or
- (d) another prescribed document;

does not take effect until the beginning of the next business day after particulars of the registration, or renewal of registration, are entered in the register.

12 Priority of security interests

- (1) A registered security interest in a motor vehicle, boat or outboard motor ranks in priority over an unregistered security interest in the same motor vehicle, boat or outboard motor.
- (2) A registered security interest in a motor vehicle, boat or outboard motor ranks in priority over another registered security interest in the same motor vehicle, boat or outboard motor according to the order of registration.
- (3) Despite subsection (1), an unregistered security interest in a motor vehicle, boat or outboard motor ranks in priority over a registered security interest in the same motor vehicle, boat or outboard motor if—
 - (a) under the unregistered security interest the holder of the interest takes possession of the motor vehicle, boat or outboard motor; and
 - (b) the taking of possession happens before the registered security interest is registered.
- (4) Despite the *Property Law Act 1974*, section 82,⁸ the priority given to a security interest under this section has effect for all amounts, including further advances, owing to the holder of the security interest under it.
- (5) Subsections (1) to (4) apply subject to the following—
 - (a) the Corporations Act;

8 *Property Law Act 1974*, section 82 (Tacking and further advances)

- (b) in relation to the priority of security interests held by particular holders of security interests—an agreement between the holders of security interests.
- (6) Also, despite subsections (1) to (4), a repairer's lien over the motor vehicle, boat or outboard motor ranks in priority over any other security interest in the motor vehicle, boat or outboard motor regardless of—
 - (a) when it was created; or
 - (b) whether it was registered, or if registered, when it was registered.
- (7) In this section—

repairer's lien, for a motor vehicle, boat or outboard motor, means a lien held by a person possessing the motor vehicle, boat or outboard motor as security for payment for services or materials supplied in relation to the motor vehicle, boat or outboard motor by the person in the ordinary course of business.

Part 3 **Discharge of registered security interests, and particular offences**

Division 1 **Discharge of registered security interests**

14 **Application for discharge of registered security interest**

- (1) An application for the discharge of a registered security interest must be in the approved form.
- (2) The chief executive is not required to inquire into the validity of information or documents given in support of the application.

15 Registration of discharge of registered security interest

If the chief executive is satisfied that an application made under section 14 is properly made, the chief executive must register the discharge by—

- (a) entering in the register any particulars prescribed under a regulation; and
- (b) doing anything else that may be prescribed under a regulation.

17 Onus to cancel registration on discharge

A person who is the holder of a registered security interest at the time the interest is discharged must, within 14 days after the discharge happens—

- (a) lodge an application under section 14 for the discharge of the interest; and
- (b) do anything else that may be necessary to effect the registration of the discharge.

Maximum penalty—20 penalty units.

18 Rectification of register

- (1) This section applies if there is a change in any of the particulars entered in the register for a registered security interest.
- (2) The chief executive may, on application by, or for, the holder of the interest, amend the register to record the change.
- (3) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed under a regulation.

18A Removal of particulars of improperly registered interests

- (1) This section applies if, after registering an interest that appeared to the chief executive to be a security interest, the chief executive, whether on the basis of information given to

Motor Vehicles and Boats Securities Act 1986

the chief executive or otherwise, reasonably believes the interest is not a security interest.

- (2) The chief executive may, by written notice, require the holder of the interest to give to the chief executive within a stated reasonable time, of at least 14 days, information the chief executive reasonably considers is necessary to enable the chief executive to decide whether the interest is a security interest.
- (3) The holder must comply with the requirement within the time stated in the notice or the longer time the chief executive may allow in writing.

Maximum penalty—30 penalty units.

- (4) After the reasonable time mentioned in subsection (2), the chief executive—
 - (a) must consider any information given to the chief executive; and
 - (b) may, if reasonably satisfied the interest is not a security interest, remove the particulars of the interest included in the register.
- (5) However, before removing the particulars, the chief executive must give written notice of the decision and the reasons for the decision to—
 - (a) the holder; and
 - (b) the person the chief executive reasonably believes is the owner or person in possession of the motor vehicle, boat or outboard motor the subject of the interest.
- (6) The notice must state the following—
 - (a) the holder may apply to a Magistrates Court (*court*) within the notice period for an order maintaining the registration;
 - (b) the particulars of the interest included in the register will be removed from the register unless the holder obtains a court order maintaining the registration.

- (7) The chief executive must remove the particulars if—
- (a) within the notice period, the holder has not—
 - (i) satisfied the chief executive that the holder has filed an application for an order maintaining the registration; or
 - (ii) given the chief executive a copy of a court order maintaining the registration; or
 - (b) a court orders, on application under subsection (8), that the particulars be removed.
- (8) On application by the holder, a court may order—
- (a) that the registration be maintained; or
 - (b) that the particulars be removed.
- (9) In this section—

notice period means the period of 14 days starting after giving a notice under subsection (5).

19 Correction of errors

If the chief executive is satisfied that an error, omission or failure to comply with this Act has happened in relation to—

- (a) a registered security interest; or
- (b) the register;

the chief executive must do everything necessary to correct the error, omission or failure.

20 Chief executive may cancel registration

- (1) If it appears to the chief executive that a registered security interest has been discharged or extinguished, the chief executive may, by written notice given to the person shown in the register as the holder of the interest, require that person to show cause within 14 days after the giving of the notice why the registration of the interest should not be cancelled.
- (2) If the person fails to show cause to the chief executive's satisfaction, the chief executive may cancel the registration of the interest and note the day of cancellation in the register.

Division 2 False or misleading information or documents

21 False or misleading information

- (1) A person must not, for the purposes of this Act—
- (a) make a statement to a public service employee that the person knows is false or misleading in a material particular; or
 - (b) omit from a statement to a public service employee anything without which the statement is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty—100 penalty units or 1 year's imprisonment.

- (2) A complaint against a person for an offence against subsection (1)(a) or (b) is sufficient if it states that the information given was false or misleading to the person's knowledge.

21A False or misleading documents

A person must not, for the purposes of this Act, give to a public service employee a document containing information that the person knows is false, misleading or incomplete in a material particular without—

- (a) indicating to the employee that the document is false, misleading or incomplete in a material particular and the respect in which the document is false, misleading or incomplete in a material particular; and
- (b) giving the correct information to the employee if the person has, or can reasonably obtain, the correct information.

Maximum penalty—100 penalty units or 1 year's imprisonment.

Part 4 Security interests

Division 1 Security interest certificates

22 Security interest certificate

- (1) The chief executive must give a person a security interest certificate for a motor vehicle, boat or outboard motor if the person—
 - (a) asks the chief executive, in the approved form, for the certificate; and
 - (b) pays the fee prescribed under a regulation.
- (2) A security interest certificate for a motor vehicle, boat or outboard motor must state—
 - (a) if a security interest is registered for the motor vehicle, boat or outboard motor—particulars about the security interest; and
 - (b) if no security interest is registered for the motor vehicle, boat or outboard motor—that fact.
- (3) The certificate also must state—
 - (a) the day and time it is issued; and
 - (b) if identifying particulars of the motor vehicle are included in the register identifying the vehicle as a stolen or a water damaged motor vehicle—that fact; and
 - (c) if any particulars of the boat or outboard motor are included in the register identifying the boat or outboard motor as a stolen boat or outboard motor—that fact; and
 - (d) other particulars the chief executive considers appropriate.
- (4) The chief executive may issue the certificate in the way the chief executive considers appropriate.

Example—

The chief executive may issue the certificate by electronic means from the department's computer to a motor dealer's computer for printing by the dealer's printer.

