



Queensland

Personal Property Securities (Ancillary Provisions) Act 2010

Act No. 44 of 2010



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Queensland

Personal Property Securities (Ancillary Provisions) Act 2010

Act No. 44 of 2010

An Act to provide for matters ancillary to the referral of matters by the Personal Property Securities (Commonwealth Powers) Act 2009 to the Parliament of the Commonwealth, to repeal the Bills of Sale and Other Instruments Act 1955, the Liens on Crops of Sugar Cane Act 1931 and the Motor Vehicles and Boats Securities Act 1986, to amend the Cooperatives Act 1997 and to make consequential amendments to the legislation mentioned in chapter 4

[Assented to 14 October 2010]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Personal Property Securities (Ancillary Provisions) Act 2010*.

2 Commencement

This Act, other than sections 3 and 4 and chapter 2, part 1, commences on a date to be fixed by proclamation.

3 Purpose

The purpose of this Act is to enact ancillary provisions, including transitional provisions, relating to the enactment of the *Personal Property Securities Act 2009* (Cwlth).

4 Definitions

In this Act—

account has the meaning given by the PPS Act, section 10.

application closing time, for an application under a Queensland register Act, means—

- (a) if the application is made online—
 - (i) 5.00pm on the last business day immediately before the registration commencement time; or
 - (ii) an earlier day prescribed by regulation; or
- (b) if the application is made on paper—

-
- (i) 5.00pm on the day before the last business day immediately before the registration commencement time; or
 - (ii) an earlier day prescribed by regulation.

attaches, in relation to a security interest, has the meaning given by the PPS Act, section 19.

chattel paper has the meaning given by the PPS Act, section 10.

circulating asset has the meaning given by the PPS Act, section 340.

grantor has the meaning given by the PPS Act, section 10.

perfected, in relation to a security interest, has the meaning given by the PPS Act, section 21.

personal property has the meaning given by the PPS Act, section 10.

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

PPS register means the Personal Property Securities Register under the PPS Act.

PPS registrar means the Registrar of Personal Property Securities under the PPS Act.

Queensland register means any of the following—

- (a) the register of security interests kept under the *Bills of Sale and Other Instruments Act 1955*;
- (b) the register of cooperative charges kept under the *Cooperatives Act 1997*;
- (c) the register of liens kept under the *Liens on Crops of Sugar Cane Act 1931*;
- (d) the register of security interests kept under the *Motor Vehicles and Boats Securities Act 1986*.

Queensland register Act means any of the following—

- (a) the *Bills of Sale and Other Instruments Act 1955*;

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- (b) the *Cooperatives Act 1997*;
- (c) the *Liens on Crops of Sugar Cane Act 1931*;
- (d) the *Motor Vehicles and Boats Securities Act 1986*.

registration commencement time has the meaning given by the PPS Act, section 306.

security interest has the meaning given by the PPS Act, section 12.

5 References to charges and fixed and floating charges

- (1) This section applies to a reference in an Act or other document to a charge, fixed charge or floating charge over property, but only to the extent that—
 - (a) the charge referred to is attached to personal property; and
 - (b) title in the personal property to which the charge is attached is in the grantor; and
 - (c) the charge is a security interest to which the PPS Act applies.
- (2) However, this section does not apply to—
 - (a) a reference to a charge, a fixed charge or a floating charge if the charge referred to is a perfected security interest that is provided for by a transfer of an account or chattel paper; or
 - (b) any other reference, or class of reference, prescribed under a regulation, to a charge, fixed charge or floating charge.
- (3) On and from the registration commencement time—
 - (a) a reference to a charge over property is taken to be a reference to a security interest that is attached to—
 - (i) a circulating asset; or
 - (ii) personal property that is not a circulating asset; and

- (b) a reference to a fixed charge over property is taken to be a reference to a security interest that is attached to personal property that is not a circulating asset; and
- (c) a reference to a floating charge over property is taken to be a reference to a security interest that is attached to a circulating asset.

Chapter 2 Migration of personal property data

Part 1 General

6 Giving of information to PPS registrar

- (1) The chief executive is authorised to give the Commonwealth, the PPS registrar or any other officer of the Commonwealth information recorded in, or concerning the use of, a Queensland register that the chief executive considers appropriate in order to assist the PPS registrar to establish the PPS register.
- (2) The chief executive may give the information in whatever form the chief executive considers appropriate including by means of electronic data or in an approved form under the PPS Act.
- (3) This section applies despite any other Act or law.

7 Protection from liability

- (1) An official does not incur civil liability for an act done, or omission made, honestly and without negligence in relation to the giving of information under section 6.

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- (2) If subsection (1) prevents a civil liability attaching to an official, liability attaches instead to the State.
- (3) In this section—
official means—
 - (a) the chief executive; or
 - (b) an officer or employee of the department; or
 - (c) a public service employee to whom the chief executive delegated powers under a Queensland register Act.

8 Delegation

- (1) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified officer or employee of the department.
- (2) In this section—
appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

9 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may be made about the fees payable under this Act and the matters for which the fees are payable.

Part 2 Transitional provisions

10 Proceedings

A proceeding relating to a matter arising under the provisions of a Queensland register Act that was commenced before the

commencement of this part, but was not finally decided as at the commencement, may continue to be dealt with or otherwise decided as if those provisions had not been repealed.

11 Offences

- (1) This section applies if a person is alleged to have committed an offence against a Queensland register Act before the commencement of this part.
- (2) Despite the Criminal Code, section 11, a proceeding for the offence may be started or continued, and the court may hear and decide the proceeding, as if this Act, other than this section, had not commenced.

Chapter 3 Acts with Queensland registers

Part 1 Bills of Sale and Other Instruments Act 1955

Division 1 Repeal

12 Repeal

The Bills of Sale and Other Instruments Act 1955, No. 16 is repealed.

[s 13]

Division 2 Transitional provisions

13 Definitions for div 2

In this division—

existing Act means the *Bills of Sale and Other Instruments Act 1955* as in force immediately before its repeal.

repeal means repeal of the existing Act.

14 Words have meanings given by existing Act

A word used in this division and defined under the existing Act has the same meaning as it had under the existing Act.

15 Continuing of provisions of existing Act

If, despite the repeal, a provision of the existing Act (the *primary provision*) is continued in effect for a purpose under this division, any other provision of the existing Act (a *related provision*) mentioned in the primary provision is also continued in effect to the extent necessary for the purposes of the continued application of the primary provision.

16 Applications for registration or renewal of registration of security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the registration, or renewal of registration, of a security interest.
- (2) Despite sections 9, 10 and 11 of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

17 Inspection of register

- (1) Despite the repeal, section 13 of the existing Act continues to apply for a period of 2 years after the repeal in relation to particulars included in the former register in the period starting 7 years before the repeal and ending at the repeal.
- (2) A regulation may prescribe a fee for inspecting the former register.
- (3) The chief executive must keep a copy of the information contained in the former register, as it existed immediately before the repeal, for 7 years after the repeal.
- (4) For section 13(1)(a) of the existing Act, the offices of the department at the following places are offices where the register may be inspected—
 - (a) Brisbane;
 - (b) Cairns;
 - (c) Mackay;
 - (d) Maroochydore;
 - (e) Rockhampton;
 - (f) Southport;
 - (g) Townsville.
- (5) In this section—

former register means the register of security interests required to be kept under section 8 of the existing Act.

18 Requests for registration of confiscation orders

- (1) This section applies if, after the application closing time, the chief executive receives a request for the registration of a confiscation order in relation to chattels of a person or creating a charge over the chattels of a person.
- (2) Despite section 15 of the existing Act, the chief executive can not deal with the request after the application closing time.

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19 Applications for registration of assignments of registered security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the registration of an assignment of a registered security interest.
- (2) Despite sections 16 and 17 of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

20 Applications for discharge of registered security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the full or partial discharge of a registered security interest.
- (2) Despite sections 18C and 18D of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

21 Requests to register discharge or change in particulars

- (1) This section applies if—
 - (a) before the repeal, the borrower in relation to a registered security interest made a request to the lender under section 18F(1) of the existing Act in relation to the security interest; and
 - (b) at the time of the repeal, the lender had not complied with section 18F(2) of the existing Act in relation to the request.

-
- (2) Despite the repeal, section 18F continues to apply to the request.
 - (3) However, subsection (4) applies if the lender—
 - (a) has been given a notice under section 18F(4); and
 - (b) has not complied with section 18F(5)(a) or (b) before the end of the notice period.
 - (4) The chief executive must ask the PPS registrar to, in accordance with the request under section 18F(1)—
 - (a) register the discharge in the PPS register; or
 - (b) change the particulars included in the PPS register.

