

1996—No. 118

**REGISTRATION OF INTERESTS IN GOODS ACT 1986—
REGULATION**

(Relating to the registration of interests in motor vehicles and boats)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Registration of Interests in Goods Act 1986, has been pleased to make the Regulation set forth hereunder.

FAYE LO PO' MP
Minister for Fair Trading.

Commencement

1. This Regulation commences on 4 April 1996.

Amendments

2. The Registration of Interests in Goods Regulation 1994 is amended:

- (a) by inserting in clause 3 in alphabetical order the following definition:

“**boat**” means a “registrable vessel” within the meaning of clause 2 (1) of the Water Traffic Regulations—N.S.W. that is registered under those Regulations;

- (b) by omitting the definitions of “registration number” and “vehicle identification number” from clause 3;
- (c) by omitting clauses 4, 5 and 9;

- (d) by omitting the heading to Part 2 and by inserting instead the following matter:

PART 2—REGISTRATION AND DISCLOSURE OF INTERESTS

Division 1—Registration and disclosure of interests in motor vehicles

Definitions

4. In this Division:

“**registration number**” includes a temporary permit issued in respect of a motor vehicle under the Traffic Act 1909 or similar legislation of a participating State;

“**vehicle identification number**” means the number allocated to a vehicle under the International Standards Organisation vehicle identification system required under an Australian Design Rule adopted by the Motor Traffic Regulations 1935.

Prime identifier for motor vehicles (sec. 3)

5. For the purposes of the Act, the prime identifier for a motor vehicle is:

- (a) the chassis number (if the vehicle was manufactured before 1 January 1989); or
- (b) the vehicle identification number (if the vehicle was manufactured on or after 1 January 1989).

- (e) by omitting the heading to clause 6 and by inserting instead the following heading:

Prescribed information relating to motor vehicles (sec. 5 (1A) and (2))

- (f) by omitting the matter “section 5 (2)” from clause 6 (1) and by inserting instead the matter “section 5 (1A) (b)”;
- (g) by omitting the words “registrable interest in a motor vehicle” from clause 6 (1) and by inserting instead the words “motor vehicle and the registrable interest concerned”;
- (h) by omitting clause 6 (1) (j);
- (i) by inserting after clause 6 (1) the following subclause:

(1A) For the purposes of section 5 (2) of the Act, the information set out in subclause (1), together with the time and date of recording the registrable interest in the Register, is prescribed information relating to a registrable interest in a motor vehicle.

(j) by inserting after clause 6 the following matter:

**Particulars in search certificates relating to motor vehicles
(sec. 8 (1) (c))**

6A. For the purposes of section 8 (1) (c) of the Act, the prescribed particulars relating to a motor vehicle of a class specified in an order under section 9 (1) of the Act are as follows:

- (a) if a certificate is contained in a statement of account provided to an account customer:
 - (i) the motor vehicle type of the vehicle in respect of which the interest is registered;
 - (ii) the registration number of the motor vehicle (if applicable);
 - (iii) the engine number of the motor vehicle (if applicable);
 - (iv) the prime identifier for the motor vehicle;
- (b) in any other case:
 - (i) the motor vehicle type of the vehicle in respect of which the interest is registered;
 - (ii) the motor vehicle type;
 - (iii) the body type of the motor vehicle;
 - (iv) the registration number of the motor vehicle (if applicable);
 - (v) the engine number of the motor vehicle (if applicable);
 - (vi) the prime identifier for the motor vehicle;
 - (vii) the year of manufacture of the motor vehicle;
 - (viii) the creditor's reference number;
 - (ix) the time and date on which the interest was recorded in the Register;
 - (x) the name and address of the creditor who has the interest;
 - (xi) the type of interest recorded in the Register with respect to the motor vehicle.

**Division 2—Registration and disclosure of interests in
boats**

Definitions

6B. In this Division:

“**dealer**”, in relation to a boat, means a person prescribed by clause 6C;

“hull identification number” has the same meaning as in the Water Traffic Regulations—N.S.W.;

“official number” of a boat registered under the Shipping Registration Act 1981 of the Commonwealth means the number by which the boat is identified in the Australian Register of Ships kept under that Act;

“registration number” means the number endorsed on the certificate of registration of a boat issued under the Water Traffic Regulations—N.S.W.

Dealer in boats (sec. 3)

6C. (1) For the purposes of paragraph (b) of the definition of “dealer” in section 3 (1) of the Act, a person who, in the course of carrying on business, sells, exchanges or acts as an agent for the selling or exchanging of boats (but who is not a financier) is prescribed as a dealer in boats.

(2) In this clause, **“financier”** has the same meaning as in the definition of that term in section 4 (1) of the Motor Dealers Act 1974 except that references in that definition to “motor vehicles” are to be read as if they were references to “boats”.

Prescribed goods—boats (sec. 3)

6D. For the purposes of paragraph (b) of the definition of “prescribed goods” in section 3 (1) of the Act, a boat is a prescribed good.

Prime identifier for boats (sec. 3)

6E. For the purposes of the Act, the prime identifier for a boat is the hull identification number.