23 Inspecting register

- (1) On payment of the fee prescribed under a regulation, a person may inspect the register or take extracts from, or get a copy of details in, the register—
 - (a) at an office of the department, or an office of another department, prescribed under a regulation when the office is open to the public; or
 - (b) by using a computer under arrangements approved by the chief executive.
- (2) In this section—

computer means a mechanical, electronic or other device that processes data.

23A Inspecting searchable application

- (1) A person may, on payment of the fee prescribed under a regulation, inspect a searchable application.
- (2) In this section—

searchable application means an application under any of the following provisions—

- (a) section 7(1);
- (b) section 8(2);
- (c) section 14(1);
- (d) section 42(1).

24 Forged etc. certificates

- (1) A person must not, without lawful excuse, possess a document that is, or purports to be, a security interest certificate if—
 - (a) the certificate is forged and the person knows or believes it is forged; or
 - (b) the certificate contains a false representation and the person knows or believes it contains a false representation.

Maximum penalty—100 penalty units.

- (2) A person must not fraudulently change a security interest certificate.

Maximum penalty—100 penalty units.

Division 2 Notice and extinguishment of security interests

25 Notice of security interest

Except where it is otherwise prescribed, for the purposes of this Act, a person has notice of a security interest where at the material time—

- (a) the person has actual notice of the security interest; or
- (b) the security interest is included in the register; or
- (c) the person has been put on inquiry as to the existence of the security interest and has abstained from inquiry or further inquiry when the person might reasonably have expected the inquiry or further inquiry to reveal the security interest.

26 Extinguishing of security interest

- (1) Where a person is the holder of a security interest in a motor vehicle, boat or outboard motor (the *holder*) and a purchaser purchases or purports to purchase an interest in that motor vehicle, boat or outboard motor for value and in good faith and without notice of the security interest at the time the purchaser pays the purchase price (or, where the price is not paid at any one time when the purchaser first pays part of the purchase price)—
- (a) the security interest in that motor vehicle, boat or outboard motor is extinguished; and
 - (b) the purchaser acquires the interest purchased or putatively purchased in that motor vehicle, boat or outboard motor free from the security interest.

- (2) If a security interest is extinguished under subsection (1), the holder of the security interest is, to the extent of the amount owing to the holder under the security interest, subrogated to the rights, if any, of the seller, or a predecessor in title of the seller, in the motor vehicle, boat or outboard motor, including the right to receive any unpaid purchase price for it.
- (3) The purchaser obtains a good discharge—
 - (a) as against the seller—for any payment of part of the purchase price made to the holder because of the holder's rights under subsection (2); and
 - (b) as against the seller and the holder—for any payment of part of the purchase price made by the purchaser before the purchaser receives notice of the holder's rights mentioned in subsection (2).
- (4) The onus of proving that an interest in a motor vehicle, boat or outboard motor is acquired free from a security interest in that motor vehicle is on the person who asserts that the interest in the motor vehicle is so acquired.
- (5) In any proceedings before a court, a document purporting to be a certificate under the hand of the chief executive relating to an entry in the register or to the absence of such an entry shall be admissible and be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.
- (6) For the purposes of this section, the giving of any valuable consideration in satisfaction of a purchase price or of part of a purchase price shall be taken to be payment of the purchase price or, as the case may be, of part of the purchase price.

26A Revival of extinguished security interest

- (1) This section applies if—
 - (a) a security interest in a motor vehicle, boat or outboard motor is extinguished under section 26(1); and
 - (b) after the security interest is extinguished, the contract under which the purchaser purchased or putatively purchased an interest in the motor vehicle, boat or outboard motor is rescinded.

- (2) On the rescission, the security interest in the motor vehicle, boat or outboard motor is revived and is taken not to have been extinguished by the purchase or putative purchase of an interest in the motor vehicle, boat or outboard motor.

27 Purchases to which s 26 does not apply

- (1) For the purpose of section 26, a purchase or putative purchase of an interest in a motor vehicle, boat or outboard motor by a person (the *purchaser*) is not for value and in good faith and without notice of a security interest in that motor vehicle, boat or outboard motor where—

- (a) the purchaser is a member of the same household as the seller or putative seller; or
- (b) the purchaser and the seller or putative seller are bodies corporate that are related to each other; or
- (c) one of them, the purchaser and the seller or putative seller, is a body corporate and the other is a natural person who within the meaning of the Corporations Act is a director or officer of the body corporate;

unless the person asserting that it is such a purchase or putative purchase proves beyond reasonable doubt that it is such a purchase or putative purchase.

- (2) For the purposes of subsection (1), the question whether bodies corporate are related to each other shall be determined in the same manner as the question whether corporations within the meaning of the Corporations Act are related to each other would be determined under that law.

- (3) Subsection (4) applies if—

- (a) a supplier enters into a facility agreement for the supply of a relevant article with someone else (*user*) who leases, hires or buys the relevant article under the agreement; and
- (b) before the supplier and the user enter into the facility agreement, the user and the person who disposed of the relevant article to the supplier participated in negotiations about the relevant article; and

- (c) the user does not act in good faith and without notice of an existing security interest in the relevant article.
- (4) For section 26, the purchase or putative purchase of the interest in the relevant article by the supplier is not for value and in good faith and without notice of a security interest in the relevant article.

Example for subsections (3) and (4)—

H holds an unregistered security interest in a motor vehicle that is in the possession of D, who gave H the security.

U and D act together to arrange for D to sell the vehicle to F, a finance company. F buys the vehicle for the purpose of leasing the vehicle to U. U knows that D has given the security to H, but does not tell F about D's unregistered security. F buys the vehicle for market value and without notice of H's interest.

For section 26, F's purchase from D is not for value and in good faith and without notice of H's security interest in the vehicle, and H's interest is not extinguished.

- (5) In this section—

facility agreement means a lease, hire-purchase agreement or other contract.

relevant article means a motor vehicle, boat or outboard motor.

supplier means—

- (a) a lessor, owner or supplier of a relevant article under a facility agreement; or
- (b) another person who purchases a relevant article with the intention of entering into a facility agreement as the lessor, owner or supplier of the relevant article.

28 Compensation for loss etc. by holder of security interest

- (1) A person who suffers loss by reason that a security interest of which the person is the holder is extinguished by the operation of section 26,⁹ being a security interest—
- (a) in relation to which an application for registration had been lodged with the chief executive; and

9 Section 26 (Extinguishing of security interest)

Motor Vehicles and Boats Securities Act 1986

- (b) that, at the time the loss was suffered—
 - (i) had not been registered; or
 - (ii) was incorrectly entered in the register; or
 - (iii) had ceased to be registered by reason of the cancellation under section 20¹⁰ of the registration;

is entitled to make application to the accountable officer for payment of compensation to the applicant.

- (2) The accountable officer may make a payment to the applicant under the *Financial Administration and Audit Act 1977*, section 106.¹¹
- (3) The accountable officer may make a payment for loss suffered after the cancellation of a registration under section 20 only if the officer is satisfied that the applicant did not show sufficient cause under the section why the registration should not be cancelled—
 - (a) because of circumstances beyond the applicant's control; or
 - (b) for reasons that ought reasonably to be excused.
- (4) Compensation paid in respect of an application under subsection (1) shall not exceed, after discounting for any GST payable on any supply relating to the payment of the compensation—
 - (a) the amount of the debt or other pecuniary obligation or the value of any other obligation secured by the security interest; or
 - (b) the value of the motor vehicle, boat or outboard motor in which was held the security interest in respect of which compensation was applied for;

at the time the loss is suffered, whichever is the less.

¹⁰ Section 20 (Chief executive may cancel registration)

¹¹ *Financial Administration and Audit Act 1977*, section 106 (Losses and special payments)

(5) In this section—

accountable officer means the accountable officer of the department under the *Financial Administration and Audit Act 1977*.

