

Queensland



**MOTOR VEHICLES
SECURITIES AND OTHER
ACTS AMENDMENT BILL 2003**



MOTOR VEHICLES SECURITIES AND OTHER ACTS AMENDMENT BILL 2003

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2003

A BILL

FOR

An Act to amend the *Motor Vehicles Securities Act 1986* and the *Bills of Sale and Other Instruments Act 1955*, and for other purposes

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The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Clause 1 Short title

3

This Act may be cited as the *Motor Vehicles Securities and Other Acts Amendment Act 2003*.

4

5

Clause 2 Commencement

6

(1) The following provisions commence on assent—

7

- section 3 8
- section 6(1) and (2) (to the extent it inserts the definitions “approved form” and “motor vehicle”) 9
10
- sections 7 and 8 11
- section 9(2) and (3) 12
- section 15(2) and (3) 13
- sections 16 and 19 14
- section 25 (to the extent it inserts new section 40) 15
- sections 26, 30 and 31 16
- the schedule (to the extent it amends the *Fair Trading Act 1989*) 17
- the schedule (to the extent it amends the *Motor Vehicles Securities Act 1986* at items 1, 2, and 4 to 21 of the amendments of that Act in the schedule). 18
19
20

(2) The remaining provisions commence on a day to be fixed by proclamation.

21

22

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**PART 2—AMENDMENT OF MOTOR VEHICLES
SECURITIES ACT 1986**

		1
		2
Clause 3	Act amended in pt 2	3
	This part amends the <i>Motor Vehicles Securities Act 1986</i> .	4
Clause 4	Replacement of title	5
	Title—	6
	<i>omit, insert—</i>	7
	‘An Act to provide for the registration of security interests in motor vehicles, boats and outboard motors, and for other purposes’.	8
		9
Clause 5	Replacement of s 1 (Short title)	10
	Section 1—	11
	<i>omit, insert—</i>	12
	‘PART 1—PRELIMINARY	13
	‘1 Short title	14
	‘This Act may be cited as the <i>Motor Vehicles and Boats Securities Act 1986</i> .’.	15
		16
Clause 6	Amendment of s 5 (Definitions)	17
	(1) Section 5, definition “motor vehicle”—	18
	<i>omit.</i>	19
	(2) Section 5—	20
	<i>insert—</i>	21
	‘ “approved form” means a form approved under section 40. ¹	22

1 Section 40 (Approved forms)

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“boat” means a ship within the meaning of the <i>Transport Operations (Marine Safety) Act 1994</i> that—	1 2
(a) is registrable under that Act; and	3
(b) has a unique alphanumeric identifier, of at least 14 characters, that is—	4 5
(i) assigned to the ship by the ship’s manufacturer or under a law of a State; and	6 7
(ii) permanently attached to, or marked on, the hull of the ship.	8
“HIN” , for a boat, means the boat’s unique alphanumeric identifier mentioned in the definition “boat”, paragraph (b).	9 10
“motor vehicle” see section 3.	11
“outboard motor” means an internal-combustion engine that—	12
(a) has a propeller and an engine number; and	13
(b) is designed to be attached to the stern of a boat and used to propel a boat.	14 15
“primary subsection” , for part 7, see section 41.	16
“transferred security interest” , for part 7, see section 41.’.	17
(3) Section 5, definition “security interest”, after ‘motor vehicle’—	18
insert—	19
‘, boat or outboard motor’.	20
(4) Section 5, definition “water damaged motor vehicle”, ‘5B’—	21
omit, insert—	22
‘4’.	23
Clause 7 Insertion of new s 5A	24
After section 5—	25
insert—	26
‘5A Meaning of “motor vehicle”	27
‘(1) “Motor vehicle” means a land vehicle that moves on wheels and is propelled by a motor that is part of the vehicle.	28 29

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‘(2) **“Motor vehicle”** also includes a caravan or trailer designed to be attached to, or drawn by, a motor vehicle of a type mentioned in subsection (1).’

‘(3) **“Motor vehicle”** does not include the following—

- (a) a vehicle designed for use primarily in the mining industry;
- (b) farm machinery;
- (c) a vehicle designed for use on a railway or tramway.’.

