

# Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

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Western Australia

LEGISLATIVE COUNCIL

*(As amended in Committee)*

**Personal Property Securities (Consequential  
Repeals and Amendments) Bill 2011**

**A Bill for**

**An Act to repeal or amend various Acts as a result of the reform of the law relating to personal property securities by the *Personal Property Securities Act 2009* (Commonwealth), and for related purposes.**

The Parliament of Western Australia enacts as follows:

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## **Part 1 — Preliminary**

### **1. Short title**

This is the *Personal Property Securities (Consequential Repeals and Amendments) Act 2011*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) sections 30, 31, 33, 34 and 44 — on the day after the day on which this Act receives the Royal Assent;
- (c) the rest of the Act — immediately before the registration commencement time as defined in the *Personal Property Securities Act 2009* (Commonwealth) section 306(2).

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**Part 2 — Agriculture and Food**

**Division 1 — *Bulk Handling Act 1967* amended**

**3. Act amended**

This Division amends the *Bulk Handling Act 1967*.

**4. Section 34D amended**

After section 34D(3) insert:

(4) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 73(2)(a), it is declared that section 73(2) of that Act applies to a charge created under subsection (2)(b).

**5. Section 35 amended**

After section 35(1) insert:

(2A) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 73(2)(a), it is declared that section 73(2) of that Act applies to a lien created under subsection (1).

**6. Section 51 amended**

After section 51(2) insert:

(3) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 73(2)(a), it is declared that section 73(2) of that Act applies to a charge created under subsection (1)(a) or (aa).

***Personal Property Securities (Consequential Repeals and Amendments) Bill 2011***

**1B**Part 2 Agriculture and Food

**14B**Division 2 Marketing of Potatoes Act 1946 amended

**s. 7**

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1           **Division 2 — *Marketing of Potatoes Act 1946* amended**

2       **7. Act amended**

3           This Division amends the *Marketing of Potatoes Act 1946*.

4       **8. Section 31 amended**

5           In section 31 delete “The Corporation” and insert:

6

7                           Subject to the *Personal Property Securities Act 2009*  
8                           (Commonwealth), the Corporation

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**Part 3 — Attorney General**

**Division 1 — *Criminal Property Confiscation Act 2000* amended**

**9. Act amended**

This Division amends the *Criminal Property Confiscation Act 2000*.

**10. Section 10 amended**

In section 10(2) after “registerable under” insert:

the *Personal Property Securities Act 2009* (Commonwealth) or

**11. Section 31 amended**

In section 31(2) after “registrable under” insert:

the *Personal Property Securities Act 2009* (Commonwealth) or

**12. Section 36 amended**

In section 36(3) after “registrable under” insert:

the *Personal Property Securities Act 2009* (Commonwealth) or

**13. Section 39 amended**

In section 39(5) after “registrable under” insert:

the *Personal Property Securities Act 2009* (Commonwealth) or

***Personal Property Securities (Consequential Repeals and Amendments) Bill 2011***

**2BPart 3** Attorney General

**15BDivision 1** Criminal Property Confiscation Act 2000 amended

**s. 14**

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1 **14. Section 46 amended**

2 In section 46(3) after “registrable under” insert:

3

4 the *Personal Property Securities Act 2009* (Commonwealth) or

5

6 **15. Section 125 amended**

7 (1) In section 125 delete “A charge” and insert:

8

9 (1) A charge

10

11 (2) At the end of section 125 insert:

12

13 (2) In accordance with the *Personal Property Securities*  
14 *Act 2009* (Commonwealth) section 73(2)(a), it is  
15 declared that section 73(2) of that Act applies to a  
16 charge created on property under section 123(1).