30 Effects of incorrect certificate

(1) This section applies if—

- (a) a purchaser purchases an interest in a motor vehicle, boat or outboard motor for value and in good faith; and
- (b) a certificate is issued under section 22 for the motor vehicle, boat or outboard motor before the purchase is made; and
- (c) the certificate does not contain particulars of a security interest that was registered at the time the certificate was issued; and
- (d) the purchaser does not, at the time of the purchase, have notice of the security interest as mentioned in section 25(a) or (c).¹²

(2) Despite the purchaser having notice of the security interest as mentioned in section 25(b), the security interest in the motor vehicle, boat or outboard motor is extinguished, or taken to have been extinguished, on the issue of the certificate.

(3) For subsection (2), it is immaterial whether or not the purchaser relies on the certificate for the purchase.

(4) If the holder of the security interest extinguished under subsection (2) suffers loss because of the extinguishment, the holder may apply to the accountable officer for compensation.

(5) The accountable officer may make a payment to the person under the *Financial Administration and Audit Act 1977*, section 106.¹³

¹² Section 25 (Notice of security interest)

¹³ *Financial Administration and Audit Act 1977*, section 106 (Losses and special payments)

Part 5 Investigation and enforcement

Division 1 Inspectors

30A Appointment and qualifications

- (1) The chief executive may appoint a public service officer as an inspector.
- (2) However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

30B Appointment conditions and limit on powers

- (1) An inspector holds office on any conditions stated in—
 - (a) the inspector's instrument of appointment; or
 - (b) a signed notice given to the inspector; or
 - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this Act.
- (3) In this section—
signed notice means a notice signed by the chief executive.

30C Issue of identity card

- (1) The chief executive must issue an identity card to each inspector.
- (2) The identity card must—
 - (a) contain a recent photo of the inspector; and
 - (b) contain a copy of the inspector's signature; and
 - (c) identify the person as an inspector under this Act; and
 - (d) state an expiry date for the card.

- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

30D Production or display of inspector's identity card

- (1) In exercising a power under this Act in relation to a person, an inspector must—
 - (a) produce the inspector's identity card for the person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector has exercised a power of entry under section 30H(1)(b) or (2).

30E When inspector ceases to hold office

- (1) An inspector ceases to hold office if any of the following happens—
 - (a) the term of office stated in a condition of office ends;
 - (b) under another condition of office, the inspector ceases to hold office;
 - (c) the inspector's resignation under section 30F takes effect.
- (2) Subsection (1) does not limit the ways an inspector may cease to hold office.
- (3) In this section—

condition of office means a condition on which the inspector holds office.

30F Resignation

- (1) An inspector may resign by signed notice given to the chief executive.

- (2) However, if holding office as an inspector is a condition of the inspector holding another office, the inspector may not resign as an inspector without resigning from the other office.

30G Return of identity card

A person who ceases to be an inspector must return the person's identity card to the chief executive within 21 days after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Division 2 Powers of inspectors

Subdivision 1 Entry of places

30H Power to enter places

- (1) An inspector may enter a place if—
- (a) its occupier consents to the entry; or
 - (b) it is a public place and the entry is made when the place is open to the public; or
 - (c) the entry is authorised by a warrant; or
 - (d) the place is required to be open for inspection under the terms of a licence issued under the Auctioneers and Motor Dealers legislation.
- (2) For the purpose of asking the occupier of a place for consent to enter, an inspector may, without the occupier's consent or a warrant—
- (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or
 - (b) enter part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.

Subdivision 2 Procedure for entry

30I Entry with consent

- (1) This section applies if an inspector intends to ask an occupier of a place to consent to the inspector or another inspector entering the place under section 30H(1)(a).
- (2) Before asking for the consent, the inspector must tell the occupier—
 - (a) the purpose of the entry; and
 - (b) that the occupier is not required to consent.
- (3) If the consent is given, the inspector may ask the occupier to sign an acknowledgment of the consent.
- (4) The acknowledgment must state—
 - (a) the occupier has been told—
 - (i) the purpose of the entry; and
 - (ii) that the occupier is not required to consent; and
 - (b) the purpose of the entry; and
 - (c) the occupier gives the inspector consent to enter the place and exercise powers under this Act; and
 - (d) the time and date the consent was given.
- (5) If the occupier signs the acknowledgment, the inspector must immediately give a copy to the occupier.
- (6) If—
 - (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
 - (b) an acknowledgement complying with subsection (4) for the entry is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

30J Application for warrant

- (1) An inspector may apply to a magistrate for a warrant for a place.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

Example—

The magistrate may require additional information supporting the application to be given by statutory declaration.

30K Issue of warrant

- (1) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—
 - (a) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; and
 - (b) the evidence is at the place, or may be at the place within the next 7 days.
- (2) The warrant must state—
 - (a) that a stated inspector may, with necessary and reasonable help and force—
 - (i) enter the place and any other place necessary for entry; and
 - (ii) exercise the inspector's powers under this Act; and
 - (b) the offence for which the warrant is sought; and
 - (c) the evidence that may be seized under the warrant; and
 - (d) the hours of the day or night when the place may be entered; and
 - (e) the date, within 14 days after the warrant's issue, the warrant ends.

30L Special warrants

- (1) An inspector may apply for a warrant (a *special warrant*) by phone, fax, radio or another form of communication if the inspector considers it necessary because of—
 - (a) urgent circumstances; or
 - (b) other special circumstances, including, for example, the inspector's remote location.
- (2) Before applying for the special warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.
- (3) The inspector may apply for the special warrant before the application is sworn.
- (4) After issuing the special warrant, the magistrate must immediately fax a copy (the *facsimile warrant*) to the inspector if it is reasonably practicable to fax the copy.
- (5) If it is not reasonably practicable to fax a copy to the inspector—
 - (a) the magistrate must tell the inspector—
 - (i) what the terms of the special warrant are; and
 - (ii) the date and time the special warrant was issued; and
 - (b) the inspector must complete a form of warrant (a *warrant form*) and write on it—
 - (i) the magistrate's name; and
 - (ii) the date and time the magistrate issued the special warrant; and
 - (iii) the terms of the special warrant.
- (6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the other powers stated in the special warrant issued.
- (7) The inspector must, at the first reasonable opportunity, send to the magistrate—
 - (a) the sworn application; and

- (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the special warrant.
- (9) If—
 - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a special warrant; and
 - (b) the warrant is not produced in evidence;the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a special warrant authorised the exercise of the power.

30M Warrants—procedure before entry

- (1) This section applies if an inspector named in a warrant issued under this Act for a place is intending to enter the place under the warrant.
- (2) Before entering the place, the inspector must do or make a reasonable attempt to do the following things—
 - (a) identify himself or herself to a person present at the place who is an occupier of the place by producing a copy of the inspector's identity card or other document evidencing the inspector's appointment;
 - (b) give the person a copy of the warrant or, if the entry is authorised by a facsimile warrant or warrant form mentioned in section 30L(6), a copy of the facsimile warrant or warrant form;
 - (c) tell the person the inspector is permitted by the warrant to enter the place;
 - (d) give the person an opportunity to allow the inspector immediate entry to the place without using force.
- (3) However, the inspector need not comply with subsection (2) if the inspector believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

Subdivision 3 Powers after entry

30N General powers after entering places

- (1) This section applies to an inspector who enters a place.
- (2) However, if an inspector enters a place to get the occupier's consent to enter premises, this section applies to the inspector only if the consent is given or the entry is otherwise authorised.
- (3) For enforcing compliance with this Act, the inspector may—
 - (a) search any part of the place; or
 - (b) inspect, measure, test, photograph or film any part of the place or anything at the place; or
 - (c) take a thing, or a sample of or from a thing, for analysis or testing; or
 - (d) take an extract from, or copy, a document at the place; or
 - (e) take into or onto the place any person, equipment and materials the inspector reasonably requires for exercising a power under this Act; or
 - (f) require the occupier of the place, or a person at the place, to give the inspector reasonable help to exercise the inspector's powers under paragraphs (a) to (e); or
 - (g) require the occupier of the place, or a person at the place, to give the inspector information to help the inspector ascertain whether this Act is being complied with.
- (4) When making a requirement mentioned in subsection (3)(f) or (g), the inspector must warn the person it is an offence to fail to comply with the requirement unless the person has a reasonable excuse.