Clause 8 Insertion of new s 5C

After section 5B—

insert—

‘5C Application of declared sections

‘(1) If a motor vehicle is in Queensland, a declared section applies to a security interest in the motor vehicle despite anything to the contrary in an Act or a law of a recognised State about a security interest in the motor vehicle.

‘(2) For subsection (1), it does not matter whether the interest is created within or outside Queensland.

‘(3) In this section—

“declared section” means each of the following—

- section 12
- section 25
- section 26
- section 26A
- section 27.²

“recognised State” means a State or a Territory declared under section 38(1)³ to be a recognised State.’.

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

3 Section 38 (Recognised States)

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Clause 9	Amendment of s 6 (Register)	1
	(1) Section 6(2)(d), after ‘motor vehicle’—	2
	<i>insert—</i>	3
	‘, boat or outboard motor’.	4
	(2) Section 6(2)(f), ‘the regulations’—	5
	<i>omit, insert—</i>	6
	‘a regulation’.	7
	(3) Section 6(3)—	8
	<i>omit, insert—</i>	9
	‘(3) The register may be kept in the way the chief executive considers appropriate.’.	10
		11
	(4) Section 6(4)(b), after ‘motor vehicles’—	12
	<i>insert—</i>	13
	‘, boats or outboard motors’.	14
 Clause 10	 Amendment of s 7 (Application for registration, or renewal of registration, of security interest)	 15
	(1) Section 7(1), from ‘must be—’—	16
	<i>omit, insert—</i>	17
	‘must be—	18
	(a) in the approved form; and	19
	(b) accompanied by the fee prescribed under a regulation.’.	20
	(2) Section 7(1A), from ‘accompanied by—’—	21
	<i>omit, insert—</i>	22
	‘state—	23
	(a) for a security interest in a motor vehicle—	24
	(i) the motor vehicle’s VIN; or	25
	(ii) if the motor vehicle has no VIN, the motor vehicle’s chassis	26
	number; or	27
		28

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(b) for a security interest in a boat—the boat’s HIN; or 1

(c) for a security interest in an outboard motor—the outboard 2
motor’s engine number.’. 3

(3) Section 7(1A) and (2)— 4

renumber as section 7(2) and (3). 5

Clause 11 Amendment of s 7A (Registration of confiscation orders) 6

(1) Section 7A(1)— 7

omit, insert— 8

‘(1) A confiscation order applying to, or creating a charge over, a motor 9
vehicle, boat or outboard motor of a person may be registered under this 10
Act.’. 11

(2) Section 7A(4) and (5) after ‘motor vehicle’— 12

insert— 13

‘, boat or outboard motor’. 14

**Clause 12 Amendment of s 8 (Application for assignment of a registered 15
security interest) 16**

Section 8(2), from ‘must be—’— 17

omit, insert— 18

‘must be— 19

(a) in the approved form; and 20

(b) accompanied by the fee prescribed under a regulation.’. 21

Clause 13 Omission of s 11 (Effect of failure to register a security interest) 22

Section 11— 23

omit. 24

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Clause 14 Replacement of s 12 (Priority of security interests)	1
Section 12—	2
<i>omit, insert—</i>	3
‘12 Priority of security interests	4
‘(1) A registered security interest in a motor vehicle, boat or outboard	5
motor ranks in priority over an unregistered security interest in the same	6
motor vehicle, boat or outboard motor.	7
‘(2) A registered security interest in a motor vehicle, boat or outboard	8
motor ranks in priority over another registered security interest in the same	9
motor vehicle, boat or outboard motor according to the order of	10
registration.	11
‘(3) Despite subsection (1), an unregistered security interest in a motor	12
vehicle, boat or outboard motor ranks in priority over a registered security	13
interest in the same motor vehicle, boat or outboard motor if—	14
(a) under the unregistered security interest the holder of the interest	15
takes possession of the motor vehicle, boat or outboard motor;	16
and	17
(b) the taking of possession happens before the registered security	18
interest is registered.	19
‘(4) Despite the <i>Property Law Act 1974</i> , section 82, ⁴ the priority given to	20
a security interest under this section has effect for all amounts, including	21
further advances, owing to the holder of the security interest under it.	22
‘(5) Subsections (1) to (4) apply subject to the following—	23
(a) the Corporations Act;	24
(b) in relation to the priority of security interests held by particular	25
holders of security interests—an agreement between the holders	26
of security interests.	27
‘(6) Also, despite subsections (1) to (4), a repairer’s lien over the motor	28
vehicle, boat or outboard motor ranks in priority over any other security	29
interest in the motor vehicle, boat or outboard motor regardless of—	30
(a) when it was created; or	31
(b) whether it was registered, or if registered, when it was registered.	32