22 Applications to change particulars in register

- (1) This section applies if, after the application closing time, the chief executive receives an application to change stated particulars included in the register in relation to an interest.
- (2) Despite section 18G of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

23 Removal of particulars of improperly registered interests

- (1) This section applies if—
 - (a) before the repeal, the chief executive gave a notice under section 18I(2) of the existing Act to a person who appeared to the chief executive to be the lender under an interest; and
 - (b) at the time of the repeal, the person had not complied with the requirement in the notice.
- (2) Despite the repeal, section 18I continues to apply to the registration of the interest.
- (3) However, subsection (4) applies if the person—

[s 24]

- (a) has been given a notice under section 18I(6); and
 - (b) has not complied with section 18I(7)(a) or (b) before the end of the notice period.
- (4) The chief executive must ask the PPS registrar to remove the particulars in relation to the interest from the PPS register.

24 Applications for compensation for loss

- (1) This section applies if a person suffers loss because an act or omission mentioned in section 18J of the existing Act was done or made before the repeal.
- (2) Despite the repeal, the person may apply for payment of compensation under section 18K of the existing Act.

25 Protection from liability

- (1) An official continues to incur no civil liability after the repeal for an act done, or omission made, honestly and without negligence in the performance or purported performance of functions under the existing Act if—
 - (a) the act was done or the omission was made before the repeal; or
 - (b) the act was done or the omission was made after the repeal in relation to a matter that was authorised to be done under this division after the repeal.
- (2) If subsection (1) prevents a civil liability attaching to an official, liability attaches instead to the State.

26 Delegations

- (1) The chief executive may delegate, to an appropriately qualified public service employee, the chief executive's powers under a provision of the existing Act that continues, under this division, to have effect after the repeal.

-
- (2) A delegation that was in force immediately before the repeal in relation to a provision of the existing Act that continues, under this division, to have effect after the repeal continues to have effect as a delegation under this section.

Part 2 Amendment of Cooperatives Act 1997

27 Act amended

This part amends the *Cooperatives Act 1997*.

28 Amendment of s 45 (Filing of documents not to constitute constructive knowledge)

- (1) Section 45(2)—
omit.
- (2) Section 45(3)—
renumber as section 45(2).

29 Omission of pt 10, div 2 (Registration of charges)

Part 10, division 2—
omit.

30 Amendment of s 437 (Register of cooperatives)

Section 437(1)(c)—
omit.

31 Insertion of new pt 19, div 1, hdg

Part 19, before section 469—

[s 32]

insert—

‘Division 1 Repeals, savings and transitional provisions for Act No. 39 of 1997’.

32 Insertion of new pt 19, div 2

After section 471—

insert—

‘Division 2 Transitional provisions for Personal Property Securities (Ancillary Provisions) Act 2010

‘472 Definitions for div 2

‘In this division—

application closing time has the meaning given by the PPS (Ancillary Provisions) Act, section 4.

defective notice has the meaning given by schedule 3, section 21(8) as in force immediately before the application closing time.

former register means the register of cooperative charges established under section 437 before the repeal of section 437(1)(c).

PPS (Ancillary Provisions) Act means the *Personal Property Securities (Ancillary Provisions) Act 2010*.

schedule 3 means schedule 3 as in force immediately before its repeal by the PPS (Ancillary Provisions) Act.

‘473 Inspection of register

- ‘(1) Despite the repeal of section 437(1)(c) by the PPS (Ancillary Provisions) Act, section 440 continues to apply for 2 years after the repeal in relation to particulars included in the former register immediately before the repeal.

- ‘(2) A regulation may prescribe a fee under section 440 in relation to the former register.
- ‘(3) The chief executive must keep a copy of the information contained in the former register, as it existed immediately before the repeal of section 437(1)(c), for 7 years after the repeal.

‘474 Defective notice relating to charge received before application closing time

- ‘(1) Subsection (2) applies if, before the application closing time—
 - (a) a defective notice in relation to a charge is filed with the registrar; and
 - (b) the charge is provisionally registered under schedule 3, section 21(1); and
 - (c) the registrar gives a direction by written notice under schedule 3, section 21(2) and the date stated in the notice is after the application closing time.
- ‘(2) If the direction has not been complied with at the application closing time, the requirement to comply with the direction ceases.
- ‘(3) Subsection (4) applies if—
 - (a) before the application closing time—
 - (i) a defective notice in relation to a charge is filed with the registrar; and
 - (ii) the charge is provisionally registered under schedule 3, section 21(1); and
 - (b) at the application closing time, the registrar has not given a direction under schedule 3, section 21(2).
- ‘(4) At the application closing time, the requirement to give the direction ceases.

[s 32]

- ‘(5) Subsection (6) applies despite schedule 3, section 22(1) as in force immediately before the application closing time.
- ‘(6) At the application closing time, a charge mentioned in subsection (1) or (3) is taken to be registered.

‘475 Notice relating to charge received after application closing time

- ‘(1) This section applies if, after the application closing time, the registrar receives, under schedule 3, part 2, division 2, a notice in relation to a charge for registration in the former register.
- ‘(2) Despite schedule 3, section 19, the registrar—
 - (a) can not deal with the notice after the application closing time; and
 - (b) must return the notice, and any other documents that accompanied the notice, to the person who filed the notice; and
 - (c) must refund any fee that accompanied the notice.

‘476 Defective notice relating to charge received after application closing time

- ‘(1) This section applies if, after the application closing time, the registrar receives, under schedule 3, part 2, division 2, a defective notice in relation to a charge for registration in the former register.
- ‘(2) Despite schedule 3, section 21, the registrar—
 - (a) can not deal with the notice after the application closing time; and
 - (b) must return the notice, and any other documents that accompanied the notice, to the person who filed the notice; and
 - (c) must refund any fee that accompanied the notice.

‘477 Registrable charge void immediately before repeal of sch 3

- ‘(1) This section applies to a registrable charge that, immediately before the repeal of schedule 3, is void under schedule 3, part 2, division 4.
- ‘(2) Despite the repeal of schedule 3, the Supreme Court may declare the charge not to be, and never to have been, void if—
 - (a) an application is made to the court under schedule 3, section 29 in relation to the charge; and
 - (b) either—
 - (i) the application is made before the repeal and, at the time of the repeal, the court has not made a decision in relation to the application; or
 - (ii) the application is made at or after the repeal; and
 - (c) the court is satisfied of the matters set out in schedule 3, section 29.

‘478 Registrable charge void after repeal of sch 3

- ‘(1) This section applies to a registrable charge if—
 - (a) the charge becomes void after the repeal of schedule 3; and
 - (b) before the repeal, an application could have been made to the Supreme Court under schedule 3, section 29 in relation to the charge.
- ‘(2) Despite the repeal of schedule 3, an application may be made under schedule 3, section 29 after the repeal in relation to the charge.
- ‘(3) If an application is made to the court, the Supreme Court may declare the charge not to be, and never to have been, void if the court is satisfied of the matters set out in schedule 3, section 29.

‘479 Continuation of application of sch 3, pt 2, div 5 to certain charges

- ‘(1) This section applies to a charge—
 - (a) mentioned in schedule 3, section 33; and
 - (b) created before the repeal of schedule 3.
- ‘(2) Despite the repeal of schedule 3, part 2, division 5 (the *relevant provisions*)—
 - (a) the relevant provisions continue to apply in relation to the charge; and
 - (b) the Supreme Court, on the application of the chargee under the charge, may give leave for the charge to be enforced if the court is satisfied of the matters mentioned in schedule 3, section 34; and
 - (c) schedule 3, section 35 continues to exclude the matters mentioned in it from the operation of schedule 3, section 33.

‘480 Notice relating to assignment or variation of charge received after application closing time

- ‘(1) This section applies if, after the application closing time, the registrar receives, under schedule 3, section 36(1) or (2), a notice in relation to a charge for registration in the former register.
- ‘(2) Despite schedule 3, section 24, the registrar—
 - (a) can not deal with the notice after the application closing time; and
 - (b) must return the notice, and any other documents that accompanied the notice, to the person who filed the notice; and
 - (c) must refund any fee that accompanied the notice.

