



Queensland

Motor Vehicles and Boats Securities Act 1986

Motor Vehicles and Boats Securities Regulation 1995

Reprinted as in force on 1 July 2005

Reprint No. 3G

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

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2005 SL No, 195 s 10

Information about this reprint

This regulation is reprinted as at 1 July 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

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

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

Also see endnotes for information about—

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

Dates shown on reprints

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

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

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



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Motor Vehicles and Boats Securities Regulation 1995

[as amended by all amendments that commenced on or before 1 July 2005]

1 Short title

This regulation may be cited as the *Motor Vehicles and Boats Securities Regulation 1995*.

2 Commencement

This regulation commences on 17 April 1995.

3 Fees

The schedule sets out the fees payable under the Act.¹

4 Prescribed particulars to be entered in register

Under section 6(2)(f)² of the Act the particulars are as follows—

- (a) the time the application to register the security interest is lodged;
- (b) the date of registration of a full, or partial, discharge of an interest;
- (c) the reference number for the interest supplied by the holder of the interest;
- (d) if the type of instrument involved in the security interest is a hire purchase agreement, lease or mortgage—the type of instrument;

1 There is no fee for applying for registration of a full, or partial, discharge of a security interest.

2 Section 6 (Register) of the Act

- (e) if another type of instrument is involved—that the type of instrument is other than a hire purchase agreement, lease or mortgage;
- (f) for each vehicle to which the interest applies, the vehicle's—
 - (i) body type; and
 - (ii) make; and
 - (iii) year of manufacture; and
 - (iv) engine number; and
 - (v) chassis number or VIN; and
 - (vi) registration number under the *Transport Operations (Road Use Management) Act 1995* or a law, of another State, for registration of motor vehicles; and
 - (vii) State of registration under subparagraph (vi);
- (g) the make and HIN of each boat to which the interest applies;
- (h) the make and engine number of each outboard motor to which the interest applies;
- (i) the day the registration of the security interest expires.

5 Application to correct an error

- (1) A person may apply to the chief executive for correction of an error, omission or failure mentioned in section 19³ of the Act.
- (2) A person must apply in writing.
- (3) The chief executive may waive the fee for an application under subsection (1), if the chief executive considers it appropriate.

3 Section 19 (Correction of errors) of the Act

6 Statement of current and past information compiled from the register

- (1) The chief executive may issue a statement of information about a security interest compiled from—
 - (a) the register after 16 April 1995; or
 - (b) information relating to the register after that date.
- (2) No compensation is payable by the State, the chief executive or a person acting under the chief executive's direction for any loss caused by, or partly by, relying on a statement under this section.
- (3) A statement of information must contain a disclaimer setting out the effect of subsection (2).

6A Office where register may be inspected

For section 23(1)(a)⁴ of the Act, the Office of Fair Trading at Brisbane is prescribed as an office of the department where a person may inspect the register or take extracts from, or get a copy of the details in, the register.

7 Supply of list of registered security interests

The chief executive may supply a list of the registered security interests held by a person to the person, but not to anyone else.

8 Recognised States—Act, s 38(1)

The following are recognised States—

- (a) the Australian Capital Territory;
- (b) New South Wales;
- (c) the Northern Territory;
- (d) South Australia;
- (e) Victoria.

⁴ Section 23 (Inspecting register) of the Act

9 Prescribed period for registration of bills of sale security interest

For section 42(1) of the Act, the period is until the commencement of the primary subsection.⁵

⁵ Under section 42(3) of the Act, the *primary subsection* means the *Motor Vehicles Securities and Other Acts Amendment Act 2003*, section 9(1).