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

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‘(7) In this section—

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

Clause 15 Amendment of s 14 (Application for discharge of registered security interest)

(1) Section 14(1), from ‘must be—’—

omit, insert—

‘must be in the approved form.’.

(2) Section 14(2) and (4)—

omit.

(3) Section 14(3)—

renumber as section 14(2).

Clause 16 Amendment of s 17 (Onus to cancel registration on discharge)

(1) Section 17, ‘fully’—

omit.

(2) Section 17(a), ‘full’—

omit.

Clause 17 Replacement of s 18 (Rectification of register)

Section 18—

omit, insert—

‘18 Rectification of register

‘(1) This section applies if there is a change in any of the particulars entered in the register for a registered security interest.

‘(2) The chief executive may, on application by, or for, the holder of the interest, amend the register to record the change.

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‘(3) The application must be—	1
(a) in the approved form; and	2
(b) accompanied by the fee prescribed under a regulation.	3
 ‘18A Removal of particulars of improperly registered interests	 4
‘(1) This section applies if, after registering an interest that appeared to the chief executive to be a security interest, the chief executive, whether on the basis of information given to the chief executive or otherwise, reasonably believes the interest is not a security interest.	5 6 7 8
‘(2) The chief executive may, by written notice, require the holder of the interest to give to the chief executive within a stated reasonable time, of at least 14 days, information the chief executive reasonably considers is necessary to enable the chief executive to decide whether the interest is a security interest.	9 10 11 12 13
‘(3) The holder must comply with the requirement within the time stated in the notice or the longer time the chief executive may allow in writing.	14 15
Maximum penalty—30 penalty units.	16
‘(4) After the reasonable time mentioned in subsection (2), the chief executive—	17 18
(a) must consider any information given to the chief executive; and	19
(b) may, if reasonably satisfied the interest is not a security interest, remove the particulars of the interest included in the register.	20 21
‘(5) However, before removing the particulars, the chief executive must give written notice of the decision and the reasons for the decision to—	22 23
(a) the holder; and	24
(b) the person the chief executive reasonably believes is the owner or person in possession of the motor vehicle, boat or outboard motor the subject of the interest.	25 26 27
‘(6) The notice must state the following—	28
(a) the holder may apply to a Magistrates Court (“ court ”) within the notice period for an order maintaining the registration;	29 30

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- (b) the particulars of the interest included in the register will be removed from the register unless the holder obtains a court order maintaining the registration.

‘(7) The chief executive must remove the particulars if—

- (a) within the notice period, the holder has not—

- (i) satisfied the chief executive that the holder has filed an application for an order maintaining the registration; or
(ii) given the chief executive a copy of a court order maintaining the registration; or

- (b) a court orders, on application under subsection (8), that the particulars be removed.

‘(8) On application by the holder, a court may order—

- (a) that the registration be maintained; or
(b) that the particulars be removed.

‘(9) In this section—

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

Clause 18 Replacement of s 22 (Security interest certificate)

Section 22—

omit, insert—

‘22 Security interest certificate

‘(1) The chief executive must give a person a security interest certificate for a motor vehicle, boat or outboard motor if the person—

- (a) asks the chief executive, in the approved form, for the certificate; and
(b) pays the fee prescribed under a regulation.