‘481 Memorandum relating to satisfaction of, or release from, charge received after application closing time

- ‘(1) This section applies if, after the application closing time, the registrar receives, under schedule 3, section 37(2), a memorandum in relation to a charge for registration in the former register.
- ‘(2) Despite schedule 3, section 37(2), the registrar—
 - (a) can not deal with the memorandum after the application closing time; and
 - (b) must return the memorandum, and any other documents that accompanied the memorandum, to the cooperative that filed the memorandum; and
 - (c) must refund any fee that accompanied the memorandum.

‘482 Register kept by cooperative

- ‘(1) Subsection (2) applies despite the repeal of schedule 3.
- ‘(2) Schedule 3, sections 40 and 41 continues to apply for a period of 2 years after the repeal in relation to—
 - (a) documents kept under schedule 3, section 40 immediately before the repeal; and
 - (b) particulars included in the register under section 41 immediately before the repeal.
- ‘(3) A regulation may prescribe amounts for the purposes of schedule 3, section 41(3)(b) and (5)(a) as continued by this section.

‘483 Issue of certificates by registrar

- ‘(1) Subsection (2) applies despite the repeal of schedule 3.
- ‘(2) Schedule 3, section 42 continues to apply for a period of 2 years after the repeal in relation to particulars included in the former register immediately before the repeal.

[s 33]

‘484 Priority between registrable charges

- ‘(1) Subsection (2) applies despite the repeal of schedule 3.
- ‘(2) After the repeal, registrable charges continue to have the priority between themselves that they would have had under schedule 3, part 3.
- ‘(3) In this section—
- registrable charge* means a charge created before the repeal that was a registrable charge within the meaning given by schedule 3, section 1 when it was created.

‘485 Effect of regulation amendment

‘The amendment of the *Cooperatives Regulation 1997* by the *Personal Property Securities (Ancillary Provisions) Act 2010* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

33 Omission of sch 3 (Registration etc. of charges)

Schedule 3—
omit.

34 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *chargee*, *critical day*, *document of title*, *marketable security*, *present liability*, *priority time*, *prior registered charge*, *property*, *prospective liability*, *receiver*, *registered charge*, *registrable charge*, *relevant day*, *relevant person*, *subsequent registered charge* and *unregistered charge*—
omit.
- (2) Schedule 8—
insert—

'application closing time, for part 19, division 2, see section 472.

property, for schedule 4, see section 1 of that schedule.

receiver, for schedule 4, see section 1 of that schedule.

schedule 3, for part 19, division 2, see section 472.'

- (3) Schedule 8, definition *cooperative*, paragraph (a), '3 or'—
omit.
- (4) Schedule 8, definition *cooperative*, paragraph (b)—
omit.
- (5) Schedule 8, definition *cooperative*, paragraph (c)—
renumber as paragraph (b).
- (6) Schedule 8, definition *officer*, of a cooperative, '3 and'—
omit.
- (7) Schedule 8, definition *officer*, paragraph (b)—
omit.
- (8) Schedule 8, definition *officer*, paragraph (c)—
renumber as paragraph (b).
- (9) Schedule 8, definition *register*, paragraph (c)—
omit.

[s 35]

Part 3 Liens on Crops of Sugar Cane Act 1931

Division 1 Repeal

35 Repeal

The Liens on Crops of Sugar Cane Act 1931, No. 37 is repealed.

Division 2 Transitional provisions

36 Definitions for div 2

In this division—

existing Act means the *Liens on Crops of Sugar Cane Act 1931* as in force immediately before its repeal.

repeal means repeal of the existing Act.

37 Words have meanings given by existing Act

A word used in this division and defined under the existing Act has the same meaning as it had under the existing Act.

38 Continuing of provisions of existing Act

If, despite the repeal, a provision of the existing Act (the *primary provision*) is continued in effect for a purpose under this division, any other provision of the existing Act (a *related provision*) mentioned in the primary provision is also continued in effect to the extent necessary for the purposes of the continued application of the primary provision.

39 Applications for registration or renewal of registration of liens

- (1) This section applies if, after the application closing time, the chief executive receives an application for the registration, or renewal of registration, of a lien.
- (2) Despite sections 6, 7 and 7A of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

40 Inspection of register

- (1) Despite the repeal, section 7C of the existing Act continues to apply for a period of 2 years after the repeal in relation to particulars included in the former register in the period starting 7 years before the repeal and ending at the repeal.
- (2) A regulation may prescribe a fee for inspecting the former register.
- (3) The chief executive must keep a copy of the information contained in the former register, as it existed immediately before the repeal, for 7 years after the repeal.
- (4) For section 7C(1)(a) of the existing Act, the offices of the department at the following places are offices where the register may be inspected—
 - (a) Brisbane;
 - (b) Cairns;
 - (c) Mackay;
 - (d) Maroochydore;
 - (e) Rockhampton;
 - (f) Southport;
 - (g) Townsville.

[s 41]

(5) In this section—

former register means the register of liens required to be kept under section 5 of the existing Act.

41 Requests for registration of confiscation orders

- (1) This section applies if, after the application closing time, the chief executive receives a request for the registration of a confiscation order made in relation to a security interest registered under the existing Act or creating a charge over a security interest registered under the existing Act.
- (2) Despite section 7DA of the existing Act, the chief executive can not deal with the request after the application closing time.

42 Applications for registration of assignments of registered liens

- (1) This section applies if, after the application closing time, the chief executive receives an application for registration of the assignment of a registered lien.
- (2) Despite sections 7E and 7F of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

43 Applications for discharge of registered liens

- (1) This section applies if, after the application closing time, the chief executive receives an application for the full or partial discharge of a registered lien.
- (2) Despite sections 7J and 7K of the existing Act, the chief executive—

- (a) can not deal with the application after the application closing time; and
- (b) must refund any fee that accompanied the application.

44 Requests to register discharge or change in particulars

- (1) This section applies if—
 - (a) before the repeal, the lienor of a registered lien makes a request to the lienee under section 7M(1) of the existing Act in relation to the lien; and
 - (b) at the time of the repeal, the lienee has not complied with section 7M(2) of the existing Act in relation to the request.
- (2) Despite the repeal, section 7M continues to apply to the request.
- (3) However, subsection (4) applies if—
 - (a) before the repeal, the lienee is given a notice under section 7M(4); and
 - (b) at the time of the repeal, the lienee has not complied with section 7M(5)(a) or (b) before the end of the notice period.
- (4) The chief executive must ask the PPS registrar to, in accordance with the request under section 7M(1)—
 - (a) register the discharge in the PPS register; or
 - (b) change the particulars included in the PPS register.

45 Applications to change particulars in register

- (1) This section applies if, after the application closing time, the chief executive receives an application to change stated particulars included in the register relating to the lien.
- (2) Despite section 7N of the existing Act, the chief executive—

[s 46]

- (a) can not deal with the application after the application closing time; and
- (b) must refund any fee that accompanied the application.

46 Applications for compensation for loss

- (1) This section applies if a person suffers loss because an act or omission mentioned in section 7P of the existing Act was done or made before the repeal.
- (2) The person may apply for payment of compensation under section 7Q of the existing Act.

47 Protection from liability

- (1) An official continues to incur no civil liability after the repeal for an act done, or omission made, honestly and without negligence in the performance or purported performance of functions under the existing Act if—
 - (a) the act was done or the omission was made before the repeal; or
 - (b) the act was done or the omission was made after the repeal in relation to a matter that was authorised to be done under this part after the repeal.
- (2) If subsection (1) prevents a civil liability attaching to an official, liability attaches instead to the State.

48 Delegations

- (1) The chief executive may delegate, to an appropriately qualified public service employee, the chief executive's powers under a provision of the existing Act that continues, under this division, to have effect after the repeal.
- (2) A delegation that was in force immediately before the repeal in relation to a provision of the existing Act that continues, under this division, to have effect after the repeal continues to have effect as a delegation under this section.

Part 4 Motor Vehicles and Boats Securities Act 1986

Division 1 Repeal

49 Repeal

The Motor Vehicles and Boats Securities Act 1986, No. 24 is repealed.

Division 2 Transitional provisions

50 Definitions for div 2

In this division—

existing Act means the *Motor Vehicles and Boats Securities Act 1986* as in force immediately before its repeal.

repeal means repeal of the existing Act.

51 Words have meanings given by existing Act

A word used in this division and defined under the existing Act has the same meaning as it had under the existing Act.

