

Registration of Interests in Goods Regulation 1999

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New South Wales

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Registration of Interests in Goods Regulation 1999



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Registration of Interests in Goods Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Definitions

In this Regulation:

account customer means a person who has an arrangement, approved by the Director-General, to pay fees incurred by the person under the Act or this Regulation on a monthly basis or on such other basis as the Director-General may approve.

account number means the number allocated by the Director-General to the account of an account customer.

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.

creditor's reference number means a number (comprising letters or numbers or both), in such format as the Director-General may approve for the purpose, assigned by a creditor to identify a registrable interest in prescribed goods.

the Act or **the Principal Act** means the *Registration of Interests in Goods Act 1986*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Registration and disclosure of interests

Division 1 Registration and disclosure of interests in motor vehicles

5 Definitions

In this Division:

registration number includes a permit issued in respect of a motor vehicle under the [Road Transport \(Vehicle Registration\) Act 1997](#) or similar legislation of a participating State.

vehicle identification number, in relation to a motor vehicle, means the number allocated to the vehicle in accordance with the requirements of the Australian Design Rules under the [Motor Vehicle Standards Act 1989](#) of the Commonwealth.

6 Prime identifier for motor vehicles

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).

7 Prescribed information relating to motor vehicles

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

- (a) the motor vehicle type,
- (b) the motor vehicle make,
- (c) the body type of the motor vehicle,
- (d) the registration number of the motor vehicle (if applicable),
- (e) the State or Territory of registration (if applicable),
- (f) the engine number of the motor vehicle (if applicable),
- (g) the prime identifier for the motor vehicle,
- (h) the year of manufacture of the motor vehicle,
- (i) the creditor's reference number,
- (j) the name and address of the person applying to be registered as the creditor who

- has the registrable interest,
- (k) the date on which the interest will cease to be a registrable interest,
 - (l) the type of 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 motor vehicle.
- (3) For the purposes of section 5 (3) of the Act, the following information is prescribed information:
- (a) information received from the Roads and Traffic Authority in relation to a motor vehicle whose registration has been cancelled under section 67 of the *Fines Act 1996*,
 - (b) information received from the Roads and Traffic Authority in relation to a motor vehicle whose registration is subject to an exemption under the *Road Transport (Vehicle Registration) Act 1997*,
 - (c) information received from a participating State in relation to a cancellation similar to that referred to in paragraph (a), or an exemption or concession similar to that referred to in paragraph (b), effected or given under a law of the participating State,
 - (d) information received by the Director-General that the odometer of a motor vehicle has been interfered with so that the reading of the odometer is incorrect,
 - (e) information received by the Director-General that a motor vehicle belongs to a class of motor vehicles whose physical or mechanical state has a common fault, being information that, in the opinion of the Director-General, should be drawn to a prospective purchaser's attention,
 - (f) information received by the Director-General in relation to an interest in a motor vehicle, if that information is recorded in a register kept in accordance with a law of a State (whether or not a participating State) that provides for the registration of interests in goods that arise under the law of that State,
 - (g) information received from the Roads and Traffic Authority in relation to motor vehicles that are wrecked or written off (as defined in Division 3 of Part 4 of the *Road Transport (General) Act 1999*),
 - (h) information received from the Roads and Traffic Authority in relation to motor vehicles that are or will be required to be presented for inspection or examination (either by the Authority or police) owing to known or suspected irregularity or

other doubt concerning their prime identifiers,

- (i) information received from the Commissioner of Police in relation to motor vehicles reported to the Commissioner as having been stolen or otherwise unlawfully obtained.

8 Particulars in search certificates relating to motor vehicles

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 make,
 - (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 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

9 Definitions

In this Division:

dealer in relation to a boat, means a person prescribed by clause 10.

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.](#)

10 Dealer in boats

- (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.

11 Prescribed goods—boats

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.

12 Prime identifier for boats

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

13 Prescribed information relating to boats

- (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,
 - (j) 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 (h) of that subclause, received from a creditor or the agent of a creditor,
 - (b) information received by the Director-General 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,
 - (d) information received by the Director-General in relation to an interest in a boat, if that information is recorded in a register kept in accordance with a law of a State that provides for the registration of interests in goods that arise under the law of that State.

