

# Registration of Interests in Goods Regulation 2004

[2004-602]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - [Registration of Interests in Goods Amendment \(Fees\) Regulation 2010 \(158\)](#) (LW 30.4.2010) (not commenced — to commence on 1.7.2010)
  - [Personal Property Securities Legislation Amendment Act 2010 No 57](#) (not commenced)

### Authorisation

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3 Definitions .....	4
<b>Part 2 Registration and disclosure of interests</b> .....	5
<b>Division 1 Registration and disclosure of interests in motor vehicles</b> .....	5
4 Definitions .....	5
5 Prime identifier for motor vehicles .....	5
6 Prescribed information relating to motor vehicles .....	5
7 Particulars in search certificates relating to motor vehicles .....	8
<b>Division 2 Registration and disclosure of interests in boats</b> .....	9
8 Definitions .....	9
9 Dealer in boats .....	9
10 Prescribed goods—boats .....	9
11 Prime identifier for boats .....	9
12 Prescribed information relating to boats .....	9
13 Particulars in search certificates relating to boats .....	11
<b>Part 3 (Repealed)</b> .....	12
<b>Part 4 Variation and cancellation of interests</b> .....	12

17 Variation of recorded information .....	12
18 Cancellation of registration of interests .....	12
<b>Part 5 (Repealed)</b> .....	12
<b>Part 6 Participating States</b> .....	13
24 Application of Part .....	13
25 Australian Capital Territory to be a participating State .....	13
26 Northern Territory to be a participating State .....	13
27 Queensland to be a participating State .....	13
28 South Australia to be a participating State .....	14
29 Victoria to be a participating State .....	14
<b>Part 7 Miscellaneous</b> .....	14
30 Liability of authorities supplying registrable information .....	14
31 Fees payable to Director-General .....	14
32 Prescribed penalty notice offences and penalties .....	14
33 Savings .....	15
<b>Schedule 1 Penalty notices</b> .....	15
<b>Schedule 2 Fees</b> .....	15

# Registration of Interests in Goods Regulation 2004



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Registration of Interests in Goods Regulation 2004*.

### 2 Commencement

This Regulation commences on 1 September 2004.

**Note—**

This Regulation replaces the *Registration of Interests in Goods Regulation 1999* which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) 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.

**approved email transfer** means the transfer by way of email of an electronic file that is in a format approved by the Director-General.

**boat** means a **registrable vessel** within the meaning 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.

**Director-General** has the same meaning as in the Act.

**Note—**

Clause 32 (4) of the *Public Sector Employment and Management (General) Order 2003* provides that a reference to the Director-General of the Department of Fair Trading, being a reference in or in relation to legislation administered by the Minister for Fair Trading, is to be construed as a reference to the Commissioner for Fair Trading, Department of Commerce.

**NEVDIS database** means the National Exchange of Vehicle and Driver Information database operated by Austroads.

**on-line connection** means a connection to the Register using a computer or a telecommunications network (or both) and includes the services known as REVS Online, REVS Internet, REVS Webservices and REVS by Speech, but does not include email or approved email transfer.

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

(2) Notes included in 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

#### 4 Definitions

In this Division:

**registration number** includes a temporary identification number assigned to a motor vehicle by an unregistered vehicle permit issued in respect of the 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.

#### 5 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).

#### 6 Prescribed information relating to motor vehicles

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

**Note—**

Section 5 (1A) (b) of the Act requires an application to specify the prime identifier of the goods in addition to

the prescribed information.