52 Continuing of provisions of existing Act

If, despite the repeal, a provision of the existing Act (the *primary provision*) is continued in effect for a purpose under this division, any other provision of the existing Act (a *related provision*) mentioned in the primary provision is also continued in effect to the extent necessary for the purposes of the continued application of the primary provision.

[s 53]

53 Applications for registration or renewal of registration of security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the registration, or renewal of registration, of a security interest.
- (2) Despite sections 7 and 7A of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

54 Requests for registration of confiscation orders

- (1) This section applies if, after the application closing time, the chief executive receives a request for the registration of a confiscation order applying to, or creating a charge over, a motor vehicle, boat or outboard motor.
- (2) Despite section 7D of the existing Act, the chief executive can not deal with the request after the application closing time.

55 Applications for registration of assignments of registered security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the assignment of a registered security interest.
- (2) Despite sections 8 and 9 of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

56 Applications for discharge of registered security interests

- (1) This section applies if, after the application closing time, the chief executive receives an application for the discharge of a registered security interest.
- (2) Despite sections 14 and 15 of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

57 Applications to change particulars in register

- (1) This section applies if, after the application closing time, the chief executive receives an application to change particulars entered in the register for a registered security interest.
- (2) Despite section 18 of the existing Act, the chief executive—
 - (a) can not deal with the application after the application closing time; and
 - (b) must refund any fee that accompanied the application.

58 Show cause notices about improperly registered security interests

- (1) This section applies to the following matters—
 - (a) a notice in relation to a security interest given to a person by the chief executive under section 18A(2) of the existing Act, if the period stated in the notice had not expired before the repeal (an *existing show cause notice*);
 - (b) the proposed removal by the chief executive of the particulars of a security interest included in the register following the giving of a notice under section 18A(5) of the existing Act, if the person had a right to apply to a Magistrates Court for an order maintaining the

[s 59]

registration immediately before the repeal (an *existing appeal decision*);

- (c) an application to a Magistrates Court for an order maintaining the registration of the security interest that is pending, but not finally decided, immediately before the repeal (an *existing appeal*).
- (2) Despite the repeal of section 18A of the existing Act, the following provisions apply—
- (a) the chief executive may deal with the existing show cause notice under section 18A(4);
 - (b) the existing appeal decision may be the subject of an application to a Magistrates Court and may be dealt with by the court under the existing Act;
 - (c) an existing appeal may be decided by the Magistrates Court under the existing Act;
 - (d) as soon as practicable after the chief executive decides whether the interest is a security interest, the chief executive must give the PPS registrar written notice of the decision.

59 Show cause notices about cancellation of registered security interests that have been discharged or extinguished

- (1) This section applies to a notice in relation to a security interest given to a person by the chief executive under section 20 of the existing Act, if the period stated in the notice had not expired before the repeal (also an *existing show cause notice*).
- (2) Despite the repeal of section 20 of the existing Act, the following provisions apply—
 - (a) the chief executive may deal with the existing show cause notice under section 20;
 - (b) as soon as practicable after the chief executive decides whether the registration should have been cancelled, the

chief executive must give the PPS registrar written notice of the decision.

60 Inspection of register

- (1) Despite the repeal, section 23 of the existing Act continues to apply for a period of 2 years after the repeal in relation to particulars included in the former register in the period starting 7 years before the repeal and ending at the repeal.
- (2) A regulation may prescribe a fee for inspecting the former register.
- (3) The chief executive must keep a copy of the information contained in the former register, as it existed immediately before the repeal, for 7 years after the repeal.
- (4) For section 23(1)(a) of the existing Act, the office of the department at Brisbane is prescribed as an office of the department where the register may be inspected.
- (5) In this section—
former register means the register of security interests required to be kept under section 6 of the existing Act.

61 Applications for compensation for loss

- (1) Subsection (2) applies if a person who is the holder of a security interest that is mentioned in section 28(1) of the existing Act and extinguished under section 26(1) of the existing Act before the repeal suffers loss because of the extinguishment.
- (2) Despite the repeal, the person may apply for payment of compensation under section 28 of the existing Act.
- (3) Subsection (4) applies if a person who is the holder of a security interest extinguished under section 30(2) of the existing Act before the repeal suffers loss because of the extinguishment.

[s 62]

- (4) Despite the repeal, the person may apply for compensation under section 30(4) of the existing Act.

62 Compensation for repairing or replacing damaged property

- (1) This section applies if, before the repeal, there was an exercise or purported exercise of a power under a declared provision mentioned in section 30ZB(1) of the existing Act.
- (2) Despite the repeal, a person whose property was damaged because of the exercise or purported exercise of the power may apply for compensation under section 30ZB of the existing Act.

63 Protection from liability

- (1) A public service employee continues to incur no civil liability after the repeal for an act done, or omission made, honestly and without negligence in the performance or purported performance of functions under the existing Act if—
 - (a) the act was done or the omission was made before the repeal; or
 - (b) the act was done or the omission was made after the repeal in relation to a matter that was authorised to be done under this division after the repeal.
- (2) If subsection (1) prevents a civil liability attaching to a public service employee, liability attaches instead to the State.

64 Delegations

- (1) The chief executive may delegate, to a person who is a public service employee, the chief executive's powers under a provision of the existing Act that continues, under this division, to have effect after the repeal.
- (2) A delegation that was in force immediately before the repeal in relation to a provision of the existing Act that continues,

under this division, to have effect after the repeal continues to have effect as a delegation under this section.

Chapter 4 Other legislation

Department of Communities

Part 1 Amendment of Major Sports Facilities Act 2001

65 Act amended

This part amends the *Major Sports Facilities Act 2001*.

66 Amendment of sch 1 (Control of traffic on facility land)

(1) Schedule 1, section 11(1)(c), ‘*Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘*Personal Property Securities Act 2009 (Cwlth)*’.

(2) Schedule 1, section 11(2)—

renumber as section 11(3).

(3) Schedule 1, section 11—

insert—

‘(2) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (1)(a) or (b).’.

(4) Schedule 1, section 11—

insert—

Property Securities Act 2009 (Cwlth)—in payment of the amount owing under the security interest;’.

(7) Section 14—

insert—

‘(6A) A secured party can not enforce any security interest in the proceeds of sale or disposal of a vehicle against an entity to whom an amount is payable under subsection (6)(a) or (b).’.

(8) Section 14—

insert—

‘(11) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

Department of Community Safety

Part 3 Amendment of Fire and Rescue Service Act 1990

69 Act amended

This part amends the *Fire and Rescue Service Act 1990*.

70 Amendment of s 69 (Requisition by commissioner to reduce fire risk)

Section 69(9)(b)—

omit, insert—

‘(b) exceed the expenses incurred—the proceeds of the disposal must be applied in the following order—

[s 71]

- (i) if there is an amount owing to an entity under a security interest registered against the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
- (ii) in payment of any balance to the person whose property the chief executive believes the material to have been.’.

Department of Education and Training

Part 4 **Amendment of Central Queensland University Act 1998**

71 **Act amended**

This part amends the *Central Queensland University Act 1998*.

72 **Amendment of sch 1 (Control of traffic and conduct on university land)**

(1) Schedule 1, section 11(1)(c)—
renumber as section 11(1)(d).

(2) Schedule 1, section 11(1)—
insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;’.

Part 5 Amendment of Griffith University Act 1998

73 Act amended

This part amends the *Griffith University Act 1998*.

74 Amendment of sch 1 (Control of traffic and conduct on university land)

(1) Schedule 1, section 11(1)(c)—

renumber as section 11(1)(d).

(2) Schedule 1, section 11(1)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;’.

Part 6 Amendment of James Cook University Act 1997

75 Act amended

This part amends the *James Cook University Act 1997*.

76 Amendment of sch 1 (Control of traffic and conduct on university land)

(1) Schedule 1, section 10(1)(c)—

renumber as section 10(1)(d).

(2) Schedule 1, section 10(1)—

Part 8 **Amendment of University of Queensland Act 1998**

79 Act amended

This part amends the *University of Queensland Act 1998*.

80 Amendment of sch 1 (Control of traffic and conduct on university land)

(1) Schedule 1, section 11(1)(c)—

renumber as section 11(1)(d).

(2) Schedule 1, section 11(1)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;’.

Part 9 **Amendment of University of Southern Queensland Act 1998**

81 Act amended

This part amends the *University of Southern Queensland Act 1998*.

82 Amendment of sch 1 (Control of traffic and conduct on university land)

(1) Schedule 1, section 11(1)(c)—

renumber as section 11(1)(d).