‘(2) A security interest certificate for a motor vehicle, boat or outboard motor must state—

- (a) if a security interest is registered for the motor vehicle, boat or outboard motor—particulars about the security interest; and

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(b) if no security interest is registered for the motor vehicle, boat or outboard motor—that fact.	1 2
‘(3) The certificate also must state—	3
(a) the day and time it is issued; and	4
(b) if identifying particulars of the motor vehicle are included in the register identifying the vehicle as a stolen or a water damaged motor vehicle—that fact; and	5 6 7
(c) if any particulars of the boat or outboard motor are included in the register identifying the boat or outboard motor as a stolen boat or outboard motor—that fact; and	8 9 10
(d) other particulars the chief executive considers appropriate.	11
‘(4) The chief executive may issue the certificate in the way the chief executive considers appropriate.	12 13
<i>Example—</i>	14
The chief executive may issue the certificate by electronic means from the department’s computer to a motor dealer’s computer for printing by the dealer’s printer.’.	15 16
Clause 19 Replacement of s 23 (Inspecting the register)	17
Section 23—	18
<i>omit, insert—</i>	19
‘23 Inspecting register	20
‘(1) On payment of the fee prescribed under a regulation, a person may inspect the register or take extracts from, or get a copy of details in, the register—	21 22 23
(a) at an office of the department when the office is open to the public; or	24 25
(b) by using a computer under arrangements approved by the chief executive.	26 27
‘(2) In this section—	28
“computer” means a mechanical, electronic or other device that processes data.’.	29 30

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Clause 20	Amendment of s 26 (Extinguishing of security interest)	1
	(1) Section 26(1), after ‘motor vehicle’, first mention—	2
	<i>insert—</i>	3
	‘, boat or outboard motor (the “ holder ”)’.	4
	(2) Section 26(1), after ‘motor vehicle’, second, third and fourth	5
	mention—	6
	<i>insert—</i>	7
	‘, boat or outboard motor’.	8
	(3) Section 26(1), ‘person’, second and third mention—	9
	<i>omit, insert—</i>	10
	‘purchaser’.	11
	(4) Section 26(2) to (4)—	12
	<i>renumber</i> as 26(4) to (6).	13
	(5) Section 26(4) as renumbered, after ‘motor vehicle’—	14
	<i>insert—</i>	15
	‘, boat or outboard motor’.	16
	(6) Section 26—	17
	<i>insert—</i>	18
	‘(2) If a security interest is extinguished under subsection (1), the holder	19
	of the security interest is, to the extent of the amount owing to the holder	20
	under the security interest, subrogated to the rights, if any, of the seller, or a	21
	predecessor in title of the seller, in the motor vehicle, boat or outboard	22
	motor, including the right to receive any unpaid purchase price for it.	23
	‘(3) The purchaser obtains a good discharge—	24
	(a) as against the seller—for any payment of part of the purchase	25
	price made to the holder because of the holder’s rights under	26
	subsection (2); and	27
	(b) as against the seller and the holder—for any payment of part of	28
	the purchase price made by the purchaser before the purchaser	29
	receives notice of the holder’s rights mentioned in	30
	subsection (2).’.	31

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Clause 21	Insertion of new s 26A	1
	After section 26—	2
	<i>insert—</i>	3
	‘26A Revival of extinguished security interest	4
	‘(1) This section applies if—	5
	(a) a security interest in a motor vehicle, boat or outboard motor is	6
	extinguished under section 26(1); and	7
	(b) after the security interest is extinguished, the contract under	8
	which the purchaser purchased or putatively purchased an	9
	interest in the motor vehicle, boat or outboard motor is rescinded.	10
	‘(2) On the rescission, the security interest in the motor vehicle, boat or	11
	outboard motor is revived and is taken not to have been extinguished by the	12
	purchase or putative purchase of an interest in the motor vehicle, boat or	13
	outboard motor.’.	14
Clause 22	Amendment of s 27 (Purchases to which s 26 does not apply)	15
	(1) Section 27(1), after ‘motor vehicle’—	16
	<i>insert—</i>	17
	‘, boat or outboard motor’.	18
	(2) Section 27—	19
	<i>insert—</i>	20
	‘(3) Subsection (4) applies if—	21
	(a) a supplier enters into a facility agreement for the supply of a	22
	relevant article with someone else (“ user ”) who leases, hires or	23
	buys the relevant article under the agreement; and	24
	(b) before the supplier and the user enter into the facility agreement,	25
	the user and the person who disposed of the relevant article to the	26
	supplier participated in negotiations about the relevant article;	27
	and	28
	(c) the user does not act in good faith and without notice of an	29
	existing security interest in the relevant article.	30

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‘(4) For section 26, the purchase or putative purchase of the interest in the relevant article by the supplier is not for value and in good faith and without notice of a security interest in the relevant article.