(a) as to the motor vehicle:

- (i) the motor vehicle type,
- (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 State or Territory of registration of the motor vehicle (if applicable),
- (vi) the engine number of the motor vehicle (if applicable),
- (vii) the year of manufacture of the motor vehicle,

(b) as to the registrable interest:

- (i) the name and address of the person applying to be registered as the creditor who has the interest,
- (ii) the creditor's reference number for the interest,
- (iii) the type of interest,
- (iv) the date on which the interest will cease to be a registrable interest,
- (v) in the case of an application by an account customer—the account customer's 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 in relation 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 in relation to motor vehicles:

- (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 the Roads and Traffic Authority in relation to the odometer reading of a motor vehicle,

- (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 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,
- (f) information recorded in the NEVDIS database in relation to a motor vehicle,
- (g) 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,
- (h) 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,
- (i) 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](#)),
- (j) 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,
- (k) information received from the Commissioner of Police in relation to motor vehicles reported to the Commissioner as having been stolen or otherwise unlawfully obtained,
- (l) information received from the Commissioner of Police, the Commissioner for the Police Integrity Commission, the Commissioner for the Independent Commission Against Corruption, the Director of Public Prosecutions or the Public Trustee that a motor vehicle is the subject of:
  - (i) a forfeiture order made under section 18 of the [Confiscation of Proceeds of Crime Act 1989](#) that is in force, or
  - (ii) a freezing notice issued under section 42C of the [Confiscation of Proceeds of Crime Act 1989](#) that is in force, or
  - (iii) a restraining order made under section 43 of the [Confiscation of Proceeds of Crime Act 1989](#) that is in force,

- (m) information received from the Commissioner of Police, the Commissioner for the New South Wales Crime Commission, the Director of Public Prosecutions or the Public Trustee that a motor vehicle is the subject of a restraining order made under section 10 of the *Criminal Assets Recovery Act 1990* that is in force.

## **7 Particulars in search certificates relating to motor vehicles**

- (1) For the purposes of section 8 (1) (c) of the Act, the prescribed particulars to be included in a certificate under that section in relation to a motor vehicle (other than a certificate contained in an account customer's statement of account) are as follows:
  - (a) as to the motor vehicle:
    - (i) the motor vehicle type,
    - (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,
  - (b) as to each interest registered in relation to the motor vehicle:
    - (i) the creditor's reference number for the interest,
    - (ii) the date on which the interest was registered,
    - (iii) the name and address of the creditor who has the interest,
    - (iv) the type of interest.
- (2) For the purposes of section 8 (1) (c) of the Act, the prescribed particulars to be included in a certificate under that section in relation to a motor vehicle (being a certificate contained in an account customer's statement of account) are as follows:
  - (a) the motor vehicle type,
  - (b) the registration number of the motor vehicle (if applicable),
  - (c) the engine number of the motor vehicle (if applicable),
  - (d) the prime identifier for the motor vehicle.



## Division 2 Registration and disclosure of interests in boats

### 8 Definitions

In this Division:

**dealer** in relation to a boat, means a person prescribed by clause 9.

**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.](#)

### 9 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.

### 10 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 prescribed goods.

### 11 Prime identifier for boats

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

### 12 Prescribed information relating to boats

- (1) For the purposes of section 5 (1A) (b) of the Act, the following information is prescribed information in relation to a registrable interest in a boat:

**Note—**

Section 5 (1A) (b) of the Act requires an application to specify the prime identifier of the goods in addition to the prescribed information.

- (a) as to the boat:

- (i) the hull manufacturer,
  - (ii) the year of manufacture of the hull,
  - (iii) the registration number of the boat,
  - (iv) the official number (if applicable),
  - (v) the length of the boat (expressed in metres),
  - (vi) the make of the engine or engines (if applicable),
  - (vii) the engine number or numbers (if applicable),
- (b) as to the registrable interest:
- (i) the name and address of the person applying to be registered as the creditor who has the interest,
  - (ii) the creditor's reference number for the interest,
  - (iii) the type of interest,
  - (iv) the date on which the interest will cease to be a registrable interest,
  - (v) in the case of an application by an account customer—the account customer's 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 in relation to a registrable interest in a boat.
- (3) For the purposes of section 5 (3) of the Act, the following information is prescribed information in relation to boats:
- (a) information of a kind referred to in subclause (1) received from a creditor or the agent of a creditor in relation to a boat,
  - (b) information received from the Commissioner of Police in relation to a boat reported to the Commissioner as having been stolen or otherwise unlawfully obtained,
  - (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 or Territory that provides for the registration of interests in goods that arise under the law of that State or Territory,

