NORTHERN TERRITORY OF AUSTRALIA

PERSONAL PROPERTY SECURITIES (NATIONAL UNIFORM LEGISLATION) IMPLEMENTATION ACT 2010

As in force at 30 January 2012

Table of provisions

Part 1 Preliminary matters

1 Short title 1
2 Commencement 1
3 Object of Act 1
4 Definitions 1
5 NT register and repeal day 2
6 Interpretation 3

Part 2 Implementation of PPS Act

Division 1 General rules

7 Cessation of NT registers 3
8 Migration of data to PPS Register 3
9 NT register information received by Territory after registration commencement time 4
10 Giving information or document after registration commencement time on PPS Registrar's request 4
11 Issuing certificates after registration commencement time 5
12 Compensation relating to PPS transitional matters 5
13 Transitional security interests 6

Division 2 Special rules for Registration of Interests in Motor Vehicles and Other Goods Act

14 Definitions 6
15 Savings – existing cancellation or variation process 6
16 Savings – appeals 7
17 Savings – right to compensation 7
18 Savings – agreements under section 24 of RIMVOG Act 7
19 Delegation by registrar 8

Part 3 Other matters

20 Functions and powers of CEO on and after repeal day 8
21 Delegation by CEO 8
22 Regulations 8
23 Transitional regulations 9

Schedule 1 Repeal of Acts

Schedule 2 Repeal of Act and Regulations

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 30 January 2012. Any amendments that commence after that date are not included.

PERSONAL PROPERTY SECURITIES (NATIONAL UNIFORM LEGISLATION) IMPLEMENTATION ACT 2010

An Act to provide for the implementation of a national system of registration of personal property securities, and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Personal Property Securities (National Uniform Legislation) Implementation Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Object of Act

The object of this Act is to make necessary provisions for the implementation of a national system of registration of personal property securities.

Note for section 3

The Commonwealth, the States and agreed to establish the national registration system by an Act of the Commonwealth through a referral of powers to the Commonwealth Parliament under section 51(xxxvii) of the Constitution.

4 Definitions

In this Act:

business day means a day other than a Saturday, Sunday or public holiday.

CEO means the Chief Executive Officer administering this Act.

cessation time means the end of the last business day before the registration commencement time.

NT register, see section 5(1).

NT registrar means the person or body responsible for maintaining the information in an NT register under the law establishing the NT register.

personal property, see section 10 of the PPS Act.

PPS Act means the *Personal Property Securities Act 2009* (Cth).

PPS Register means the Personal Property Securities Register established under section 147 of the PPS Act.

PPS Registrar means the Registrar of Personal Property Securities mentioned in section 194 of the PPS Act.

registration commencement time, see section 306(2) of the PPS Act.

repeal day, for an NT register, see section 5(2).

responsible registrar, of an NT register, means the NT registrar responsible for maintaining the information in the NT register.

transitional security interest, see section 308 of the PPS Act.

5 NT register and repeal day

(1) An ***NT register*** is each of the following:

(a) the Register of Co-operative Charges mentioned in clause 18 of Schedule 3 of the *Co-operatives Act* as in force immediately before the repeal day;

(b) the information kept by the Registrar-General in relation to each registration under the *Instruments Act* as in force immediately before the repeal day;

(c) the Register of Interests in Motor Vehicles and Other Goods maintained under the *Registration of Interests in Motor Vehicles and Other Goods Act* as in force immediately before the repeal day.

(2) The ***repeal day*** for an NT register is:

(a) for the NT register mentioned in subsection (1)(a) – the day on which section 31 commences; or

(b) for the NT register mentioned in subsection (1)(b) – the day on which section 58 commences; or

(c) the NT register mentioned in subsection (1)(c) – the day on which section 59 commences.

6 Interpretation

Except as otherwise provided in this Act, terms used in this Act and in the PPS Act have the same meanings in this Act as they have in the PPS Act.

Part 2 Implementation of PPS Act

Division 1 General rules

7 Cessation of NT registers

(1) From the cessation time, the responsible registrar of an NT register:

(a) must not alter any information in, or add any information to, the NT register; and

(b) may refuse to deal with an application relating to the NT register made before the cessation time under a law of the Territory if the application does not comply with a requirement of that law as in force at the time of the application.

(2) The responsible registrar must refund any application fee paid by the applicant if the responsible registrar refuses to deal with the application under subsection (1)(b).

(3) Subsections (1) and (2) have effect despite any other provision of a law of the Territory in force at or after the cessation time.