Example for subsections (3) and (4)—

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

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

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

‘(5) In this section—

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

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

“supplier” means—

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

Clause 23 Amendment of s 28 (Compensation for loss etc. by holder of security interest)

Section 28(4)(b), after ‘motor vehicle’—

insert—

‘, boat or outboard motor’.

Clause 24 Replacement of s 30 (Compensation for loss etc. by purchaser)

Section 30—

omit, insert—

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‘30 Effects of incorrect certificate	1
‘(1) This section applies if—	2
(a) a purchaser purchases an interest in a motor vehicle, boat or outboard motor for value and in good faith; and	3 4
(b) a certificate is issued under section 22 for the motor vehicle, boat or outboard motor before the purchase is made; and	5 6
(c) the certificate does not contain particulars of a security interest that was registered at the time the certificate was issued; and	7 8
(d) the purchaser does not, at the time of the purchase, have notice of the security interest as mentioned in section 25(a) or (c). ⁵	9 10
‘(2) Despite the purchaser having notice of the security interest as mentioned in section 25(b), the security interest in the motor vehicle, boat or outboard motor is extinguished, or taken to have been extinguished, on the issue of the certificate.	11 12 13 14
‘(3) For subsection (2), it is immaterial whether or not the purchaser relies on the certificate for the purchase.	15 16
‘(4) If the holder of the security interest extinguished under subsection (2) suffers loss because of the extinguishment, the holder may apply to the accountable officer for compensation.	17 18 19
‘(5) The accountable officer may make a payment to the person under the <i>Financial Administration and Audit Act 1977</i> , section 106. ⁶ .	20 21
 Clause 25 Insertion of new s 40 and pt 7	 22
After section 39—	23
insert—	24
‘40 Approved forms	25
‘The chief executive may approve forms for use under this Act.	26

5 Section 25 (Notice of security interest)

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

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**‘PART 7—TRANSITIONAL PROVISIONS FOR MOTOR
VEHICLES SECURITIES AND OTHER ACTS
AMENDMENT ACT 2003**

‘41 Definitions for pt 7

‘In this part—

“primary subsection” see section 42(3).

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

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

‘(1) Before the end of a period prescribed under a regulation, a person who holds a bills of sale security interest may apply to the chief executive in the approved form to have the security interest, to the extent that it relates to a boat or outboard motor, registered under this Act.

‘(2) No fee is payable for the application.

‘(3) On the commencement of section 9(1) (the **“primary subsection”**) of the *Motor Vehicles Securities and Other Acts Amendment Act 2003*, a bills of sale security interest, to the extent that it relates to a boat or outboard motor and for which the chief executive has received an application under subsection (1)—

(a) is taken to be a security interest registered under this Act (a **“transferred security interest”**) from the time of its registration under the Bills of Sale Act; and

(b) ceases to be a registered security interest under the Bills of Sale Act.

‘(4) Despite subsection (3) and the Bills of Sale Act, section 7, and so that a transferred security interest has the same priority that it had as a bills of sale security interest, the provisions of the Bills of Sale Act that applied immediately before the commencement of the primary subsection for the purposes of the priority of the bills of sale security interest continue to apply to the transferred security interest after the commencement.

‘(5) In this section—

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“Bills of Sale Act”	means the <i>Bills of Sale and Other Instruments Act 1955</i> .	1 2
“bills of sale security interest”	means a security interest in a boat or an outboard motor that, immediately before the commencement of this section, is registered under the Bills of Sale Act.	3 4 5
‘43 Chief executive to register transferred security interest		6
‘As soon as practicable after the commencement of the primary subsection, the chief executive must include the particulars of each transferred security interest in the register.		7 8 9
‘44 Transitional rules for deciding priority of security interests		10
‘(1) The provisions of this Act for deciding the priority of existing security interests and the <i>Property Law Act 1974</i> , section 82, ⁷ as those provisions and that section were in force immediately before the commencement, continue to have effect after the commencement for deciding priority as between—		11 12 13 14 15
(a) the holders of existing security interests; and		16
(b) the holder of an existing security interest and the holder of a new security interest.		17 18
‘(2) Subsection (1) applies subject to an agreement between the holders.		19
‘(3) In this section—		20
“commencement”	means the commencement of this section.	21
“existing security interest”	means a security interest in a motor vehicle in force immediately before the commencement.	22 23
“new security interest”	means a security interest in a motor vehicle created after the commencement.’.	24 25
Clause 26 Insertion of new s 47		26
After section 46—		27
insert—		28