30O Failure to help inspector

- (1) A person required to give reasonable help under section 30N(3)(f) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) If an individual is required under section 30N(3)(f) to give information, or produce a document, it is a reasonable excuse for the individual not to comply with the requirement that complying with the requirement might tend to incriminate the individual.

30P Failure to give information

- (1) A person of whom a requirement is made under section 30N(3)(g) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) It is a reasonable excuse for an individual not to comply with the requirement that complying with the requirement might tend to incriminate the individual.

Subdivision 4 Power to seize evidence

30Q Seizing evidence at a place that may be entered without consent or warrant

An inspector who enters a place that may be entered under section 30H without the consent of the occupier and without a warrant, may seize a thing at the place if the inspector reasonably believes the thing is evidence of an offence against this Act.

30R Seizing evidence at a place that may only be entered with consent or warrant

- (1) This section applies if—
 - (a) an inspector is authorised to enter a place under section 30H only with the consent of the occupier of the place or a warrant; and
 - (b) the inspector enters the place after obtaining the necessary consent or warrant.

- (2) If the inspector enters the place with the occupier's consent, the inspector may seize a thing at the place if—
 - (a) the inspector reasonably believes the thing is evidence of an offence against this Act; and
 - (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.
- (3) If the inspector enters the place with a warrant, the inspector may seize the evidence for which the warrant was issued.
- (4) The inspector also may seize anything else at the place if the inspector reasonably believes—
 - (a) the thing is evidence of an offence against this Act; and
 - (b) the seizure is necessary to prevent the thing being—
 - (i) hidden, lost or destroyed; or
 - (ii) used to continue, or repeat, the offence.
- (5) Also, the inspector may seize a thing at the place if the inspector reasonably believes it has just been used in committing an offence against this Act.

30S Securing seized things

Having seized a thing, an inspector may—

- (a) move the thing from the place where it was seized (the *place of seizure*); or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it.

Examples of restricting access to a thing—

- 1 Sealing a thing and marking it to show access to it is restricted.
- 2 Sealing the entrance to a room where the seized thing is situated and marking the entrance to show access to the room is restricted.

30T Tampering with seized things

If an inspector restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an inspector's approval.

Maximum penalty—50 penalty units.

30U Power to support seizure

- (1) To enable a thing to be seized, an inspector may require the person in control of it—
 - (a) to take it to a stated reasonable place by a stated reasonable time; and
 - (b) if necessary, to remain in control of it at the stated place for a reasonable time.
- (2) The requirement—
 - (a) must be made by notice in the approved form; or
 - (b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by notice in the approved form as soon as practicable.
- (3) A further requirement may be made under this section about the same thing if it is necessary and reasonable to make the further requirement.
- (4) A person of whom a requirement is made under subsection (1) or (3) must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—50 penalty units.

30V Receipts for seized things

- (1) As soon as practicable after an inspector seizes a thing, the inspector must give a receipt for it to the person from whom it was seized.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.

- (3) The receipt must describe generally each thing seized and its condition.
- (4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt, given the thing's nature, condition and value.

30W Return of seized things

- (1) If a seized thing has not been forfeited, the inspector must return it to its owner—
 - (a) at the end of 6 months; or
 - (b) if a proceeding for an offence involving the thing is started within 6 months—at the end of the proceeding and any appeal from the proceeding.
- (2) Despite subsection (1), unless the thing has been forfeited, the inspector must immediately return a thing seized as evidence to its owner if the inspector stops being satisfied its continued retention as evidence is necessary.

30X Access to seized things

- (1) Until a seized thing is forfeited or returned, an inspector must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

Subdivision 5 Power to obtain information

30Y Power to require name and address

- (1) This section applies if—
 - (a) an inspector finds a person committing an offence against this Act; or
 - (b) an inspector finds a person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person has just committed an offence against this Act.

- (2) The inspector may require the person to state the person's name and residential address.
- (3) When making the requirement, the inspector must warn the person it is an offence to fail to state the person's name or residential address unless the person has a reasonable excuse.
- (4) The inspector may require the person to give evidence of the correctness of the stated name or residential address if the inspector reasonably suspects the stated name or address is false.
- (5) A requirement under subsection (2) or (4) is called a *personal details requirement*.

30Z Failure to give name or address

- (1) A person of whom a personal details requirement is made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
 - (a) the person was required to state the person's name and residential address by an inspector who suspected the person had committed an offence against this Act; and
 - (b) the person is not proved to have committed the offence.

Division 3 General enforcement matters

30ZA Notice of damage

- (1) This section applies if—
 - (a) an inspector damages property when exercising or purporting to exercise a power; or
 - (b) a person (the *other person*) acting under the direction of an inspector damages property.

- (2) The inspector must immediately give notice of particulars of the damage to the person who appears to the inspector to be the owner of the property.
- (3) If the inspector believes the damage was caused by a latent defect in the property or circumstances beyond the inspector's or other person's control, the inspector may state the belief in the notice.
- (4) If, for any reason, it is impracticable to comply with subsection (2), the inspector must leave the notice in a conspicuous position and in a reasonably secure way where the damage happened.
- (5) This section does not apply to damage the inspector reasonably believes is trivial.
- (6) In this section—
owner, of property, includes the person in possession or control of it.

30ZB Compensation

- (1) A person may claim from the chief executive the cost of repairing or replacing property damaged because of the exercise or purported exercise of a power under any of the following provisions (*declared provisions*)—
 - section 30H
 - section 30N
 - section 30Q to 30S
 - section 30U.
- (2) Without limiting subsection (1), compensation may be claimed for loss or expense incurred in complying with a requirement made of the person under the declared provisions.
- (3) Compensation may be claimed and ordered to be paid in a proceeding—
 - (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or

- (b) for an offence against this Act brought against the person claiming compensation.
- (4) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

30ZC False or misleading information

A person must not give information to an inspector the person knows is false or misleading in a material particular.

Maximum penalty—50 penalty units.

30ZD False or misleading documents

- (1) A person must not give an inspector a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to a person if the person, when giving the document—
 - (a) tells the inspector, to the best of the person's ability, how it is false or misleading; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

30ZE Obstructing inspectors

- (1) A person must not obstruct an inspector in the exercise of a power unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) If a person has obstructed an inspector and the inspector decides to proceed with the exercise of the power, the inspector must warn the person that—
 - (a) it is an offence to obstruct the inspector unless the person has a reasonable excuse; and
 - (b) the inspector considers the person's conduct is an obstruction.

- (3) In this section—
obstruct includes hinder and attempt to obstruct.

Part 6 **Miscellaneous**

30ZG Arrangements for fees

- (1) A person may apply to the chief executive for approval of an arrangement for the payment of fees under this Act.

Example—

An arrangement may be for the payment of fees in advance or in arrears.

- (2) The application must be—
- (a) in writing stating the particulars of the proposed arrangement; and
 - (b) accompanied by the fee prescribed under a regulation.
- (3) If the chief executive approves the proposed arrangement, the person may pay fees under this Act in accordance with the arrangement.

31 Delegation

The chief executive may delegate the chief executive's powers to a person who is a public service employee.

32 Protection

- (1) A public service employee incurs no civil liability for an honest act or omission in the performance or purported performance of functions under this Act.
- (2) A liability that would, apart from this section, attach to a public service employee, attaches instead to the State.