Schedule Fees

section 3

\$

1	Security interest certificate—	
	(a) a person with an approval to hold an account with the chief executive—	
	(i) on-line	9.20
	(ii) supplied by other means	9.40
	(b) other person	10.65
	(c) if also faxed, additional fee—for each page	3.70
2	Statement of information under section 6—	
	(a) for each 1/2 hour, or part, of computer time	38.00
	(b) maximum fee	152.00
3	Additional fee if a document (other than a security interest certificate) is faxed—for each page	6.20
4	Application to register a security interest—for each interest—	
	(a) on paper	15.00
	(b) on-line	6.95
5	Application to renew registration of a security interest—for each interest—	
	(a) on paper	7.90
	(b) on-line	4.10
6	Application for the assignment of a registered security interest	19.30 plus 3.25 for each interest
7	Application to change particulars of a registered security interest entered in the register—for each interest—	
	(a) on paper	7.90
	(b) on-line	4.10
8	Application for correction under section 5—for each interest—	

Schedule (continued)

	\$
(a) on paper	7.50
(b) on-line	4.10
9 Application for approval to hold an account with the chief executive for fees payable under the Act.	19.30
10 Inspection of the register	8.10
11 Extract from the register—for each page—	
(a) on paper	6.20
(b) on-line security interest extract	4.90
12 Copy of details in the register—for each page	6.20
13 Inspection of a searchable application.	8.30
14 List of security interests held by the person asking for the list, on paper	19.30
	plus 0.30 for each page
15 List of security interests held by the person asking for the list, other than on paper	19.30
	plus 0.01 for each interest
16 Search to identify which interest corresponds to a given reference number—for each interest—	
(a) by telephone.	5.15
(b) on-line interactive	4.10
(c) on-line batch	3.70

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2005. Future amendments of the Motor Vehicles and Boats Securities Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of reprints

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

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	17 April 1995	2 June 1995
1A	1996 SL No. 399	20 December 1996	23 January 1997
1B	1997 SL No. 173	1 July 1997	11 July 1997
2	1997 SL No. 173	1 July 1997	2 June 1998
2A	1998 SL No. 253	5 October 1998	23 October 1998
2B	2000 SL No. 50	24 March 2000	9 June 2000
2C	2000 SL No. 161	1 July 2000	21 July 2000
2D	2001 Act No. 38	7 June 2001	31 August 2001
2E	2001 SL No. 210	3 December 2001	3 December 2001
2F	2001 SL No. 252	10 December 2001	14 December 2001

Reprint No.	Amendments included	Effective	Notes
2G	2002 SL No. 167	1 August 2002	R2G withdrawn, see R3
3	—	1 August 2002	
3A	2002 SL No. 251	30 September 2002	
3B	2002 SL No. 311	1 January 2003	
3C	2003 SL No. 143	1 July 2003	
	2003 SL No. 145		
3D	2003 SL No. 163	4 August 2003	
3E	2004 SL No. 103	1 July 2004	
3F	2004 SL No. 258	1 December 2004	
3G	2005 SL No. 135	1 July 2005	

5 List of legislation

Motor Vehicles and Boats Securities Regulation 1995 SL No. 91 (prev Motor Vehicles Securities Regulation 1995)

made by the Governor in Council on 13 April 1995

notfd gaz 13 April 1995 pp 1626–7

ss 1–2 commenced on date of notification

remaining provisions commenced 17 April 1995 (see s 2)

exp 1 September 2005 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Consumer Law and Other Justice Legislation Amendment Regulation (No. 1) 1996
SL No. 399 pts 1, 7**

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

**Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1997 SL No.
173 ss 1–2(1), 3 sch**

notfd gaz 27 June 1997 pp 1004–1010
ss 1–2(1) commenced on date of notification
remaining provisions commenced 1 July 1997 (see s 2(1))

**Equity and Fair Trading (Fees and Charges) Amendment Regulation (No. 1) 1998 SL
No. 253 s 3 sch**

notfd gaz 11 September 1998 pp 145–7
ss 1–2 commenced on date of notification
remaining provisions commenced 5 October 1998 (see s 2)

Motor Vehicles Securities Amendment Regulation (No. 1) 2000 SL No. 50

notfd gaz 24 March 2000 pp 1130–31
commenced on date of notification

**Equity and Fair Trading Legislation Amendment Regulation (No. 1) 2000 SL No. 161
ss 1–2(1), 3 sch**

notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2(1))

**Motor Vehicles Securities and Other Acts Amendment Act 2001 No. 38 ss 1–2(1),
46(2) sch 2**

date of assent 7 June 2001
commenced on date of assent

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2001 SL
No. 210 ss 1–3 sch (this regulation is amended, see amending legislation
below)**

notfd gaz 16 November 2001 pp 982–5
ss 1–2 commenced on date of notification
remaining provisions commenced 3 December 2001 (see s 2)
amending legislation—

