

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 3 October 1989

LAW REFORM (MISCELLANEOUS PROVISIONS) BILL

Proposed Amendments

Hon. W. P. JEFFRIES, in Committee, to move the following amendments:

Criminal Justice

Clause 55: To omit from line 13 on page 30 the expression "4", and substitute the expression "5".

To add, as subclauses (2) and (3), the following subclauses:

(2) Except as provided in subsection (3) of this section, this section and the next 5 succeeding sections shall come into force on the date on which this Act receives the Royal assent.

(3) Section 56B of this Act shall come into force on the 1st day of April 1990.

Proposed new clause 56B: To insert on page 30, after clause 56A, the following clause:

56B. Obligations of Registrar where court makes order for confiscation of motor vehicle—(1) Section 86 (2) of the principal Act is hereby amended by repealing paragraph (c).

(2) Section 86 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

"(2A) In addition to complying with subsection (1) of this section, the Registrar of the court shall, on the day after the motor vehicle is surrendered in accordance with section 84 (5) of this Act or seized pursuant to a warrant issued under section 84 (6) of this Act, check whether any security interest is registered in respect of the vehicle on the motor vehicle securities register maintained under the Motor Vehicle Securities Act 1989.

"(2B) If a security interest is found to be so registered, the Registrar shall forthwith notify the person entered in the register as the secured party—

"(a) That the Registrar may, under section 87 (1) of this Act, sell the motor vehicle:

"(b) Of the effect of section 87 (3) (b) of this Act and of subsections (4) to (8) of that section."

(3) Section 86 (3) of the principal Act is hereby amended by omitting the expression “subsection (1)”, and substituting the expression “subsections (1) to (2B)”.

Proposed new clauses 137A to 137c: To insert on page 79, after clause 137, the following heading and clauses:

Motor Vehicle Securities

137A. Sections to be read with Motor Vehicle Securities Act 1989—(1) This section and the next 2 succeeding sections shall be read together with and deemed part of the Motor Vehicle Securities Act 1989* (in those sections referred to as the principal Act).

(2) Except as provided in subsection (3) of this section, this section and the next 2 succeeding sections shall come into force on the date on which this Act receives the Royal assent.

(3) Section 137B of this Act shall come into force on the 1st day of April 1990.

*1989, No. 14

137B. Certificate of entry in register—(1) Section 11 (3) of the principal Act is hereby amended by inserting, after the words “the Registrar shall”, the words “, except in a case to which subsection (4A) of this section applies,”.

(2) Section 11 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) On receipt of an application for a certificate for the purposes of section 36 (a) of this Act, the Registrar shall issue a certificate stating—

“(a) Whether or not a security interest was, at the date and time stated in the application as being the date and time of purchase, registered in respect of the vehicle by reference to the numbers specified:

“(b) If a security interest was so registered, the registered particulars of that security interest that were entered in the register at that date and time:

“(c) The date and time of issue.”

(3) Section 36 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) In the case of a registered security interest, a certificate issued by the Registrar under section 11 (4A) of this Act stating the registered particulars of the security interest held by the secured party that were entered in the register at the date and time of purchase; and”.

137C. Fees payable during transitional period—The principal Act is hereby amended by inserting, after section 70, the following section:

“70A. (1) The following fees shall be payable to the Registrar in respect of every application or request that is made on or after the 1st day of January 1990 and before the 1st day of April 1990:

“(a) On application to register a security interest under section 70 of this Act	\$10
“(b) On application to have the register amended under section 18 of this Act (as applied by section 69 of this Act)	\$9
“(c) For requesting an additional statement of account	\$8.

“(2) The fees prescribed by this section shall be paid to the Registrar either at the time when the application or request is made or at such time as the Registrar may, in the Registrar’s discretion, decide.

“(3) All of the fees prescribed by this section are inclusive of goods and services tax under the Goods and Services Tax Act 1985.”

EXPLANATORY NOTE

This Supplementary Order Paper is in substitution for Supplementary Order Paper No. 173.

Supplementary Order Paper No. 173 proposed, among other things, the insertion of a new section 70A into the Motor Vehicle Securities Act 1989 prescribing the fees payable to the Registrar of Motor Vehicle Securities during the transitional period (which runs from 1 October 1989 to 31 March 1990). This Supplementary Order Paper proposes that fees be prescribed only for applications or requests made between 1 January 1990 and 31 March 1990.

In all other respects Supplementary Order Paper No. 173 is unchanged.