Department of Employment, Economic Development and Innovation

Part 11 **Amendment of Agricultural Chemicals Distribution Control Act 1966**

85 Act amended

This part amends the *Agricultural Chemicals Distribution Control Act 1966*.

86 Amendment of schedule (Dictionary)

Schedule, definition *owner*, paragraph (a)—
omit, insert—

- ‘(a) for aircraft or ground equipment subject to a security interest under the *Personal Property Securities Act 2009* (Cwlth)—
- (i) the person who holds the security interest; or
 - (ii) the personal representative of the person mentioned in subparagraph (i); or
 - (iii) if the person mentioned in subparagraph (i) is a corporation—a transferee of, or successor to, the corporation’s interest; or’.

[s 87]

Part 12 **Amendment of Alcan Queensland Pty. Limited Agreement Act 1965**

87 **Act amended**

This part amends the *Alcan Queensland Pty. Limited Agreement Act 1965*.

88 **Insertion of new s 4B**

After section 4A—

insert—

‘4B **Declaration for Commonwealth Act**

‘A special bauxite mining lease is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 13 **Amendment of Casino Control Act 1982**

89 **Act amended**

This part amends the *Casino Control Act 1982*.

90 **Insertion of new s 4B**

After section 4A—

insert—

‘4B **Declaration for Commonwealth Act**

‘A casino licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 14 **Amendment of Central Queensland Coal Associates Agreement Act 1968**

91 **Act amended**

This part amends the *Central Queensland Coal Associates Agreement Act 1968*.

92 **Insertion of new s 9A**

After section 9—

insert—

‘9A **Declaration for Commonwealth Act**

‘A special coal mining lease is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 15 **Amendment of Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957**

93 **Act amended**

This part amends the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*.

94 **Insertion of new s 4B**

After section 4A—

insert—

[s 95]

‘4B Declaration for Commonwealth Act

‘A special bauxite mining lease is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’

Part 16 Amendment of Cooperatives Regulation 1997

95 Regulation amended

This part amends the *Cooperatives Regulation 1997*.

96 Omission of s 23 (Charges required to be registered)

Section 23—
omit.

97 Amendment of s 24 (Inspection of register of charges)

Section 24, after ‘section 41(3)(b)’—
insert—
‘as continued by section 482 of the Act’.

98 Amendment of s 25 (Copies of register of charges)

Section 25, after ‘section 41(5)(a)’—
insert—
‘as continued by section 482 of the Act’.

Part 17 **Amendment of Disposal of Uncollected Goods Act 1967**

99 **Act amended**

This part amends the *Disposal of Uncollected Goods Act 1967*.

100 **Insertion of new s 4A**

Part 1, after section 4—

insert—

‘4A Bailee’s charges in relation to goods

‘(1) If goods are sold under this Act, whether under an order under part 3 or otherwise, the charges of the bailee in relation to the goods—

- (a) are declared to be statutory interests to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies; and
- (b) have priority over all security interests in relation to the goods.

‘(2) In this section—

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

101 **Amendment of s 15 (Buyer of goods sold pursuant to this Act to acquire a good title)**

Section 15(1), after ‘the goods’—

insert—

‘, and the interest of anyone else ends.’.

[s 102]

102 Amendment of s 20 (Disposal of net proceeds of sale of goods)

Section 20—

insert—

- ‘(3A) The State’s interest under subsection (3) in prescribed charges is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

Part 18 Amendment of Electricity Act 1994

103 Act amended

This part amends the *Electricity Act 1994*.

104 Insertion of new s 18A

After section 18—

insert—

‘18A Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) a distribution authority;
- (b) a generation authority;
- (c) a retail authority;
- (d) a special approval;
- (e) a transmission authority.’.

Part 19 **Amendment of Gaming Machine Act 1991**

105 Act amended

This part amends the *Gaming Machine Act 1991*.

106 Insertion of new s 13A

After section 13—

insert—

‘13A Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) an entitlement;
- (b) an operating authority.’

Part 20 **Amendment of Gas Supply Act 2003**

107 Act amended

This part amends the *Gas Supply Act 2003*.

108 Insertion of new s 5A

After section 5—

insert—

‘5A Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

[s 109]

- (a) a distribution authority;
- (b) a retail authority.’.

Part 21 Amendment of Geothermal Exploration Act 2004

109 Act amended

This part amends the *Geothermal Exploration Act 2004*.

110 Insertion of new s 7B

After section 7A—

insert—

‘7B Declaration for Commonwealth Act

‘A permit is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 22 Amendment of Gladstone Power Station Agreement Act 1993

111 Act amended

This part amends the *Gladstone Power Station Agreement Act 1993*.

112 Amendment of s 13 (Issue of licence)

Section 13—

insert—

- ‘(5) The licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’

Part 23 Amendment of Greenhouse Gas Storage Act 2009

113 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

114 Insertion of new s 8A

After section 8—

insert—

‘8A Declaration for Commonwealth Act

‘A GHG authority is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’

Part 24 Amendment of Liquor Act 1992

115 Act amended

This part amends the *Liquor Act 1992*.

116 Insertion of new s 14

Part 1, after section 13—

insert—

[s 117]

‘14 Declaration for Commonwealth Act

‘A licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 25 Amendment of Manufactured Homes (Residential Parks) Act 2003

117 Act amended

This part amends the *Manufactured Homes (Residential Parks) Act 2003*.

118 Amendment of s 34 (Automatic ending of sale agreement)

Section 34(5)(a), ‘*Bills of Sale and Other Instruments Act 1955*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth).’.

119 Amendment of s 54 (Proceeds of sale)

Section 54(2)(b), ‘*Bills of Sale and Other Instruments Act 1955*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth).’.

Part 26 Amendment of Mineral Resources Act 1989

120 Act amended

This part amends the *Mineral Resources Act 1989*.

121 Insertion of new s 3C

After section 3B—

insert—

‘3C Declaration for Commonwealth Act

‘A mining tenement is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

122 Amendment of s 230 (Plant remaining on former mineral development licence may be sold etc.)

(1) Section 230—

insert—

‘(5A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (3)(a) to (e).’.

(2) Section 230—

insert—

‘(7) In this section—

secured party has the meaning given by the PPS Act, section 10.

security interest has the meaning given by the PPS Act, section 12.

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

[s 123]

123 Amendment of s 314 (Property remaining on former mining lease may be sold)

(1) Section 314—

insert—

‘(5A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (3)(a) to (e).’.

(2) Section 230—

insert—

‘(7) In this section—

secured party has the meaning given by the PPS Act, section 10.

security interest has the meaning given by the PPS Act, section 12.

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

Part 27 Amendment of Mount Isa Mines Limited Agreement Act 1985

124 Act amended

This part amends the *Mount Isa Mines Limited Agreement Act 1985*.

125 Insertion of new s 6

After section 5—

insert—

‘6 Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) a mining lease;
- (b) a sub-lease;
- (c) a licence.’.

Part 28 Amendment of Offshore Minerals Act 1998

126 Act amended

This part amends the *Offshore Minerals Act 1998*.

127 Insertion of new s 3A

Chapter 1, part 1.1, after section 3—

insert—

‘3A Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) a special purpose consent;
- (b) a tenure.’.

[s 128]

Part 29 **Amendment of Petroleum Act 1923**

128 Act amended

This part amends the *Petroleum Act 1923*.

129 Insertion of new s 5

After section 4A—

insert—

'5 Declaration for Commonwealth Act

'A 1923 Act petroleum tenure is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).'

Part 30 **Amendment of Petroleum and Gas (Production and Safety) Act 2004**

130 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

131 Insertion of new s 6C

After section 6B—

insert—

'6C Declaration for Commonwealth Act

'A petroleum authority is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).'

Part 31 **Amendment of Petroleum (Submerged Lands) Act 1982**

132 Act amended

This part amends the *Petroleum (Submerged Lands) Act 1982*.

133 Insertion of new s 6B

After section 6A—

insert—

‘6B Declaration for Commonwealth Act

‘The following are declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth)—

- (a) an access authority;
- (b) a licence;
- (c) a permit;
- (d) a pipeline licence.’.

Part 32 **Amendment of Property Agents and Motor Dealers Act 2000**

134 Act amended

This part amends the *Property Agents and Motor Dealers Act 2000*.

[s 135]

135 Omission of ch 7, pt 2, div 9 (Sales of water damaged motor vehicles)

Chapter 7, part, 2, division 9—
omit.