- (e) information received from the Commissioner of Police, the Commissioner for the Police Integrity Commission, the Commissioner for the Independent Commission Against Corruption, the Director of Public Prosecutions or the Public Trustee that a boat is the subject of:
  - (i) a forfeiture order made under section 18 of the *Confiscation of Proceeds of Crime Act 1989* that is in force, or
  - (ii) a freezing notice issued under section 42C of the *Confiscation of Proceeds of Crime Act 1989* that is in force, or
  - (iii) a restraining order made under section 43 of the *Confiscation of Proceeds of Crime Act 1989* that is in force,
- (f) information received from the Commissioner of Police, the Commissioner for the New South Wales Crime Commission, the Director of Public Prosecutions or the Public Trustee that a boat is the subject of a restraining order made under section 10 of the *Criminal Assets Recovery Act 1990* that is in force.

### **13 Particulars in search certificates relating to boats**

- (1) For the purposes of section 8 (1) (c) of the Act, the prescribed particulars to be included in a certificate under that section in relation to a boat (other than a certificate contained in an account customer's statement of account) are as follows:
  - (a) as to the boat:
    - (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,
  - (b) as to each interest registered in relation to the boat:
    - (i) the creditor's reference number for the interest,
    - (ii) the date on which the interest was registered,
    - (iii) the name and address of the creditor who has the interest,
    - (iv) the type of interest.
- (2) For the purposes of section 8 (1) (c) of the Act, the prescribed particulars to be

included in a certificate under that section in relation to a boat (being a certificate contained in an account customer's statement of account) are as follows:

- (a) the registration number of the boat,
- (b) the engine number or numbers of the boat (if applicable),
- (c) the prime identifier for the boat.

### **Part 3**

#### **14-16 (Repealed)**

### **Part 4 Variation and cancellation of interests**

#### **17 Variation of recorded information**

- (1) (Repealed)
- (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) (Repealed)

#### **18 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 by 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 for that interest,
- (c) if the creditor is an account customer, the creditor's account number.

### **Part 5**

#### **19-23 (Repealed)**

## Part 6 Participating States

### 24 Application of Part

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

### 25 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 32E 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 32F 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 *Sale of Motor Vehicles Act 1977* of the Australian Capital Territory.

### 26 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 (2) (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.

### 27 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 and Boats Securities Act 1986* of Queensland.

## **28 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.

## **29 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) Section 25 of the Victorian Act is a prescribed provision for the purposes of section 15 (2) (b) of the Principal Act.
- (4) In this clause, **Victorian Act** means the *Chattel Securities Act 1987* of Victoria.

## **Part 7 Miscellaneous**

### **30 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.

### **31 Fees payable to Director-General**

- (1) The fees payable under the Act and this Regulation are those set out in Schedule 2.
- (1A) The amount specified in the third column of Schedule 2 is payable to the Director-General in respect of the type of fee specified opposite that amount in the second column of that Schedule.
- (2) The Director-General may, in any case, waive or remit the whole or part of a fee.

### **32 Prescribed penalty notice offences and penalties**

For the purposes of section 19A of the Act:

- (a) an offence under a provision of the Act specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the amount specified in Column 2 of that Schedule in respect of such an offence is the prescribed amount of penalty for the offence.

### 33 Savings

Any act, matter or thing that, immediately before the repeal of the *Registration of Interests in Goods Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.

### Schedule 1 Penalty notices

(Clause 32)

Column 1	Column 2
Provision	Penalty
<b>Offences under <i>Registration of Interests in Goods Act 1986</i></b>	
Section 17 (2)	\$220

### Schedule 2 Fees

(Clause 31 (1))

Item	Type of fee	Amount \$
<b>Registration</b>		
1	The prescribed fee for the purposes of section 5 (1A) (c) of the Act for each interest in respect of which an application is made:	
	(a) if the application is made by on-line connection, or	8.60
	(b) if the application is made by approved email transfer, or	10.95
	(c) if the application is made in any other way.	26.45
<b>Recording prescribed information about boats</b>		
2	The fee for each interest in respect of which an application is made by a creditor for a recording of prescribed information, in pursuance of section 5 (3) of the Act, in relation to a boat that does not have a prime identifier:	
	(a) if the application is made by on-line connection, or	8.60
	(b) if the application is made by approved email transfer, or	10.95
	(c) if the application is made in any other way.	26.45