34 Proceedings for offences

- (1) An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886*, upon the complaint of any person authorised in writing in that behalf either generally or in the particular case by the Minister.
- (2) A prosecution for an offence against this Act may be commenced within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.
- (3) An authority to prosecute purporting to have been signed by the Minister is evidence of that authority without proof.

35 Offence by corporation

Where an offence against this Act committed by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he or she, as well as the corporation, shall be deemed to have committed that offence and is liable to be proceeded against and punished accordingly.

36 Fees and penalties

All fees paid and all penalties and costs recovered in relation to proceedings under this Act shall be paid to and form part of the consolidated fund.

37 Evidentiary provisions

In any proceedings—

- (a) it is not necessary to prove the appointment of the chief executive; and
- (b) a signature purporting to be that of the chief executive is evidence of the signature it purports to be; and
- (c) a certificate purporting to be signed by the chief executive stating that it is a copy or an extract of a document is evidence of the matter; and

- (d) a certificate purporting to be signed by the chief executive stating that on a day or time mentioned in the certificate—
 - (i) a security interest was registered; or
 - (ii) a document was filed or produced in the chief executive's office;is evidence of the matter; and
- (e) a certificate purporting to be signed by the chief executive stating that a document is a copy of a security interest certificate is evidence that it is a security interest certificate issued under the Act.

38 Recognised States

- (1) If the Governor in Council is satisfied that—
 - (a) another State or a Territory has enacted a law in relation to the registration of security interests; and
 - (b) suitable arrangements may be made between Queensland and the other State or Territory for the recording and transfer of information in relation to the registrations;the Governor in Council may, by regulation, declare that other State or Territory to be a recognised State.
- (2) If a security interest is registered under the law of a recognised State, the security interest is taken to have been registered under this Act.

39 Regulation-making power

- (1) The Governor in Council may make regulations for the purposes of this Act.
- (2) A regulation may make provision with respect to—
 - (a) the matters for which fees, costs and charges are payable under this Act, the amounts of the fees, costs and charges, the persons who are liable to pay fees, costs and charges, when fees, costs and charges are payable, and

- the recovery of any unpaid amount of fees, costs and charges; and
- (b) prescribing offences for contraventions of a regulation, and fixing a maximum penalty of a fine of 20 penalty units for each contravention.
- (3) The power to make a regulation under this Act to prescribe a fee includes, and is declared to have always included, the power to prescribe fees for the following—
- (a) an application to change particulars of a registered security interest entered in the register;
 - (b) an application for correction of an error, omission or failure mentioned in section 19;¹⁴
 - (c) an application for approval for a person to hold an account with the chief executive for fees payable by the person under this Act;
 - (d) the inspection of an application made to the chief executive, other than an application mentioned in paragraph (c).

40 Approved forms

The chief executive may approve forms for use under this Act.

Part 7 Transitional provisions for Motor Vehicles Securities and Other Acts Amendment Act 2003

41 Definitions for pt 7

In this part—

14 Section 19 (Correction of errors)

primary subsection see section 42(3).

transferred security interest see section 42(3)(a).

42 Registration of security interest under Bills of Sale and Other Instruments Act 1955

- (1) Before the end of a period prescribed under a regulation, a person who holds a bills of sale security interest may apply to the chief executive in the approved form to have the security interest, to the extent that it relates to a boat or outboard motor, registered under this Act.
- (2) No fee is payable for the application.
- (3) On the commencement of section 9(1) (the *primary subsection*) of the *Motor Vehicles Securities and Other Acts Amendment Act 2003*, a bills of sale security interest, to the extent that it relates to a boat or outboard motor and for which the chief executive has received an application under subsection (1)—
 - (a) is taken to be a security interest registered under this Act (a *transferred security interest*) from the time of its registration under the Bills of Sale Act; and
 - (b) ceases to be a registered security interest under the Bills of Sale Act.
- (4) Despite subsection (3) and the Bills of Sale Act, section 7, and so that a transferred security interest has the same priority that it had as a bills of sale security interest, the provisions of the Bills of Sale Act that applied immediately before the commencement of the primary subsection for the purposes of the priority of the bills of sale security interest continue to apply to the transferred security interest after the commencement.
- (5) In this section—

Bills of Sale Act means the *Bills of Sale and Other Instruments Act 1955*.

bills of sale security interest means a security interest in a boat or an outboard motor that, immediately before the commencement of this section, is registered under the Bills of Sale Act.

43 Chief executive to register transferred security interest

As soon as practicable after the commencement of the primary subsection, the chief executive must include the particulars of each transferred security interest in the register.

44 Transitional rules for deciding priority of security interests

- (1) The provisions of this Act for deciding the priority of existing security interests and the *Property Law Act 1974*, section 82,¹⁵ as those provisions and that section were in force immediately before the commencement, continue to have effect after the commencement for deciding priority as between—
 - (a) the holders of existing security interests; and
 - (b) the holder of an existing security interest and the holder of a new security interest.
- (2) Subsection (1) applies subject to an agreement between the holders.
- (3) In this section—

commencement means the commencement of this section.

existing security interest means a security interest in a motor vehicle in force immediately before the commencement.

new security interest means a security interest in a motor vehicle created after the commencement.

Part 8 Validation and declaratory provisions**45 Validation of regulatory provisions**

- (1) A regulatory provision as made and as amended from time to time prescribing for a matter mentioned in the provision is

¹⁵ *Property Law Act 1974*, section 82 (Tacking and further advances)

taken to be, and always to have been, as validly made as the provision would be, or would have been, if this Act had always authorised the Governor in Council to make a regulation prescribing for the matter in the provision.

(2) In this section—

matter includes fee.

regulatory provision means each of the following provisions of the *Motor Vehicles Securities Regulation 1995*—

- (a) sections 9(3), 11(b) and 12;
- (b) schedule, items 6, 7, 8 and 12.

46 Validation of inclusion of particulars of water damaged motor vehicles on register

The inclusion by the chief executive on the register of the particulars of a water damaged motor vehicle before the commencement of the *Motor Vehicles Securities and Other Acts Amendment Act 2001* is taken to be and always to have been validly included as if this Act had always authorised the chief executive to include the particulars on the register.

47 Validation for particular fee

- (1) This section applies to a fee charged by the chief executive, before the commencement of the *Fair Trading (Fees) Amendment Regulation (No. 1) 2002*, for an application under section 7¹⁶ for renewal of registration of a security interest if, after that commencement, a similar fee may be validly charged for an application of that type.
- (2) The fee is taken always to have been validly charged.

48 Declaration about commencement of certain provisions

To remove any doubt, it is declared that the *Motor Vehicles Securities and Other Acts Amendment Act 2001*,

¹⁶ Section 7 (Application for registration, or renewal of registration, of security interest)

Motor Vehicles and Boats Securities Act 1986

section 19(4), part 3, sections 35, 36, 38 to 40, 42 and 46(2) are always taken to have commenced on 7 June 2001.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	50
3 Key	51
4 Table of reprints	51
5 Tables in earlier reprints	52
6 List of legislation	52
7 List of annotations	55
8 List of forms notified or published in the gazette	63

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 April 2005. Future amendments of the Motor Vehicles and Boats Securities Act 1986 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 57	28 November 1995	13 December 1995
1A	1996 Act No. 56	1 December 1996	20 January 1997
2	1996 Act No. 56	1 December 1996	2 June 1998
2A	1999 Act No. 4	7 May 1999	2 December 1999
2B	2000 Act No. 20	1 July 2000	21 July 2000
2C	2001 Act No. 45	15 July 2001	24 August 2001
2D	2002 Act No. 13	8 June 2002	21 June 2002