136 Replacement of ch 7, pt 3, hdg (Guarantee of title for motor vehicles)

Chapter 7, part 3, heading—
omit, insert—

‘Part 3 Sale of motor vehicles by auction’.

137 Amendment of s 233 (Guarantee of title for motor vehicles)

(1) Section 233, heading—
omit, insert—

‘233 Obligations of auctioneer’.

(2) Section 233(5) to (7), (10) and (11)—
omit.

(3) Section 233(8), ‘documents mentioned in subsection (4) and (5)’—
omit, insert—

‘form mentioned in subsection (4)’.

(4) Section 233—
insert—

‘(12A) Subsections (2) and (4)(b) do not apply to the extent that a security interest in the motor vehicle is registered under the *Personal Property Securities Act 2009* (Cwlth).’.

- (5) Section 233(8) to (13)—
renumber as section 233(5) to (9).

138 Omission of ch 9, pt 2, div 6 (Sales of used motor vehicles that are water damaged motor vehicles)

Chapter 9, part 2, division 6—
omit.

139 Replacement of ch 9, pt 3, hdg (Guarantee of title for motor vehicles)

Chapter 9, part 3, heading—
omit, insert—

‘Part 3 Sale of motor vehicles by motor dealer’.

140 Amendment of s 295 (Guarantee of title for motor vehicles)

- (1) Section 295(1), heading—
omit, insert—

‘295 Obligations of motor dealer’.

- (2) Section 295(1), note—
omit, insert—
‘Note—
For a sale by auction, see section 233.’.
- (3) Section 295(4)(a)—
omit.
- (4) Section 295(4)(c), ‘documents mentioned in paragraphs (a) and (b)’—
omit, insert—

[s 141]

- ‘form mentioned in paragraph (a)’.
- (5) Section 295(4)(d), ‘paragraph (b)’—
omit, insert—
‘paragraph (a)’.
- (6) Section 295(4)(b) to (d)—
renumber as section 295(4)(a) to (c).
- (7) Section 295(5) and (6)—
omit.
- (8) Section 295—
insert—
- ‘(7A) Subsections (2) and (4)(a)(ii) do not apply to the extent that a security interest in the motor vehicle is registered under the *Personal Property Securities Act 2009* (Cwlth).’.
- (9) Section 295(7), (7A) and (8)—
renumber as section 295(5), (6) and (7).

141 Amendment of s 578 (Offence to charge fee for providing documents etc.)

Section 578(3)—
omit.

142 Insertion of new ch 19, pt 9

Chapter 19—
insert—

[s 146]

146 Amendment of s 30 (Motor dealer to keep transaction register)

(1) Section 30(1)(n)—

omit.

(2) Section 30(1)(o) and (p)—

renumber as section 30(1)(n) and (o).

Part 34 Amendment of Queensland Nickel Agreement Act 1970

147 Act amended

This part amends the *Queensland Nickel Agreement Act 1970*.

148 Insertion of new s 6A

After section 6—

insert—

‘6A Declaration for Commonwealth Act

‘A special mineral lease is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 35 **Amendment of Second-hand Dealers and Pawnbrokers Act 2003**

149 **Act amended**

This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

150 **Amendment of s 64 (Proceeds of sale of property)**

(1) Section 64—

insert—

‘(1A) A pawnbroker’s interest under subsection (1) in the proceeds of sale of the property—

(a) is declared to be a statutory interest to which section 73(2) of the PPS Act applies; and

(b) has priority over all security interests in relation to the property.

‘(1B) Subsection (1) applies only to a security interest to which the PPS Act does not apply.’.

(2) Section 64—

insert—

‘(5) In this section—

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

security interest has the meaning given by the PPS Act, section 12.’.

[s 151]

Part 36 **Amendment of Storage Liens Act 1973**

151 Act amended

This part amends the *Storage Liens Act 1973*.

152 Insertion of new s 4A

After section 4—

insert—

‘4A Priority of storer’s lien

‘(1) The storer’s lien on goods—

- (a) is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies; and
- (b) has priority over all security interests in relation to the goods.

‘(2) In this section—

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 37 **Amendment of Thiess Peabody Coal Pty. Ltd. Agreement Act 1962**

153 Act amended

This part amends the *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962*.

154 Insertion of new s 6

After section 5—

insert—

‘6 Declaration for Commonwealth Act

‘A special coal mining lease is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Part 38 Amendment of Wine Industry Act 1994

155 Act amended

This part amends the *Wine Industry Act 1994*.

156 Insertion of new pt 1, div 4

After section 5—

insert—

‘Division 4 Relationship between this Act and the Personal Property Securities Act 2009 (Cwlth)

‘5A Declaration for Commonwealth Act

‘A licence is declared not to be personal property under the *Personal Property Securities Act 2009* (Cwlth).’.

Department of Environment and Resource Management

Part 39 Amendment of Forestry Act 1959

157 Act amended

This part amends the *Forestry Act 1959*.

158 Amendment of s 61 (Removal of forest products)

Section 61—

insert—

- ‘(5) The Crown’s interest under subsection (4) in forest products and quarry material—
- (a) is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies; and
 - (b) has priority over all security interests in relation to the forest products and quarry material.
- ‘(6) In this section—
- security interest* has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’

Department of Infrastructure and Planning

Part 40 Amendment of City of Brisbane Act 2010

159 Act amended

This part amends the *City of Brisbane Act 2010*.

160 Insertion of new ch 3, pt 2, div 5

Chapter 3, part 2—

insert—

‘Division 5 Miscellaneous

‘42A Local law about seizing and disposing of personal property

- ‘(1) This section applies if—
- (a) the council has made a local law about seizing and disposing of personal property; and
 - (b) personal property is seized under the local law.
- ‘(2) If the personal property is sold or disposed of, the proceeds of sale or disposal must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in selling or disposing of the property;
 - (b) in payment of the prescribed fee for seizing and holding the property;
 - (c) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;

[s 161]

(d) the balance to the owner of the property.

‘(3) A secured party can not enforce any security interest in the proceeds of sale or disposal against an entity to whom an amount is payable under subsection (2)(a) or (b).

‘(4) In this section—

personal property has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

161 Replacement of ch 8, pt 2, hdg (Transitional and savings provisions)

Chapter 8, part 2, heading—

omit, insert—

‘Part 2 Transitional and savings provisions for Act No. 23 of 2010’.

162 Insertion of new ch 8, pt 3

Chapter 8—

insert—

‘Part 3 Transitional provision for Personal Property Securities (Ancillary Provisions) Act 2010

‘265 Effect of regulation amendment

‘The amendment of the *City of Brisbane (Operations) Regulation 2010* by the *Personal Property Securities (Ancillary Provisions) Act 2010* does not affect the power of

the Governor in Council to further amend the regulation or to repeal it.’.

Part 41 Amendment of City of Brisbane (Operations) Regulation 2010

163 Regulation amended

This part amends the *City of Brisbane (Operations) Regulation 2010*.

164 Amendment of s 26 (Sale of vehicle removed from mall)

Section 26(6)—

omit, insert—

- ‘(6) The proceeds of the sale or disposal of the vehicle must be applied in the same way as stated in the Act, section 42A for the sale or disposal of personal property seized under a local law.’.

Part 42 Amendment of Local Government Act 2009

165 Act amended

This part amends the *Local Government Act 2009*.

166 Insertion of new ch 3, pt 1, div 4

Chapter 3, part 1—

insert—

‘Division 4 Miscellaneous

‘38A Local law about seizing and disposing of personal property

- ‘(1) This section applies if—
- (a) a local government has made a local law about seizing and disposing of personal property; and
 - (b) personal property is seized under the local law.
- ‘(2) If the personal property is sold or disposed of, the proceeds of sale or disposal must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in selling or disposing of the property;
 - (b) in payment of the prescribed fee for seizing and holding the property;
 - (c) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the property.
- ‘(3) A secured party can not enforce any security interest in the proceeds of sale or disposal against an entity to whom an amount is payable under subsection (2)(a) or (b).
- ‘(4) In this section—
- personal property*** has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.
- secured party*** has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

Department of Justice and Attorney-General

Part 43 Amendment of Burials Assistance Act 1965

167 Act amended

This part amends the *Burials Assistance Act 1965*.

168 Amendment of s 4A (Charge on account with financial institution)

Section 4A—

insert—

‘(4A) A charge under this section is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

Part 44 Amendment of Criminal Proceeds Confiscation Act 2002

169 Act amended

This part amends the *Criminal Proceeds Confiscation Act 2002*.