Prescribed information relating to boats (sec. 5 (1A) and (2))

6F. (1) For the purposes of section 5 (1A) (b) of the Act, the following information is prescribed information relating to a boat and the registrable interest concerned:

- (a) the hull manufacturer;
- (b) the year of manufacture of the hull;
- (c) the registration number of the boat;
- (d) the official number (if applicable);
- (e) the length of the boat (expressed in metres);
- (f) the make of the engine or engines (if applicable);
- (g) the engine number or numbers (if applicable);
- (h) the prime identifier for the boat;
- (i) the creditor’s reference number;

- (i) the name and address of the person applying to be registered as the creditor who has the registrable interest;
- (k) the type of registrable interest;
- (l) the date on which the interest will cease to be a registrable interest;
- (m) in the case of an application by an account customer—the account number.

(2) For the purposes of section 5 (2) of the Act, the information set out in subclause (1), together with the time and date of recording the registrable interest in the Register, is prescribed information relating to a registrable interest in a boat.

(3) For the purposes of section 5 (3) of the Act, the following information is prescribed information relating to a boat:

- (a) the information referred to in subclause (1), other than the information referred to in paragraph (i) of that subclause, received from a creditor or the agent of a creditor;
- (b) information received by the Commissioner from the Commissioner of Police about stolen boats;
- (c) information relating to mortgages over boats recorded in the Australian Register of Ships kept under the Shipping Registration Act 1981 of the Commonwealth.

Particulars in search certificates relating to boats (sec. 8 (1) (c))

6G. For the purposes of section 8 (1) (c) of the Act, the prescribed particulars relating to a boat of a class specified in an order in force under section 9 (1) of the Act are as follows:

- (a) if a certificate is contained in a statement of account provided to an account customer:
 - (i) the registration number of the boat;
 - (ii) the engine number or numbers of the boat (if applicable);
 - (iii) the prime identifier for the boat;
- (b) in any other case:
 - (i) the hull manufacturer;
 - (ii) the year of manufacture of the hull;
 - (iii) the registration number of the boat;
 - (iv) the official number of the boat (if applicable);
 - (v) the engine number or numbers of the boat (if applicable);

- (vi) the prime identifier for the boat;
- (vii) the creditor's reference number;
- (viii) the time and date on which the interest was recorded in the Register;
- (ix) the name and address of the creditor who has the interest;
- (x) the type of interest recorded in the Register with respect to the boat.

PART 2A—VARIATION AND CANCELLATION OF INTERESTS

- (k) by inserting after the word “circumstances” where secondly occurring in clause 7 (2) the words “relating to a motor vehicle”;
- (l) by inserting after clause 7 (2) the following subclause:
 - (2A) For the purposes of section 6 (3) of the Act, the receipt by the Commissioner of information provided by the Waterways Authority is a prescribed circumstance relating to a boat.
- (m) by inserting after the word “vehicle” in clause 8 the words “or boat”;
- (n) by omitting the heading to Part 3 and by inserting instead the following matter:

PART 3—REGISTRATION AND SEARCH FEES

Prescribed registration fees (sec. 5 (1A) (c))

9. For the purposes of section 5 (1A) of the Act, the prescribed fees are:

- (a) if the application is made by using magnetic tape facilities—\$7 for each interest specified in the application; or
- (b) if the application is made by using computer on-line batch process facilities—\$5 for each interest specified in the application; or
- (c) in any other case—\$11 for each interest specified in the application.

Fees for recording other prescribed information relating to boats

9A. (1) The fees payable by a creditor for the recording in the Register, in pursuance of section 5 (3) of the Act, of other prescribed information relating to a boat that does not have a prime identifier are:

- (a) if the application is made by using magnetic tape facilities—\$7 for each interest specified in the application; or
- (b) if the application is made by using computer on-line batch process facilities—\$5 for each interest specified in the application; or
- (c) in any other case—\$11 for each interest specified in the application.

(2) If a prime identifier is affixed to a boat after the date on which other prescribed information relating to it has been recorded in the Register, no additional fee is payable by the creditor referred to in subclause (1) on an application for registration of a registrable interest in the boat.

- (o) by inserting after the heading to Part 5 the following clause:

Application of Part

15A. This Part applies only to prescribed goods that are motor vehicles.

EXPLANATORY NOTE

The object of this Regulation is to make provision for the registration of interests in, and the recording of other information relating to, boats.

The Regulation also makes consequential amendments to, and re-arranges, certain current provisions of the Registration of Interests in Goods Regulation 1994 that apply to motor vehicles.

So far as boats are concerned, the amendments deal with the following:

- (a) the definition of terms used, including “boat”, “hull identification number” and “dealer” in relation to boats;
- (b) the prescribing of boats as prescribed goods, and of dealers in boats as dealers, for the purposes of the Registration of Interests in Goods Act 1986;
- (c) the specifying of the hull identification number affixed to a boat (before its registration or the recording of a transfer of ownership under the Water Traffic Regulations—N.S.W.) as the prime identifier for the boat;
- (d) the prescribing of information that must be registered about boats that are identified with a prime identifier and that may be recorded about boats that do not have a prime identifier;
- (e) the prescribing of the particulars to be set out in search certificates relating to boats;
- (f) the fees that are payable for registering interests in boats and for recording other information about boats that are not identified by a prime identifier.

As no other States and no Territories have enacted legislation providing for the registration of interests in boats, the scheme set out in the Registration of Interests in Goods Regulation 1994 for the involvement of participating States is presently restricted to motor vehicles.

This Regulation is made under the Registration of Interests in Goods Act 1986, including sections 3 (Definitions), 5 (Registration of interest in prescribed goods), 8 (Search certificates and notice) and 21 (the general regulation making power),