Reprint No.	Amendments included	Effective	Notes
2E	2002 Act No. 13	1 July 2002	
2F	2002 Act No. 50	30 September 2002	
2G	2002 Act No. 52	1 January 2003	
	2002 Act No. 68		
2H	—	2 January 2003	provs exp 1 January 2003

Reprint No.	Amendments included	Effective	Notes
2I	2003 Act No. 22	9 May 2003	
2J	2003 Act No. 22	1 July 2003	
2K	2003 Act No. 22	12 January 2004	R2K withdrawn, see R3
3	—	12 January 2004	
3A	2004 Act No. 29	1 December 2004	
3B	2005 Act No. 14	22 April 2005	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1

6 List of legislation

Motor Vehicles and Boats Securities Act 1986 No. 24 (prev Motor Vehicles Securities Act 1986)

date of assent 8 April 1986

ss 1–2 commenced on date of assent (see s 2(1))

s 3 commenced 1 August 1986 (proc pubd gaz 26 July 1986 p 2283)

remaining provisions commenced 1 December 1986 (proc pubd gaz 1 November 1986 p 1353)

amending legislation—

Motor Vehicles Securities Act Amendment Act 1986 No. 38

date of assent 15 September 1986

ss 1–2, 4 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 December 1986 (proc pubd gaz 1 November 1986 p 1353)

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989

commenced on date of assent

Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 ss 1–3 sch

date of assent 5 August 1991

commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 pts 1, 4

date of assent 14 August 1992

ss 1–2 commenced on date of assent

s 139 commenced 4 December 1992 (1992 SL No. 384)

remaining provisions commenced 17 April 1995 (1995 SL No. 90)

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1

date of assent 3 June 1993
 commenced on date of assent

Consumer Law (Miscellaneous Provisions) Act 1993 No. 82 pts 1, 8

date of assent 17 December 1993
 commenced on date of assent

Consumer Law (Miscellaneous Provisions) Act 1995 No. 1 pts 1, 5 s 3 sch 1

date of assent 3 March 1995
 ss 1–2 commenced on date of assent
 remaining provisions commenced 17 April 1995 (1995 SL No. 89)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 2

date of assent 28 November 1995
 commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996 No. 56 pts 1, 15

date of assent 20 November 1996
 commenced on date of assent

Bills of Sale and Other Securities Amendment Act 1999 No. 4, pts 1, 4

date of assent 18 March 1999
 ss 1–2 commenced on date of assent
 remaining provisions commenced 7 May 1999 (1999 SL No. 78)

GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3

date of assent 23 June 2000
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2000 (see s 2(4))

Motor Vehicles Securities and Other Acts Amendment Act 2001 No. 38 pts 1–2, s 46(1) sch 1 (this Act is amended, see amending legislation below)

date of assent 7 June 2001
 ss 1–3, 6(2) (to the extent it ins the defs “auctioneer”, “Auctioneers and Motor Dealers legislation”, “identifying particulars”, “insurer” and “water damaged motor vehicle”), 7 (to the extent it ins s 5B), 8(3), 19(4), 25 (to the extent it ins ss 30A–30G, 30H, 30I–30M, 30N–30P, 30Q–30X, 30Y–30Z, 30ZA–30ZE and 30ZF–30ZG), 26, 27 (to the extent it ins ss 44A, 45–46) commenced on date of assent
 s 27 (to the extent in ins s 46A) commenced 8 June 2002 (automatic commencement under AIA s 15DA(2))
 remaining provisions never proclaimed into force and rep 2003 No. 22 s 31 (provisions were to commence 8 June 2003 (automatic commencement under AIA s 15DA(2) (2002 SL No. 114 s 2))

amending legislation—

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3 (amends 2001 No. 38 above)

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002 No. 13 ss 1, 124 sch (amends 2001 No. 38 above)

date of assent 24 April 2002

commenced on date of assent

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002 No. 13 ss 1, 2(3), pt 15

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2002 (2002 SL No. 149)

Motor Vehicles Securities and Another Act Amendment Act 2002 No. 50 pts 1–2

date of assent 24 September 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 30 September 2002 (see s 2)

Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002 No. 52 ss 1, 2(1)(a), 2(2), 19 sch

date of assent 24 September 2002

ss 1–2, 19 commenced on date of assent (see s 2(1)(a))

remaining provisions commenced 1 January 2003 (2002 SL No. 296)

Criminal Proceeds Confiscation Act 2002 No. 68 ss 1–2(1), 339 sch 4

date of assent 29 November 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2003 (see s 2(1))

Motor Vehicles Securities and Other Acts Amendment Act 2003 No. 22 ss 1–2, pt 2 s 30 sch

date of assent 9 May 2003

ss 1–3, 6(1)–(2) (to the extent it ins defs “approved forms” and “motor vehicle”), 7–8, 9(2)–(3), 15(2)–(3), 16, 19, 25 (to the extent it ins new s 40), 26, 30, 31, items 1–2, 4–21 of the schedule (to the extent it amends the Motor Vehicles Securities Act 1986) commenced on date of assent (see s 2(1))

pt 2 hdg, ss 4–5, 6(2) (to the extent it ins defs “boat”, “HIN”, “outboard motor”, “primary subsection” and “transferred security interest”), 15(1), 17, 25 (to the extent it ins pt 7 hdg and ss 41–43) commenced 1 July 2003 (2003 SL No. 115) remaining provisions commenced 12 January 2004 (2003 SL No. 312)

Partnership and Other Acts Amendment Act 2004 No. 29 ss 1, 2(2), 64–68

date of assent 12 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2004 (2004 SL No. 250)

Tourism, Fair Trading and Wine Industry Development (Miscellaneous Provisions) Act 2005 No. 14

date of assent 22 April 2005

commenced on date of assent

7 List of annotations

Title amd R1 (see RA s 37)
sub 2003 No. 22 s 4**PART 1—PRELIMINARY****pt hdg** ins 2003 No. 22 s 5**Short title****s 1** sub 2003 No. 22 s 5**Definitions****prov hdg** sub 1996 No. 56 s 137**s 2** prev s 2 om R1 (see RA s 37)

pres s 2 (prev s 5) amd 1992 No. 40 s 139(3)

renum 2003 No. 22 s 30 sch

def “**approved form**” ins 2003 No. 22 s 6(2)def “**auctioneer**” ins 2001 No. 38 s 6(2)def “**Auctioneers and Motor Dealers legislation**” ins 2001 No. 38 s 6(2)def “**boat**” ins 2003 No. 22 s 6(2)def “**chassis number**” ins 2002 No. 50 s 4(1)def “**HIN**” ins 2003 No. 22 s 6(2)def “**hire-purchase agreement**” amd 2002 No. 52 s 19 schdef “**identifying particulars**” ins 2001 No. 38 s 6(2)

amd 2002 No. 50 s 4(2)

def “**insurer**” ins 2001 No. 38 s 6(2)def “**Minister**” om 1992 No. 40 s 139(1)def “**motor vehicle**” sub 1992 No. 40 s 139(1)–(2); 2003 No. 22 s 6(1)–(2)

def “**outboard motor**” ins 2003 No. 22 s 6(2)
 def “**primary subsection**” ins 2003 No. 22 s 6(2)
 def “**registered security interest**” ins 1992 No. 40 s 139(2)
 def “**registrar**” sub 1992 No. 40 s 139(1)–(2)
 om 1995 No. 1 s 3 sch 1
 def “**security interest**” amd 2003 No. 22 s 6(3); 2005 No. 14 s 2 sch
 def “**security interest certificate**” ins 1995 No. 1 s 3 sch 1
 def “**transferred security interest**” ins 2003 No. 22 s 6(2)
 def “**VIN**” ins 2002 No. 50 s 4(1)
 def “**water damaged motor vehicle**” ins 2001 No. 38 s 6(2)
 amd 2003 No. 22 s 6(4)