170 Amendment of s 52 (Contravention of restraining order)

Section 52—

insert—

[s 170]

‘(4) Subsection (2) does not apply to a charge in relation to a motor vehicle, boat or outboard motor restrained under a restraining order that is registered under the *Personal Property Securities Act 2009* (Cwlth).

‘(5) In this section—

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

- (a) is registrable under that Act; and
- (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.

motor vehicle—

- (a) means a land vehicle that moves on wheels and is propelled by a motor that is part of the vehicle; and
- (b) includes a caravan or trailer designed to be attached to, or drawn by, a motor vehicle of a type mentioned in paragraph (a); and
- (c) does not include the following—
 - (i) a vehicle designed for use primarily in the mining industry;
 - (ii) farm machinery;
 - (iii) a vehicle designed for use on a railway or tramway.

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.’.

171 Amendment of s 88 (Charge on property)

Section 88(2)—

insert—

‘(d) is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

172 Amendment of s 143 (Contravention of restraining order)

Section 143—

insert—

‘(4) Subsection (2) does not apply to a charge in relation to a motor vehicle, boat or outboard motor restrained under a restraining order that is registered under the *Personal Property Securities Act 2009* (Cwlth).

‘(5) In this section—

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

- (a) is registrable under that Act; and
- (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.

motor vehicle—

- (a) means a land vehicle that moves on wheels and is propelled by a motor that is part of the vehicle; and
- (b) includes a caravan or trailer designed to be attached to, or drawn by, a motor vehicle of a type mentioned in paragraph (a); and
- (c) does not include the following—

[s 173]

- (i) a vehicle designed for use primarily in the mining industry;
- (ii) farm machinery;
- (iii) a vehicle designed for use on a railway or tramway.

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.’.

173 Amendment of s 196 (Charge on restrained property under restraining order if pecuniary penalty order made)

(1) Section 196—

insert—

‘(2A) The charge is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

(2) Section 196—

insert—

‘(8) Subsection (7) does not apply to a charge over personal property mentioned on the register kept under the *Personal Property Securities Act 2009* (Cwlth).’.

174 Amendment of s 220 (Application of proceeds to satisfy order)

Section 220—

insert—

‘(3) The interest of the public trustee in the proceeds realised from the property or the disposal of the property is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

175 Amendment of s 237 (Charge on property subject to filed interstate restraining order)

Section 237—

insert—

- ‘(2A) The charge is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

176 Amendment of s 256 (Orders for defeating arrangements)

Section 256—

insert—

- ‘(3) A charge on property created under an order of the court under subsection (2)(d) is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.’.

Part 45 Amendment of Drugs Misuse Act 1986

177 Act amended

This part amends the *Drugs Misuse Act 1986*.

178 Amendment of s 84 (Cost recovery)

- (1) Section 84(5), ‘lien under the *Bills of Sale and Other Instruments Act 1955*’—
omit, insert—
‘security interest’.
- (2) Section 84(5)(a), ‘lien’—

[s 179]

omit, insert—

‘security interest’.

(3) Section 84—

insert—

‘(6) In this section—

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 46 Amendment of Legal Aid Queensland Act 1997

179 Act amended

This part amends the *Legal Aid Queensland Act 1997*.

180 Amendment of s 39 (How Legal Aid may recover particular unpaid amounts from a legally assisted person etc.)

Section 39—

insert—

‘(7) The charge is declared to be a statutory interest to which section 73(2) of the *Personal Property Securities Act 2009* (Cwlth) applies.

‘(8) If the proceeds of sale of property are more than the amount payable to Legal Aid, Legal Aid must pay the balance of the proceeds in the following order—

(a) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;

- (b) in payment of any balance to the legally assisted person?.

Part 47 Amendment of Property Law Act 1974

181 Act amended

This part amends the *Property Law Act 1974*.

182 Amendment of s 45 (Formalities of deeds executed by individuals)

- (1) Section 45(5)(c)—
omit.
- (2) Section 45(5)(d)—
renumber as section 45(5)(c).

Part 48 Amendment of Succession Act 1981

183 Act amended

This part amends the *Succession Act 1981*.

184 Amendment of s 34A (Meaning of household chattels)

- (1) Section 34A(3)(a), ‘a charge’ to ‘money’—
omit, insert—

[s 185]

‘a security interest under the *Personal Property Securities Act 2009* (Cwlth)’.

- (2) Section 34A(3)(b), ‘as grantor under a bill of sale or’—
omit.

Part 49 Amendment of Supreme Court Act 1995

185 Act amended

This part amends the *Supreme Court Act 1995*.

186 Amendment of s 161 (Court or judge may direct sale of goods seized in execution)

Section 161, ‘under a bill of sale or otherwise’—
omit.

Department of Police

Part 50 Amendment of Police Powers and Responsibilities Act 2000

187 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

188 Amendment of s 99 (Consideration of application for forfeiture order—type 1 vehicle related offence)

Section 99(6)(b), ‘a charge or other security interest registered under the *Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘a security interest under the *Personal Property Securities Act 2009* (Cwlth)’.

189 Amendment of s 99B (Consideration of application for forfeiture order—type 2 vehicle related offence)

Section 99B(6)(b), ‘a charge or other security interest registered under the *Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘a security interest under the *Personal Property Securities Act 2009* (Cwlth)’.

190 Amendment of s 101 (Consideration of application for forfeiture order)

Section 101(6)(b), ‘a charge or other security interest registered under the *Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘a security interest under the *Personal Property Securities Act 2009* (Cwlth)’.

191 Amendment of s 121 (Application of proceeds of sale)

Section 121(2)(c), ‘*Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth)’.

[s 192]

192 Amendment of s 128 (Application of proceeds of sale)

(1) Section 128(1)(c)—

renumber as section 128(1)(d).

(2) Section 128(1)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle, load or other thing under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;’.

193 Amendment of s 141 (Application of proceeds of sale)

(1) Section 141(1)(c)—

renumber as section 141(1)(d).

(2) Section 141(1)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the animal under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;’.

194 Amendment of s 747 (Definitions for ch 22)

Section 747, definition *owner*, paragraph (b), ‘*Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth)’.

195 Amendment of s 766 (Consideration of application for forfeiture order)

Section 766(4)(b), ‘a charge or other security interest registered under the *Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘a security interest under the *Personal Property Securities Act 2009* (Cwlth)’.

196 Amendment of s 786 (Application of proceeds of sale)

Section 786(2)(c), ‘*Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth)’.

197 Amendment of sch 6 (Dictionary)

Schedule 6, definition *owner*, paragraph (b), ‘*Motor Vehicles and Boats Securities Act 1986*’—

omit, insert—

‘*Personal Property Securities Act 2009* (Cwlth)’.

Department of the Premier and Cabinet

Part 51 Amendment of Libraries Act 1988

198 Act amended

This part amends the *Libraries Act 1988*.

[s 199]

199 Amendment of s 28 (Disposal of abandoned property)

Section 28—

insert—

- ‘(2A) If the board sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance to be used by the board in performing its functions.’.

200 Amendment of s 30 (Effect of sale or other disposal of property)

- (1) Section 30(3)—

renumber as section 30(4).

- (2) Section 30—

insert—

- ‘(3) A secured party can not enforce any security interest in the property or the proceeds of sale against—
- (a) the board; or
 - (b) an entity to whom an amount is paid or payable under section 28(2A)(a); or
 - (c) an entity to whom the property is sold.’.
- (3) Section 30—
- insert—*
- ‘(5) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 52 Amendment of Queensland Art Gallery Act 1987

201 Act amended

This part amends the *Queensland Art Gallery Act 1987*.

202 Amendment of s 26 (Disposal of works of art accepted by the board)

Section 26(6) and (7)—

omit, insert—

- ‘(6) If the board sells the work, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the work;
 - (b) if there is an amount owing to an entity under a security interest registered for the work under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance—
 - (i) must be held by the board for the person for at least 1 year after the sale; and
 - (ii) if the person does not claim the proceeds of sale within 1 year after the sale—may be used by the board in performing its functions.’.

[s 203]

203 Amendment of s 28 (Disposal of certain abandoned property)

Section 28—

insert—

- ‘(2A) If the board sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance to be used by the board in performing its functions.’.

204 Amendment of s 30 (Effect of sale or other disposal of certain works of art or other property)

- (1) Section 30(3)—

renumber as section 30(4).