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 2)
2001 SL No. 252 ss 1, 2(1), pt 2 (amends 2001 SL No. 210 above)**

notfd gaz 7 December 2001 pp 1270–1
ss 1–2 commenced on date of notification
remaining provisions commenced 16 November 2001 (see s 2(1))

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 2) 2001 SL
No. 252 ss 1, 2(2), 5 sch**

notfd gaz 7 December 2001 pp 1270–1
ss 1–2 commenced on date of notification
remaining provisions commenced 10 December 2001 (see s 2(2))

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2002 SL No. 167 ss 1, 2(2), 3 sch 2

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2002 (see s 2(2))

Transport Legislation Amendment Regulation (No. 4) 2002 SL No. 251 pt 1, s 22 sch

notfd gaz 27 September 2002 pp 340–4

ss 1–2 commenced on date of notification

remaining provisions commenced 30 September 2002 (see s 2)

Fair Trading (Fees) Amendment Regulation (No. 1) 2002 SL No. 311 pts 1–2

notfd gaz 22 November 2002 pp 1018–21

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2003 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2003 SL No. 143 ss 1–3 sch

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

Motor Vehicles and Boats Securities Amendment Regulation (No. 1) 2003 SL No. 145

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

Motor Vehicles and Boats Securities Amendment Regulation (No. 2) 2003 SL No. 163

notfd gaz 11 July 2003 pp 924–5

ss 1–2 commenced on date of notification

remaining provisions commenced 4 August 2003 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2004 SL No. 103 ss 1–3 sch

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Motor Vehicles and Boats Securities Amendment Regulation (No. 1) 2004 SL No. 258

notfd gaz 26 November 2004 pp 1040–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2004 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2005 SL No. 135

notfd gaz 24 June 2005 pp 639–45

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

6 List of annotations

Short title

s 1 sub 2003 SL No. 145 s 3

Fees

s 3 def “VIN” om 2002 SL No. 251 s 22 sch
prev s 3 om 2003 SL No. 145 s 5
pres s 3 (prev s 5) renum 2003 SL No. 145 s 7

Prescribed particulars to be entered in register

prov hdg sub 2002 SL No. 311 s 4
s 4 prev s 4 om 2003 SL No. 145 s 5
pres s 4 (prev s 6) amd 1996 SL No. 399 s 18; 2002 SL No. 311 s 5; 2003 SL
No. 145 s 6
renum 2003 SL No. 145 s 7

Application to correct an error

s 5 pres s 5 (prev s 9) renum 2003 SL No. 145 s 7

Statement of current and past information compiled from the register

s 6 pres s 6 (prev s 10) renum 2003 SL No. 145 s 7

Office where register may be inspected

s 6A ins 2004 SL No. 258 s 4

Supply of list of registered security interests

s 7 prev s 7 om 2003 SL No. 145 s 5
pres s 7 (prev s 11) sub 2002 SL No. 311 s 6
renum 2003 SL No. 145 s 7

Recognised States—Act, s 38(1)

s 8 prev s 8 om 2003 SL No. 145 s 5
pres s 8 (prev s 14) amd 2000 SL No. 50 s 3
renum 2003 SL No. 145 s 7

Prescribed period for registration of bills of sale security interest

s 9 ins 2003 SL No. 145 s 8

Approval to hold an account for fees payable under the Act

s 12 om 2001 No. 38 s 46(2) sch 2

Computer software packages to access on-line information

s 13 om 2003 SL No. 145 s 5

Repeal

s 15 om R1 (see RA s 40)

SCHEDULE—FEES

sub 1997 SL No. 173 s 3 sch; 1998 SL No. 253 s 3 sch; 2000 SL No. 161 s 3
sch; 2001 SL No. 210 s 3 sch (amdt could not be given effect and om 2001
SL No. 252 s 4(1) (as from 16 November 2001)); 2001 SL No. 252 s 5 sch;
2002 SL No. 167 s 3 sch 2; 2002 SL No. 311 s 7; 2003 SL No. 143 s 3 sch;
2003 SL No. 145 s 9 (amdt could not be given effect)

amd 2003 SL No. 163 s 4
sub 2004 SL No. 103 s 3 sch; 2005 SL No. 135 s 3 sch