#### Varying recorded information

3	<p>The prescribed fee for the purposes of section 6 (2) of the Act for each interest in respect of which an application for the variation of recorded information is made:</p> <p>(a) if the application is made by on-line connection, or</p> <p>(b) if the application is made by approved email transfer, or</p> <p>(c) if the application is made in any other way.</p>	<p>5.40</p> <p>5.95</p> <p>11.50</p>
4	<p>The prescribed fee for the purposes of section 6 (6) (b) of the Act for each interest notified under section 6 (6) (a) of the Act (payable by the person notified).</p>	7.45
<b>Provision of certificates</b>		
5	<p>The prescribed fee for the purposes of section 8 (6) of the Act for each item in respect of which an application is made by an account customer for issuing a certificate under section 8 (1) of the Act in the form of a statement of account:</p> <p>(a) if the application is made by on-line connection, or</p> <p>(b) if the application is made other than by on-line connection.</p>	<p>5.40</p> <p>8.10</p>
6	<p>The prescribed fee for the purposes of section 8 (6) of the Act for each item in respect of which an application is made by an account customer for issuing a certificate under section 8 (1) of the Act other than in the form of a statement of account:</p> <p>(a) if the application is made by on-line connection and the certificate is delivered electronically, or</p> <p>(b) if the application is made by on-line connection and the certificate is delivered other than electronically, or</p> <p>(c) if the application is made other than by on-line connection and the certificate is delivered electronically, or</p> <p>(d) if the application is made other than by on-line connection and the certificate is delivered other than electronically.</p>	<p>10.10</p> <p>11.50</p> <p>11.50</p> <p>13.80</p>
7	<p>The prescribed fee for the purposes of section 8 (6) of the Act for each certificate in respect of which an application is made by a person other than an account customer under section 8 (1) of the Act:</p> <p>(a) for the first copy of a certificate, or</p> <p>(b) for a facsimile copy of a certificate for which the person has paid a fee.</p>	<p>13.80</p> <p>Nil</p>



8	The prescribed fee for the purposes of section 8 (6) of the Act for each application to issue a certificate under section 8 (5) of the Act.	172.10
	<b>Applying to become an account customer</b>	
9	The fee for each application for approval to become an account customer.	31.65
	<b>Registrable interest inquiries</b>	
10	The fee for each application by an account customer for a listing of interests in that customer's name made by on-line connection.	17.30
11	The fee for each application by an account customer for a listing in the form of a computer disk or email of interests in that customer's name made other than by on-line connection.	34.55
12	The fee for an application by an account customer for a listing in the form of a written document of interests in that customer's name made other than by on-line connection:	
	(a) for each application, and	34.55
	(b) for each page of the list.	0.60
13	The fee for each interest in respect of which an application is made by an account customer to search the register using only a creditor's reference number:	
	(a) if the search is made by way of on-line connection, or	5.40
	(b) if the search is made in any other way.	8.10
	<b>Provision of duplicate statements</b>	
14	The fee for each application by an account customer for a duplicate statement of account to be provided by on-line connection.	5.75
15	The fee for each application by an account customer for a duplicate statement of account to be provided other than by on-line connection.	17.30
	If the duplicate statement of account is supplied by way of a written document, for each page.	0.60
	<b>Transferring registrable interests</b>	
16	The fee for an application by an account customer to transfer interests registered in the name of one account customer into the name of another.	212.45
	<b>On-site service visits</b>	
17	For on-site service assistance:	

- (a) for each site visit, and 90.25
- (b) for each hour (or part hour) of the assistance. 90.25

**Training**

18 The fee for each person to whom training in relation to the operation of the register is to be provided:

- (a) for each full working day of training, and 138.10
- (b) for each half working day of training. 69.05