- (2) Section 30—

insert—

- ‘(3) A secured party can not enforce any security interest in the property or the proceeds of sale against—
- (a) the board; or
 - (b) an entity to whom an amount is paid or payable under section 26(6)(a) or 28(2A)(a); or
 - (c) an entity to whom the property is sold.’.

- (3) Section 30—

insert—

- ‘(5) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 53 **Amendment of Queensland Museum Act 1970**

205 Act amended

This part amends the *Queensland Museum Act 1970*.

206 Amendment of s 19 (Disposal of specimens accepted by the board)

Section 19(7) and (8)—

omit, insert—

- ‘(7) If the board sells the specimen, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the specimen;
 - (b) if there is an amount owing to an entity under a security interest registered for the specimen under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance—
 - (i) must be held by the board for the person for at least 1 year after the sale; and
 - (ii) if the person does not claim the proceeds of sale within 1 year after the sale—may be used by the board in performing its functions.’.

[s 207]

207 Amendment of s 21 (Disposal of certain abandoned property)

Section 21—

insert—

- ‘(2A) If the board sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance to be used by the board in performing its functions.’.

208 Amendment of s 23 (Effect of sale or other disposal of specimens or other property)

- (1) Section 23(3)—

renumber as section 23(4).

- (2) Section 23—

insert—

- ‘(3) A secured party can not enforce any security interest in the property or the proceeds of sale against—
- (a) the board; or
 - (b) an entity to whom an amount is paid or payable under section 19(7)(a) or 21(2A)(a); or
 - (c) an entity to whom the property is sold.’.

- (3) Section 23—

insert—

- ‘(5) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 54 **Amendment of Queensland Performing Arts Trust Act 1977**

209 Act amended

This part amends the *Queensland Performing Arts Trust Act 1977*.

210 Amendment of s 18 (Disposal of property accepted by the trust)

Section 18(6) and (7)—

omit, insert—

- ‘(6) If the trust sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance—
 - (i) must be held by the trust for the person for at least 1 year after the sale; and
 - (ii) if the person does not claim the proceeds of sale within 1 year after the sale—may be used by the trust in performing its functions.’.

[s 211]

211 Amendment of s 19 (Disposal of certain abandoned property)

Section 19—

insert—

- ‘(2A) If the trust sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance to be used by the trust in performing its functions.’.

212 Amendment of s 21 (Effect of sale or other disposal of property)

- (1) Section 21(3)—

renumber as section 21(4).

- (2) Section 21—

insert—

- ‘(3) A secured party can not enforce any security interest in the property or the proceeds of sale against—
- (a) the trust; or
 - (b) an entity to whom an amount is paid or payable under section 18(6)(a) or 19(2A)(a); or
 - (c) an entity to whom the property is sold.’.

- (3) Section 21—

insert—

- ‘(5) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 55 **Amendment of Queensland Theatre Company Act 1970**

213 Act amended

This part amends the *Queensland Theatre Company Act 1970*.

214 Amendment of s 18 (Disposal of certain abandoned property)

Section 18—

insert—

- ‘(2A) If the theatre company sells the property, the proceeds of sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in storing and selling the property;
 - (b) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (c) the balance to be used by the theatre company in performing its functions.’.

215 Amendment of s 20 (Effect of sale or other disposal of property)

- (1) Section 20(3)—

[s 216]

renumber as section 20(4).

(2) Section 20—

insert—

‘(3) A secured party can not enforce any security interest in the property or the proceeds of sale against—

(a) the theatre company; or

(b) an entity to whom an amount is paid or payable under section 18(2A)(a); or

(c) an entity to whom the property is sold.’.

(3) Section 20—

insert—

‘(5) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Department of Transport and Main Roads

Part 56 Amendment of Transport Infrastructure Act 1994

216 Act amended

This part amends the *Transport Infrastructure Act 1994*.

217 Amendment of s 52 (Alteration etc. of ancillary works and encroachments)

(1) Section 52—

insert—

‘(3A) If the chief executive sells ancillary works and encroachments, the proceeds of the sale must be applied in the following order—

(a) in payment of the expenses reasonably incurred by the chief executive in removing and selling the ancillary works and encroachments;

(b) if there is an amount owing to an entity under a security interest registered for the ancillary works and encroachments under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;

(c) the balance to the owner of the ancillary works and encroachments or, if the owner can not be found, to the consolidated fund.

‘(3B) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (3A)(a) or (b).’.

(2) Section 52—

insert—

‘(7) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

218 Amendment of s 289M (Proceeds from the sale of abandoned property)

Section 289M(1)(d)—

omit, insert—

[s 219]

- (d) if there is an amount owing to an entity under a security interest registered for the abandoned property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
- (e) the balance to the owner of the abandoned property or, if the owner can not be found, to the consolidated fund.’.

219 Insertion of new ch 21, pt 2

Chapter 21—

insert—

‘Part 2 Transitional provision for Personal Property Securities (Ancillary Provisions) Act 2010

‘577 Effect of regulation amendment

‘The amendment of the *Transport Infrastructure (Rail) Regulation 2006* by the *Personal Property Securities (Ancillary Provisions) Act 2010* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

Part 57 Amendment of Transport Infrastructure (Rail) Regulation 2006

220 Regulation amended

This part amends the *Transport Infrastructure (Rail) Regulation 2006*.

221 Amendment of s 23 (Disposing of property)

- (1) Section 23(3)(c)—
renumber as section 23(3)(d).
- (2) Section 23(3)—
insert—
'(c) if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;'

Part 58 Amendment of Transport Operations (Marine Safety) Act 1994

222 Act amended

This part amends the *Transport Operations (Marine Safety) Act 1994*.

223 Amendment of s 175A (Removing abandoned property)

- (1) Section 175A—
insert—
'(7A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (7)(a) or (b).'
- (2) Section 175A(8)—
insert—
'*secured party* has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

[s 224]

security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.’.

Part 59 **Amendment of Transport Operations (Road Use Management) Act 1995**

224 **Act amended**

This part amends the *Transport Operations (Road Use Management) Act 1995*.

225 **Amendment of s 46A (Seizing certain vehicles for sale)**

(1) Section 46A(7), ‘as follows’—

omit, insert—

‘in the following order’.

(2) Section 46A(7)(a), ‘firstly,’—

omit.

(3) Section 46A(7)(b), ‘secondly,’—

omit.

(4) Section 46A(7)(c), ‘thirdly,’—

omit.

(5) Section 46A(7)(c), as amended—

renumber as section 46A(7)(d).

(6) Section 46A(7)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal*

Property Securities Act 2009 (Cwlth)—in payment of the amount owing under the security interest;’.

(7) Section 46A—

insert—

‘(7A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (7)(a) or (b).’.

(8) Section 46A—

insert—

‘(10) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

226 Amendment of s 51L (Disposing of removed thing)

(1) Section 51L(4)(c)—

omit, insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the removed thing under the *Personal Property Securities Act 2009* (Cwlth)—the amount owing under the security interest;

(d) the balance to the owner of the removed thing or, if the owner can not be found, to the consolidated fund.’.

(2) Section 51L—

insert—

‘(4A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (4)(a) or (b).’.

(3) Section 51L(8)—

insert—

[s 227]

‘secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.’.

227 Amendment of s 100 (Removal of things from roads)

(1) Section 100(7), ‘as follows’—

omit, insert—

‘in the following order’.

(2) Section 100(7)(a), ‘firstly,’—

omit.

(3) Section 100(7)(b), ‘secondly,’—

omit.

(4) Section 100(7)(c), ‘thirdly,’—

omit.

(5) Section 100(7)(c), as amended—

renumber as section 100(7)(d).

(6) Section 100(7)—

insert—

‘(c) if there is an amount owing to an entity under a security interest registered for the vehicle, tram or animal under the *Personal Property Securities Act 2009* (Cwlth)—the amount owing under the security interest;’.

(7) Section 100—

insert—

‘(7A) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (7)(a) or (b).’.

(8) Section 100(15)—

insert—

'secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.'

228 Amendment of s 135 (Unlawfully interfering with, or detaining, vehicles etc.)

Section 135(8), definition *security interest*—

omit, insert—

'security interest has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 12.'

Department of Treasury

Part 60 Amendment of Financial Intermediaries Act 1996

229 Act amended

This part amends the *Financial Intermediaries Act 1996*.

230 Amendment of s 97C (Application of Corporations legislation in relation to certain matters)

(1) Section 97C(1), first dot point—

omit.

(2) Section 97C(3), 'chapter 2K and'—

omit.