8 Migration of data to PPS Register

(1) This section applies to information:

(a) held in an NT register immediately before the cessation time; and

(b) comprising data relating to personal property.

(2) The responsible registrar is authorised to give the information to the Commonwealth, the PPS Registrar or another person, as the responsible registrar considers appropriate in order to establish the PPS Register.

(3) The responsible registrar may give the information in any form (including electronic form or another form approved for the PPS Act) the responsible registrar considers appropriate.

(4) This section does not prevent the responsible registrar from retaining any of the information for the Territory at or after the registration commencement time.

9 NT register information received by Territory after registration commencement time

(1) This section applies if:

(a) there is a matter concerning an NT register that:

(i) arises after the registration commencement time; and

(ii) results in the generation of information that would, apart from section 7, have been included in the NT register; and

(b) the information is given to the Territory.

(2) The responsible registrar of the NT register is authorised to give the information to the Commonwealth, PPS Registrar or another person, as the responsible registrar considers appropriate in order to include the information in the PPS Register.

(3) The responsible registrar may give the information in any form (including electronic form or another form approved for the PPS Act) the responsible registrar considers appropriate.

(4) This section does not prevent the responsible registrar from retaining any of the information for the Territory.

10 Giving information or document after registration commencement time on PPS Registrar's request

(1) This section applies if, after the registration commencement time, the PPS Registrar requests the responsible registrar of an NT register to give to the PPS Registrar specified information or documents under the control of the Territory in relation to a matter concerning the NT register.

(2) The responsible registrar is authorised to give the information or document to the PPS Registrar.

(3) The responsible registrar may give information under subsection (2) in any form (including electronic form or another form approved for the PPS Act) the NT registrar considers appropriate.

(4) This section does not prevent the responsible registrar from retaining any of the information or the document for the Territory.

11 Issuing certificates after registration commencement time

This Part does not prevent:

(a) a person from applying, on or after the cessation time, to the responsible registrar of an NT register for the issue of a certificate that the responsible registrar may issue under a law of the Territory in force immediately before that time; and

(b) the responsible registrar from issuing the certificate.

Example for section 11

A certificate under section 12 of the Registration of Interests in Motor Vehicles and Other Goods Act as in force before the repeal day.

12 Compensation relating to PPS transitional matters

(1) Compensation is not payable by or for the Territory, an authority of the Territory, or a person employed or engaged to perform work for the Territory, for an act or omission that:

(a) is done or omitted to be done in good faith; and

(b) is a PPS transitional matter or arises (whether directly or indirectly) from a PPS transitional matter; and

(c) is not an act or omission causing a personal injury to, or the death of, someone.

(2) In this section:

compensation includes damages and any other form of monetary compensation.

PPS transitional matter means any of the following:

(a) the giving of information to the Commonwealth, the PPS Registrar or another person, for assisting the Commonwealth in establishing the PPS Register;

(b) the administration of this Act;

(c) the exercise of a power or performance of a function under this Act.

13 Transitional security interests

This Act does not affect the operation of the PPS Act in relation to an interest that:

(a) was an interest in personal property registered in an NT register before the registration commencement time; and

(b) is a transitional security interest.

Division 2 Special rules for Registration of Interests in Motor Vehicles and Other Goods Act

14 Definitions

In this Division:

register means the Register as defined in the RIMVOG Act.

registrar means the Registrar as defined in the RIMVOG Act.

RIMVOG Act means the *Registration of Interests in Motor Vehicles and Other Goods Act* as in force immediately before the cessation time.

15 Savings – existing cancellation or variation process

(1) This section applies if:

(a) the registrar has given a notice to a person under section 10(5) or 11(2) or (4) of the RIMVOG Act in relation to an interest registered under that Act; and

(b) the period specified in the notice ends after the cessation time.

(2) If the registrar decides that, apart from the operation of section 7, the registrar would vary the information recorded in the register or cancel the registration, the registrar:

(a) must notify the person of the decision; and

(b) is authorised to give any information about the decision to the PPS Registrar as the PPS Registrar requires.

(3) The registrar may give information under subsection (2) in any form (including electronic form or another form approved for the PPS Act) the registrar considers appropriate.

16 Savings – appeals

(1) This section applies if an appeal was started under section 19 of the RIMVOG Act before the cessation time and the appeal has not been decided before that time.

(2) The Local Court must:

(a) deal with the appeal under the RIMVOG Act as in force immediately before the cessation time; and

(b) notify the registrar of the decision.