14 Particulars in search certificates relating to boats

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 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 3 Variation and cancellation of interests

15 Variation of recorded information

- (1) For the purposes of section 6 (2) of the Act, the prescribed fee for an application for a variation of the information recorded in the Register is:
 - (a) if the application is made by using magnetic tape facilities—\$5.50 for each interest in respect of which the application is made, or
 - (b) if the application is made by using computer on-line batch process facilities—\$4.30 for each interest in respect of which the application is made, or
 - (c) in any other case—\$8 for each interest in respect of which the application is made.
- (2) For the purposes of section 6 (3) of the Act, each of the following circumstances are prescribed circumstances relating to a motor vehicle:
 - (a) the receipt by the Director-General of information provided by the Roads and Traffic Authority,
 - (b) the receipt by the Director-General of information provided by a department or authority of a participating State that has functions similar to those of the Roads and Traffic Authority in relation to the registration of motor vehicles.
- (3) For the purposes of section 6 (3) of the Act, the receipt by the Director-General of information provided by the Waterways Authority is a prescribed circumstance relating to a boat.

- (4) For the purposes of section 6 (6) (b) of the Act, the prescribed fee payable by a person to whom notice is given of a variation under section 6 (3) of the Act is \$6 for each interest about which the person is notified.

16 Cancellation of registration of interests

For the purposes of section 7 (2) (b) of the Act, the prescribed document is a document signed by the creditor who has the registered interest in a motor vehicle or boat or an agent of the creditor setting out the following particulars:

- (a) the date on which the interest ceased to be a registrable interest,
- (b) the creditor's reference number,
- (c) the creditor's account number, if the creditor is an account customer.

Part 4 Registration and search fees

17 Prescribed registration fees

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

- (a) if the application is made by using magnetic tape facilities—\$10 for each interest specified in the application, or
- (b) if the application is made by using computer on-line batch process facilities—\$7 for each interest specified in the application, or
- (c) in any other case—\$17 for each interest specified in the application.

18 Fees for recording other prescribed information relating to boats

- (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—\$10 for each interest specified in the application, or
 - (b) if the application is made by using computer on-line batch process facilities—\$7 for each interest specified in the application, or
 - (c) in any other case—\$17 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.

19 Certificate fees

- (1) For the purposes of section 8 (6) of the Act, the prescribed fee for a certificate under section 8 (1) of the Act is:
 - (a) in the case of an application made by an account customer who requests that the certificate take the form of a statement of account:
 - (i) \$4.30 for each item if the application is made by using computer on-line process facilities, or
 - (ii) \$6.30 for each item if the application is made in person or by telephone,
 - (b) in the case of an application made by an account customer who requests an individual certificate for each item:
 - (i) \$9 for each item if the application is made by using computer on-line process facilities (but only \$8 for each item if the certificate is delivered electronically), or
 - (ii) \$10 for each item if the application is made in person or by telephone (but \$9 for each item if the certificate is delivered electronically), or
 - (c) in any other case—\$10 (plus \$2 for a facsimile copy of the certificate, if requested by the customer).
- (2) For the purposes of section 8 (6) of the Act, the prescribed fee for a certificate under section 8 (5) of the Act is \$120.

Part 5 Administrative service fees

20 Account customer applications

The application fee for approval to become an account customer is \$25.

21 Computer software installation

The charges for the installation of an on-line computer software package are:

- (a) \$50 for each site visit, and
- (b) an additional \$75 for each hour for the installation, up to a maximum of \$150.

22 Registrable interests inquiries

- (1) The fees payable by a financier account customer for a listing of all interests registered in that customer's name are:
 - (a) an administrative fee of \$20 for each order, and
 - (b) an administrative fee of \$10 for listings where the inquiry is made by using

computer on-line process facilities (plus 30 cents for each page of the list supplied), and

(c) an additional fee, for each list supplied, of:

(i) if the list is written—40 cents for each page of the list, or

(ii) if the list is on magnetic tape—1 cent for each interest included in the list.