⁷ *Property Law Act 1974*, section 82 (Tacking and further advances)

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‘47 Validation for particular fee

‘(1) This section applies to a fee charged by the chief executive, before the commencement of the *Fair Trading (Fees) Amendment Regulation (No. 1) 2002*, for an application under section 7⁸ for renewal of registration of a security interest if, after that commencement, a similar fee may be validly charged for an application of that type.

‘(2) The fee is taken always to have been validly charged.’.

**PART 3—AMENDMENT OF BILLS OF SALE AND
OTHER INSTRUMENTS ACT 1955**

Clause 27 Act amended in pt 3

This part amends the *Bills of Sale and Other Instruments Act 1955*.

Clause 28 Replacement of s 7 (Application of pt 2)

Section 7—

omit, insert—

‘7 Application of pt 2

‘This part does not apply to a security interest, whether created before or after the commencement of this section, to the extent that the security interest relates to a motor vehicle, boat or outboard motor as defined in the *Motor Vehicles and Boats Securities Act 1986*, section 2.’.

Clause 29 Insertion of new pt 7

After section 56—

insert—

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

9 *Motor Vehicles and Boats Securities Act 1986*, section 2 (Definitions)

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**‘PART 7—TRANSITIONAL PROVISION FOR MOTOR
VEHICLES SECURITIES AND OTHER ACTS
AMENDMENT ACT 2003**

- ‘57 Ending registration of security interest in boat or outboard motor**
- ‘(1) This section applies if, at the end of the prescribed period, a holder of an existing security interest in a boat or outboard motor as defined in the *Motor Vehicles and Boats Securities Act 1986*, section 2 has not applied under the application provision to have the interest, to the extent it relates to the boat or outboard motor, registered under that Act.
- ‘(2) To the extent the existing security interest relates to the boat or outboard motor—
- (a) the existing security interest ceases to be registered under this Act; and
 - (b) part 2¹⁰ no longer applies to the security interest.
- ‘(3) In this section—
- “application provision”** means the *Motor Vehicles and Boats Securities Act 1986*, section 42(1).
- “prescribed period”** means the period prescribed under a regulation under the *Motor Vehicles and Boats Securities Act 1986*, section 42(1).¹¹.

PART 4—OTHER AMENDMENTS AND REPEAL

- Clause 30 Minor and consequential amendments**
- The schedule amends the Acts it mentions.

¹⁰ Part 2 (Registration and its effects)

¹¹ *Motor Vehicles and Boats Securities Act 1986*, section 42 (Registration of security interest under Bills of Sale and Other Instruments Act 1955)

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Clause	31	Repeal	1
		The Motor Vehicles Securities and Other Acts Amendment Act 2001	2
		No. 38 is repealed.	3

SCHEDULE	1
MINOR AND CONSEQUENTIAL AMENDMENTS	2
section 30	3
ELECTRONIC TRANSACTIONS (QUEENSLAND) ACT 2001	4 5
1 Schedule 1, part 1, ‘Motor Vehicles Securities Act 1986’—	6
<i>omit, insert—</i>	7
<i>‘Motor Vehicles and Boats Securities Act 1986’.</i>	8
FAIR TRADING ACT 1989	9
1 Section 51(3), definition “consortium”—	10
<i>omit, insert—</i>	11
‘ “consortium” means an association of corporations.’.	12
MOTOR VEHICLES SECURITIES ACT 1986	13
1 Sections 5, 5A, 5B and 5C—	14
<i>renumber as sections 2, 3, 4 and 5.</i>	15

SCHEDULE (continued)