(3) Section 19(3) of the RIMVOG Act as in force immediately before the cessation time has no effect in relation to the decision of the Local Court.

(4) The registrar is authorised to give any information about the decision of the Local Court to the PPS Registrar as the PPS Registrar requires.

(5) The registrar may give information under subsection (4) in any form (including electronic form or another form approved for the PPS Act) the registrar considers appropriate.

17 Savings – right to compensation

(1) This section applies if:

(a) a person suffered a loss because of the operation of the RIMVOG Act as in force at any time before the cessation time; and

(b) the person would, apart from the operation of this Act, have been able to apply to the registrar for an order awarding compensation for that loss under the RIMVOG Act.

(2) The person may apply for the order, and the registrar may deal with the application as if the RIMVOG Act as in force immediately before the cessation time continues to be in force.

18 Savings – agreements under section 24 of RIMVOG Act

(1) An agreement in force under section 24 of the RIMVOG Act immediately before the registration commencement time continues to have effect after that time for matters arising before that time.

(2) Section 24 of RIMVOG Act continues to have effect for subsection (1).

19 Delegation by registrar

(1) The registrar may, in writing, delegate all or any of the powers and functions of the registrar under this Act, or a provision of the RIMVOG Act that continues to have effect under this Act, to:

(a) a person administering all or any part of the RIMVOG Act; or

(b) a person administering this or another Act administered by the Minister.

(2) A delegation in force immediately before the registration commencement time in relation to a provision of the RIMVOG Act that continues to have effect after that time because of this Act continues to have effect until it is revoked by the registrar.

Part 3 Other matters

20 Functions and powers of CEO on and after repeal day

On and after the repeal day for an NT register, the CEO may exercise the powers and perform the functions of the responsible registrar for the NT register under sections 8, 9, 10, 11, 15, 16, 17 and 19(2) as if:

(a) the provisions in a law of the Territory relating to the NT register in force immediately before the repeal day continue to be in force; and

(b) the CEO were the responsible registrar.

21 Delegation by CEO

The CEO may, in writing, delegate all or any of the powers and functions of the CEO under this Act.

22 Regulations

(1) The Administrator may make regulations under this Act.

(2) A regulation may declare a matter to be an excluded matter for section 259 of the PPS Act in relation to any of the following:

(a) the whole of the PPS Act (or an instrument made under that Act);

(b) a specified provision of the PPS Act (or an instrument made under that Act);

(c) the PPS Act (or an instrument made under the PPS Act), other than a specified provision;

(d) the PPS Act (or an instrument made under the PPS Act), otherwise than to a specified extent.

23 Transitional regulations

(1) A regulation may provide for a matter of a transitional nature:

(a) because of the enactment of this Act; or

(b) to otherwise allow or facilitate the transition from the operation of the repealed Act to this Act.

(2) The regulation may have retrospective operation to a day not earlier than the commencement day.

(3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:

(a) decreasing the person's rights; or

(b) imposing liabilities on the person.

(4) The regulation must declare it is made under this section.

(5) This section, and each regulation made under it, expires 1 year after the commencement day.

Schedule 1 Repeal of Acts

section 58

Instruments Ordinance 1935	Ordinance No. 22, 1935
Instruments Ordinance 1965	Ordinance No. 65, 1965
Instruments Amendment Act 1983	Act No. 43, 1983
Instruments Amendment Act 1989	Act No. 73, 1989
Instruments Amendment Act 1998	Act No. 7, 1998

Schedule 2 Repeal of Act and Regulations

section 59

Registration of Interests in Motor Vehicles and Other Goods Act 1989	Act No. 85, 1989
Motor Vehicles (Hire Car) Loan Security Regulations	Subordinate Legislation No. 6, 1988

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)

Assent date	9 September 2010
Commenced	ss 58 to 60: 30 January 2012 (S 2, 24 January 2012); rem: 25 November 2011 (*Gaz*,S68, 25 November 2011)

3 LIST OF AMENDMENTS

pt 4 hdg	exp No. 30, 2010, s 59
pt 4	exp No. 30, 2010, s 59
div 1 hdg	exp No. 30, 2010, s 59
ss 24 – 56	exp No. 30, 2010, s 59
pt 4	exp No. 30, 2010, s 59
div 2 hdg	exp No. 30, 2010, s 59
s 57	exp No. 30, 2010, s 59
pt 4	exp No. 30, 2010, s 59
div 3 hdg	exp No. 30, 2010, s 59
ss 58 – 59	exp No. 30, 2010, s 59