Meaning of “motor vehicle”

s 3 prev s 3 amd 1986 No. 38 s 4
 om 1992 No. 40 s 138
 pres s 3 (prev s 5A) ins 2003 No. 22 s 7
 renum 2003 No. 22 s 30 sch

Meaning of “water damaged motor vehicle”

s 4 prev s 4 om 1992 No. 40 s 138
 pres s 4 (prev s 5B) ins 2001 No. 38 s 7
 amd 2002 No. 50 s 5
 renum 2003 No. 22 s 30 sch

Application of declared sections

s 5 (prev s 5C) ins 2003 No. 22 s 8
 renum 2003 No. 22 s 30 sch

PART 2—REGISTRATION AND PRIORITY OF SECURITY INTERESTS

pt hdg ins 2003 No. 22 s 30 sch

Register

s 6 amd 1986 No. 38 s 5
 sub 1992 No. 40 s 140
 amd 1995 No. 1 ss 16, 3 sch 1; 1996 No. 56 s 138; 2001 No. 38 s 8(3); 2002
 No. 50 s 6; 2003 No. 22 s 9

Approval of standard forms of instruments

s 6A ins 1986 No. 38 s 6
 om 1992 No. 40 s 141

Application for registration, or renewal of registration, of security interest

prov hdg amd 1996 No. 56 s 139(1)
s 7 amd 1986 No. 38 s 7
 sub 1992 No. 40 s 142
 amd 1995 No. 1 s 3 sch 1; 1996 No. 56 s 139(2); 2002 No. 50 s 7; 2003 No. 22
 s 10

Registration, or renewal of registration, of security interest

prov hdg amd 1996 No. 56 s 140(1)
s 7A (prev s 7AA) ins 1992 No. 40 s 142
 amd 1995 No. 1 s 3 sch 1; 1996 No. 56 s 140(2)–(4)
 renum 2003 No. 22 s 30 sch

Expiry of registration

s 7B (prev s 7AB) ins 1996 No. 56 s 141
(2)–(9) exp 1 January 2003 (see s 7AB(9))
renum 2003 No. 22 s 30 sch

Renewal of registration and expiry of renewed registration

s 7C (prev s 7AC) ins 1996 No. 56 s 141
renum 2003 No. 22 s 30 sch

Registration of confiscation orders

s 7D (prev s 7A) ins 1991 No. 42 s 3 sch
amd 1995 No. 57 s 4 sch 2
sub 2002 No. 68 s 339 sch 4
amd 2003 No. 22 s 11
renum 2003 No. 22 s 30 sch

Application for assignment of a registered security interest

s 8 amd 1986 No. 38 s 8
sub 1992 No. 40 s 143
amd 1995 No. 1 s 3 sch 1; 2003 No. 22 s 12

Registration of assignment of a registered security interest

s 9 sub 1986 No. 38 s 9; 1992 No. 40 s 143
amd 1995 No. 1 s 3 sch 1

Registration becomes effective on next business day

s 10 sub 1992 No. 40 s 143
amd 1996 No. 56 s 142

Effect of failure to register a security interest

s 11 sub 1992 No. 40 s 143
om 2003 No. 22 s 13

Priority of security interests

s 12 sub 1992 No. 40 s 144
amd 2001 No. 45 s 29 sch 3
sub 2003 No. 22 s 14

PART 3—DISCHARGE OF REGISTERED SECURITY INTERESTS, AND PARTICULAR OFFENCES

pt hdg ins 2003 No. 22 s 30 sch

Division 1—Discharge of registered security interests

div hdg ins 2003 No. 22 s 30 sch

Application for discharge of registered security interest

s 14 amd 1986 No. 38 s 10
sub 1992 No. 40 s 146
amd 1995 No. 1 s 3 sch 1; 2003 No. 22 s 15

Registration of discharge of registered security interest

s 15 amd 1986 No. 38 s 11
sub 1992 No. 40 s 146
amd 1995 No. 1 s 3 sch 1; 2003 No. 22 s 30 sch

Registration fees

s 16 amd 1986 No. 38 s 12
 om 1992 No. 40 s 147

Onus to cancel registration on discharge

s 17 amd 1986 No. 38 s 13
 sub 1992 No. 40 s 148
 amd 1993 No. 32 s 3 sch 1; 1995 No. 1 s 3 sch 1; 1995 No. 57 s 4 sch 2; 2003
 No. 22 s 16

Rectification of register

s 18 amd 1995 No. 1 s 3 sch 1
 sub 2003 No. 22 s 17

Removal of particulars of improperly registered interests

s 18A ins 2003 No. 22 s 17

Correction of errors

s 19 amd 1986 No. 38 s 14
 sub 1992 No. 40 s 149
 amd 1995 No. 1 s 3 sch 1

Chief executive may cancel registration

s 20 sub 1992 No. 40 s 149
 amd 1995 No. 1 s 3 sch 1

Division 2—False or misleading information or documents

div hdg ins 2003 No. 22 s 30 sch

False or misleading information

s 21 amd 1986 No. 38 s 15
 sub 1992 No. 40 s 149
 amd 2004 No. 29 s 65

False or misleading documents

s 21A ins 1992 No. 40 s 149
 amd 2004 No. 29 s 66

PART 4—SECURITY INTERESTS

pt hdg ins 2003 No. 22 s 30 sch

Division 1—Security interest certificates

div hdg ins 2003 No. 22 s 30 sch

Security interest certificate

s 22 sub 1992 No. 40 s 150; 1995 No. 1 s 17; 2003 No. 22 s 18

Inspecting register

s 23 sub 1992 No. 40 s 150; 1995 No. 1 s 17; 2003 No. 22 s 19
 amd 2004 No. 29 s 67

Inspecting searchable application

s 23A ins 2002 No. 13 s 57
 amd 2003 No. 22 s 30 sch

Forged etc. certificates

s 24 amd 1992 No. 40 s 151
 sub 1995 No. 1 s 17

Division 2—Notice and extinguishment of security interests

div hdg ins 2003 No. 22 s 30 sch

Notice of security interest

s 25 prev s 25 amd 1992 No. 40 s 152
 om 1995 No. 1 s 18
 pres s 25 (prev s 13) renum and reloc 2003 No. 22 s 30 sch

Extinguishing of security interest

s 26 amd 1995 No. 1 s 3 sch 1; 2003 No. 22 s 20

Revival of extinguished security interest

s 26A ins 2003 No. 22 s 21

Purchases to which s 26 does not apply

prov hdg amd R1 (see RA s 5(d))
s 27 amd 1992 No. 40 s 153; 2001 No. 45 s 29 sch 3; 2003 No. 22 s 22

Compensation for loss etc. by holder of security interest

s 28 amd 1986 No. 38 s 16; 1992 No. 40 s 154; 1993 No. 82 s 42; 1995 No. 1 s 3
 sch 1; 2000 No. 20 s 29 sch 3; 2003 No. 22 s 23

Compensation for loss during first 12 months of operation of section

s 29 om 1992 No. 40 s 155

Effects of incorrect certificate

s 30 amd 1992 No. 40 s 156; 1993 No. 82 s 43; 1995 No. 57 s 4 sch 2; 1999 No. 4
 s 41
 sub 2003 No. 22 s 24