2	Before section 6—	1
	<i>insert—</i>	2
	‘PART 2—REGISTRATION AND PRIORITY OF SECURITY INTERESTS’.	3
		4
3	Sections 7AA, 7AB, 7AC and 7A—	5
	<i>renumber</i> as sections 7A, 7B, 7C and 7D.	6
4	Section 13—	7
	<i>renumber</i> and <i>relocate</i> as section 25.	8
5	Before section 14—	9
	<i>insert—</i>	10
	‘PART 3—DISCHARGE OF REGISTERED SECURITY INTERESTS, AND PARTICULAR OFFENCES	11
		12
	<i>‘Division 1—Discharge of registered security interests’.</i>	13
6	Section 15, ‘the regulations’—	14
	<i>omit, insert—</i>	15
	‘a regulation’.	16
7	Before section 21—	17
	<i>insert—</i>	18
	<i>‘Division 2—False or misleading information or documents’.</i>	19

SCHEDULE (continued)

8	Before section 22—	1
	<i>insert—</i>	2
	‘PART 4—SECURITY INTERESTS	3
	<i>‘Division 1—Security interest certificates’.</i>	4
9	Section 23A(2), definition “searchable application”, paragraph (d), ‘42(2)’—	5
	<i>omit, insert—</i>	6
	<i>omit, insert—</i>	7
	‘42(1)’.	8
10	Before section 25, as renumbered and relocated—	9
	<i>insert—</i>	10
	<i>‘Division 2—Notice and extinguishment of security interests’.</i>	11
11	Before section 30A—	12
	<i>insert—</i>	13
	‘PART 5—INVESTIGATION AND ENFORCEMENT	14
	<i>‘Division 1—Inspectors’.</i>	15
12	Before section 30H—	16
	<i>insert—</i>	17
	<i>‘Division 2—Powers of inspectors</i>	18
	<i>‘Subdivision 1—Entry of places’.</i>	19

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SCHEDULE (continued)

13	Before section 30I—	1
	<i>insert—</i>	2
	<i>‘Subdivision 2—Procedure for entry’.</i>	3
14	Before section 30N—	4
	<i>insert—</i>	5
	<i>‘Subdivision 3—Powers after entry’.</i>	6
15	Before section 30Q—	7
	<i>insert—</i>	8
	<i>‘Subdivision 4—Power to seize evidence’.</i>	9
16	Before section 30Y—	10
	<i>insert—</i>	11
	<i>‘Subdivision 5—Power to obtain information’.</i>	12
17	Before section 30ZA—	13
	<i>insert—</i>	14
	<i>‘Division 3—General enforcement matters’.</i>	15
18	Before section 30ZG—	16
	<i>insert—</i>	17
	<i>‘PART 6—MISCELLANEOUS’.</i>	18
19	Section 30ZG(2)(b), ‘prescribed fee’—	19
	<i>omit, insert—</i>	20
	<i>‘fee prescribed under a regulation’.</i>	21

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SCHEDULE (continued)

20	Before section 45—	1
	<i>insert—</i>	2
	‘PART 8—VALIDATION AND DECLARATORY PROVISIONS’.	3
		4
21	Section 46A—	5
	<i>renumber</i> as section 48.	6
	 POLICE POWERS AND RESPONSIBILITIES ACT 2000	 7
1	Section 59L(5)(b), 59W(2)(c) and schedule 4, definition “owner”, after ‘Vehicles’—	8
		9
	<i>insert—</i>	10
	<i>‘and Boats’.</i>	11
	 PROPERTY AGENTS AND MOTOR DEALERS ACT 2000	 12
1	Schedule 2, definitions “security interest certificate” and “water damaged motor vehicle”, after ‘Vehicles’—	13
		14
	<i>insert—</i>	15
	<i>‘and Boats’.</i>	16

SCHEDULE (continued)

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995	1 2
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- | | |
|---|-------------|
| 1 Section 135(8), definition “security interest”, from ‘Securities’—
<i>omit, insert—</i>
<i>‘and Boats Securities Act 1986, section 2.¹²’.</i> | 3
4
5 |
|---|-------------|

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12 *Motor Vehicles and Boats Securities Act 1986, section 2—*

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

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