



Queensland

Personal Property Securities (Ancillary Provisions) Regulation 2011

Explanatory Notes for SL 2011 No. 263

made under the

Personal Property Securities (Ancillary Provisions) Act 2010

General outline

Short title

Personal Property Securities (Ancillary Provisions) Regulation 2011.

Authorising law

Personal Property Securities (Ancillary Provisions) Act 2010.

Policy objectives and reasons for them

The *Personal Property Securities (Ancillary Provisions) Act 2010* (the PPS (AP) Act) was enacted to cease existing Queensland personal property security registers, transfer data from these registers to the proposed new personal property securities register (the PPSR), provide transitional arrangements and make consequential amendments to Queensland legislation.

The following Queensland registers will be ceased—

- Bills of Sale Register under the Bills of Sale and Other Instruments Act 1955

- Register of Liens on Crops of Sugar Cane under the *Liens on Crops of Sugar Cane Act 1931*
- Register of Cooperative Charges under the *Cooperatives Act 1997*
- Register of Encumbered Vehicles under the *Motor Vehicles and Boats Securities Act 1986*

Currently, these Queensland registers are administered by Fair Trading and can be searched upon the payment of a fee prescribed under the respective regulations. However, the data on the Queensland registers will be transferred to the PPSR administered by the Australian Attorney-General's Department.

The PPS (AP) Act contains transitional provisions which enable 'historical' searches of the former Queensland registers to be undertaken for two years after their repeal. The particulars that may be searched under the former registers relate to particulars included in the former registers in the period starting seven years before their repeal and ending at the repeal.

As the regulations prescribing the fees for searching the Queensland registers will be repealed (except the *Cooperatives Regulation 1997*), a regulation is required to be made under the PPS (AP) Act prescribing fees for historical searches of the former Queensland registers (except the former Register of Cooperative Charges).

Unlike the other Acts which establish the Queensland registers, the *Cooperatives Act 1997* will not be repealed entirely. Only the relevant provisions establishing the Register of Cooperative Charges will be repealed. Additionally, the *Cooperatives Regulation 1997* and the schedule of fees will not be repealed. Accordingly, the fees regulation will not prescribe fees for historical searches of the former Register of Cooperative Charges as such fees will continue by virtue of the transitional and savings provisions of the PPS (AP) Act.

Section 9 of the PPS (AP) Act gives the Governor in Council the power to make regulations under the Act, including a regulation about the fees payable under the Act. Sections 17(2), 40(2) and 60(2) specifically allow regulations to be made prescribing fees for inspecting the former Bills of Sale Register, Register of Liens on Crops of Sugar Cane, and Register of Encumbered Vehicles.

The fees regulation will continue the relevant fees currently prescribed in the *Bills of Sale and Other Instruments Regulation 1999*, *Liens on Crops of*

Sugar Cane Regulation 1999, and Motor Vehicles and Boats Securities Regulation 2005.

Achievement of policy objectives

The regulation will prescribe fees for historical searches of the former registers.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

Not applicable.

Consistency with fundamental legislative principles

No breaches of fundamental legislative principles have been identified.

Consultation

The Department of the Premier and Cabinet and the Treasury Department were consulted and support the proposal. The Treasury Department advised that a Regulatory Assessment Statement is not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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