PART 5—INVESTIGATION AND ENFORCEMENT

pt hdg ins 2003 No. 22 s 30 sch

Division 1—Inspectors

div hdg ins 2003 No. 22 s 30 sch

Appointment and qualifications

s 30A ins 2001 No. 38 s 25

Appointment conditions and limit on powers

s 30B ins 2001 No. 38 s 25

Issue of identity card

s 30C ins 2001 No. 38 s 25

Production or display of inspector's identity card

s 30D ins 2001 No. 38 s 25

When inspector ceases to hold office

s 30E ins 2001 No. 38 s 25

Resignation

s 30F ins 2001 No. 38 s 25

Return of identity card

s 30G ins 2001 No. 38 s 25

Division 2—Powers of inspectors

div hdg ins 2003 No. 22 s 30 sch

Subdivision 1—Entry of places

sdiv hdg ins 2003 No. 22 s 30 sch

Power to enter places

s 30H ins 2001 No. 38 s 25

Subdivision 2—Procedure for entry

sdiv hdg ins 2003 No. 22 s 30 sch

Entry with consent

s 30I ins 2001 No. 38 s 25

Application for warrant

s 30J ins 2001 No. 38 s 25

Issue of warrant

s 30K ins 2001 No. 38 s 25

Special warrants

s 30L ins 2001 No. 38 s 25

Warrants—procedure before entry

s 30M ins 2001 No. 38 s 25

Subdivision 3—Powers after entry

sdiv hdg ins 2003 No. 22 s 30 sch

General powers after entering places

s 30N ins 2001 No. 38 s 25

Failure to help inspector

s 30O ins 2001 No. 38 s 25

Failure to give information

s 30P ins 2001 No. 38 s 25

Subdivision 4—Power to seize evidence

sdiv hdg ins 2003 No. 22 s 30 sch

Seizing evidence at a place that may be entered without consent or warrant

s 30Q ins 2001 No. 38 s 25

Seizing evidence at a place that may only be entered with consent or warrant

s 30R ins 2001 No. 38 s 25

Securing seized things

s 30S ins 2001 No. 38 s 25

Tampering with seized things

s 30T ins 2001 No. 38 s 25

Power to support seizure

s 30U ins 2001 No. 38 s 25

Receipts for seized things

s 30V ins 2001 No. 38 s 25

Return of seized things

s 30W ins 2001 No. 38 s 25

Access to seized things

s 30X ins 2001 No. 38 s 25

Subdivision 5—Power to obtain information

sdiv hdg ins 2003 No. 22 s 30 sch

Power to require name and address

s 30Y ins 2001 No. 38 s 25

Failure to give name or address

s 30Z ins 2001 No. 38 s 25

Division 3—General enforcement matters

div hdg ins 2003 No. 22 s 30 sch

Notice of damage

s 30ZA ins 2001 No. 38 s 25

Compensation

s 30ZB ins 2001 No. 38 s 25

False or misleading information

s 30ZC ins 2001 No. 38 s 25

False or misleading documents

s 30ZD ins 2001 No. 38 s 25

Obstructing inspectors

s 30ZE ins 2001 No. 38 s 25

Notification of insurer's intention to sell water damaged motor vehicles 30ZF ins 2001 No. 38 s 25
om 2002 No. 50 s 8**PART 6—MISCELLANEOUS**

pt hdg ins 2003 No. 22 s 30 sch

Arrangements for feess 30ZG ins 2001 No. 38 s 25
amd 2003 No. 22 s 30 sch**Delegation**s 31 amd 1989 No. 103 s 3 sch
sub 1992 No. 40 s 157; 1995 No. 1 s 3 sch 1
amd 1996 No. 37 s 147 sch 2**Protection**s 32 sub 1992 No. 40 s 157
amd 1995 No. 1 s 3 sch 1; 2004 No. 29 s 68

General penalty for offence

s 33 om 1992 No. 40 s 158

Proceedings for offences

s 34 amd 1989 No. 103 s 3 sch

Fees and penalties

s 36 amd 1992 No. 40 s 159

Evidentiary provisionss 37 amd 1986 No. 38 s 17
sub 1992 No. 40 s 160
amd 1995 No. 1 s 3 sch 1**Recognised States**s 38 sub 1986 No. 38 s 18; 1992 No. 40 s 160
amd 1995 No. 1 s 19**Regulation-making power**prov hdg sub 2001 No. 38 s 26(1)
s 39 ins 1986 No. 38 s 19
sub 1992 No. 40 s 160
amd 2001 No. 38 s 26(2)–(4)**Approved forms**s 40 prev s 40 ins 1992 No. 40 s 160
om 1995 No. 57 s 4 sch 2
pres s 40 ins 2003 No. 22 s 25**PART 7—TRANSITIONAL PROVISIONS FOR MOTOR VEHICLES
SECURITIES AND OTHER ACTS AMENDMENT ACT 2003**

pt hdg ins 2003 No. 22 s 25

Definitions for pt 7s 41 prev s 41 ins 1993 No. 82 s 44
exp 17 January 1994 (see s 41(8))
AIA s 20A applies (see s 41(7))
pres s 41 ins 2003 No. 22 s 25**Registration of security interest under Bills of Sale and Other Instruments Act 1955**

s 42 ins 2003 No. 22 s 25

Chief executive to register transferred security interest

s 43 ins 2003 No. 22 s 25

Transitional rules for deciding priority of security interests

s 44 ins 2003 No. 22 s 25

Chief executive may require notice about water damaged motor vehicless 44A ins 2001 No. 38 s 27
exp 7 June 2002 (see s 44A(3))**PART 8—VALIDATION AND DECLATORY PROVISIONS**

pt hdg ins 2003 No. 22 s 30 sch

Validation of regulatory provisions

s 45 ins 2001 No. 38 s 27

Validation of inclusion of particulars of water damaged motor vehicles on register

s 46 ins 2001 No. 38 s 27

Validation for particular fee

s 47 ins 2003 No. 22 s 26

Declaration about commencement of certain provisionss 48 (prev s 46A) ins 2001 No. 38 s 27
renum 2003 No. 22 s 30 sch

8 List of forms notified or published in the gazette

(The following information about forms is taken from the gazette. Because failure to notify or publish a form in the gazette does not invalidate the form, it may be necessary to check with the relevant government department for the latest information about forms (see SIA s 58(8)).)

Form 1 Version 5 2004—Application to Register a Security Interest

pub gaz 29 January 2004 p 346

Form 2 Version 6 2004—Application for Assignment of a Security Interest

pub gaz 13 February 2004 p 603

Form 3 Version 6 2004—Application for Discharge of a Registered Security Interest

pub gaz 13 February 2004 p 603

Form 4 Version 5 2004—Application to Change Particulars of a Registered Security Interest

pub gaz 29 January 2004 p 346

Form 5 Version 6 2004—Application to Renew Registration of a Security Interest

pub gaz 13 February 2004 p 603

Form 6 Version 1 2003—Application for Approved Account Holder Status

pubd gaz 27 June 2003 p 731

Form 7 Version 4 2003—Security Interest Certificate

pubd gaz 27 June 2003 p 730

Form 7A Version 2 2003—Security Interest Certificate

pubd gaz 25 July 2003 p 1093

Form 7B Version 2 2003—Security Interest Certificate

pubd gaz 25 July 2003 p 1093

Form 8 Version 1 2003—Security Interest Extract

pubd gaz 27 June 2003 p 730

Form 8A Version 2 2003—Security Interest Extract

pubd gaz 25 July 2003 p 1093

Form 8B Version 2 2003—Security Interest Extract

pubd gaz 25 July 2003 p 1093

Form 9 Version 1 2003—Application to Transfer a Security Interest Over a Boat and/or Outboard Motor

pubd gaz 27 June 2003 p 731

Form 10 Version 2 2004—Security Interest Certificate Request Form

pub gaz 29 January 2004 p 346

Form 11 Version 4 2004—Security Interest Fax Request Form for Motor Vehicle Searches

pub gaz 29 January 2004 p 346

Form 12 Version 1 2004—Security Interest Fax Request Form for Boat and/or Outboard Motor Searches

pub gaz 29 January 2004 p 346