(2) The fee payable by a financier account customer for a search of the Register, using creditors' reference numbers only, is:

(a) \$4.30 for each interest if the search is made by using computer on-line batch process facilities, or

(b) \$4.30 for each interest if the search is made by using computer on-line interactive process facilities, or

(c) \$6.30 for each interest if the search is made as a result of a telephone inquiry.

23 Transfer of registrable interests

The fees payable for the transfer of all interests registered in the name of one financier account customer into the name of another are:

(a) an administrative fee of \$20 for each order, and

(b) an additional fee of \$4.30 for each interest transferred.

24 Training programs

The charges for providing a financier account customer training program in relation to the operation of the Register are:

(a) for a full day—\$100, and

(b) for a half day—\$50.

Part 6 Participating States

25 Application of Part

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

26 Australian Capital Territory to be a participating State

(1) The Australian Capital Territory is a Territory prescribed for the purposes of the definition of **participating State** in section 3 (1) of the Principal Act.

(2) Section 8 of the Australian Capital Territory Act is a prescribed provision for the purposes of sections 12 (1) (a) and (2) (b), 13 (1) (c) and 14 (1) of the Principal Act.

(3) Section 9 of the Australian Capital Territory Act is a prescribed provision for the purposes of section 14 (2) of the Principal Act.

(4) In this clause, **Australian Capital Territory Act** means the *Registration of Interests in Goods Act 1990* of the Australian Capital Territory.

27 Northern Territory to be a participating State

(1) The Northern Territory is a Territory prescribed for the purposes of the definition of **participating State** in section 3 (1) of the Principal Act.

(2) Section 13 of the Northern Territory Act is a prescribed provision for the purposes of sections 12 (1) (a) and (2) (b), 13 (1) (c) and 14 (1) of the Principal Act.

(3) Section 14 of the Northern Territory Act is a prescribed provision for the purposes of section 14 (2) of the Principal Act.

(4) Sections 16 and 17 of the Northern Territory Act are prescribed provisions for the purposes of section 15 (3) (b) of the Principal Act.

(5) In this clause, **Northern Territory Act** means the *Registration of Interests in Motor Vehicles and Other Goods Act* of the Northern Territory.

28 Queensland to be a participating State

(1) Queensland is a State prescribed for the purposes of the definition of **participating State** in section 3 (1) of the Principal Act.

(2) Section 26 of the Queensland Act is a prescribed provision for the purposes of sections 12 (1) (a) and (2) (b), 13 (1) (c) and 14 (1) and (2) of the Principal Act.

(3) In this clause, **Queensland Act** means the *Motor Vehicles Securities Act 1986* of Queensland.

29 South Australia to be a participating State

(1) South Australia is a State prescribed for the purposes of the definition of **participating State** in section 3 (1) of the Principal Act.

(2) Section 11 of the South Australian Act is a prescribed provision for the purposes of sections 12 (1) (a) and (2) (b), 13 (1) (c) and 14 (1) of the Principal Act.

(3) In this clause, **South Australian Act** means the *Goods Securities Act 1986* of South Australia.

30 Victoria to be a participating State

(1) Victoria is a State prescribed for the purposes of the definition of **participating State** in section 3 (1) of the Principal Act.

- (2) Section 7 (7) and (8) of the Victorian Act are prescribed provisions for the purposes of section 14 (2) of the Principal Act.
- (3) Sections 25 and 26 of the Victorian Act are prescribed provisions for the purposes of section 15 (3) (b) of the Principal Act.
- (4) In this clause, **Victorian Act** means the *Chattel Securities Act 1987* of Victoria.

Part 7 Miscellaneous

31 Repeal

- (1) The *Registration of Interests in Goods Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Registration of Interests in Goods Regulation 1994*, had effect under that Regulation is taken to have effect under this Regulation.

32 Liability of authorities supplying registrable information

For the purposes of section 8 (9) of the Act, the Roads and Traffic Authority is a prescribed authority.