17

18 **16. Section 127 amended**

19 (1) In section 127(1):

20 (a) after “land under” insert:

21

22 the *Personal Property Securities Act 2009*  
23 (Commonwealth) or

24

25 (b) after “accordance with” insert:

26

27 that Act or

28

- 1 (2) In section 127(3):  
2 (a) after “memorial in accordance with” insert:  
3  
4 the *Personal Property Securities Act 2009*  
5 (Commonwealth) or  
6  
7 (b) after “accordance with” insert:  
8  
9 that Act or  
10

11 **Division 2 — *Fines, Penalties and Infringement Notices***  
12 ***Enforcement Act 1994* amended**

13 **17. Act amended**

14 This Division amends the *Fines, Penalties and Infringement*  
15 *Notices Enforcement Act 1994*.

16 **18. Section 96 amended**

17 In section 96(3)(c) delete “*Bills of Sale Act 1899*, the *Chattel*  
18 *Securities Act 1987*, the *Transfer of Land Act 1893*, the  
19 *Registration of Deeds Act 1856*, or the *Corporations Act 2001*  
20 of the Commonwealth,” and insert:

21  
22 *Personal Properties Securities Act 2009*  
23 (Commonwealth), the *Transfer of Land*  
24 *Act 1893*, the *Registration of Deeds Act 1856* or  
25 the *Corporations Act 2001* (Commonwealth),  
26

1 **19. Section 99 amended**

2 In section 99 delete “the *Bills of Sale Act 1899*, the *Chattel*  
3 *Securities Act 1987*, the *Transfer of Land Act 1893*,” and insert:

4  
5 the *Transfer of Land Act 1893*

6  
7 **Division 3 — Property Law Act 1969 amended**

8 **20. Act amended**

9 This Division amends the *Property Law Act 1969*.

10 **21. Section 6 replaced**

11 Delete section 6 and insert:

12  
13 **6. Application of this Act to certain Acts**

14 Except as in this Act expressly provided, this Act so far  
15 as inconsistent with the *Transfer of Land Act 1893*, or  
16 the *Strata Titles Act 1985*, does not apply to land that is  
17 under the provisions of either of those Acts.

18  
19 **Division 4 — Public Trustee Act 1941 amended**

20 **22. Act amended**

21 This Division amends the *Public Trustee Act 1941*.

22 **23. Section 63 amended**

23 (1) In section 63:

24 (a) delete “Where” and insert:

25  
26 (1) Where  
27

1 (b) delete “thereon.” and insert:

2

3 thereon in priority to all other claims upon the policy  
4 moneys.

5

6 (2) At the end of section 63 insert:

7

8 (2) In accordance with the *Personal Property Securities*  
9 *Act 2009* (Commonwealth) section 73(2)(a), it is  
10 declared that section 73(2) of that Act applies to a lien  
11 created under subsection (1).

12

13 **Division 5 — *Trustees Act 1962* amended**

14 **24. Act amended**

15 This Division amends the *Trustees Act 1962*.

16 **25. Section 72 amended**

17 Delete section 72(3).

18 **Division 6 — *Warehousemen’s Liens Act 1952* amended**

19 **26. Act amended**

20 This Division amends the *Warehousemen’s Liens Act 1952*.

21 **27. Section 4 amended**

22 (1) In section 4 delete “Subject to” and insert:

23

24 (1) Subject to

25

**Personal Property Securities (Consequential Repeals and Amendments) Bill 2011**

**2B**Part 3 Attorney General

**20B**Division 6 Warehousemen's Liens Act 1952 amended

**s. 28**

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- 1 (2) In section 4(1) delete “for storage.” and insert:  
2  
3 for storage in priority to all other claims on the goods.  
4
- 5 (3) At the end of section 4 insert:  
6
- 7 (2) In accordance with the *Personal Property Securities*  
8 *Act 2009* (Commonwealth) section 73(2)(a), it is  
9 declared that section 73(2) of that Act applies to a lien  
10 arising under subsection (1).  
11
- 12 **28. Section 6 amended**
- 13 Delete section 6(1) and insert:  
14
- 15 (1) The warehouseman must, within 3 months after the  
16 date of the deposit of goods with the warehouseman,  
17 give notice of the lien on the goods to a person if —  
18 (a) the goods are of, or greater than, the value  
19 prescribed under the *Criminal and Found*  
20 *Property Disposal Act 2006* section 33(1)(a);  
21 and  
22 (b) one of the following applies —  
23 (i) the person has an interest in the goods in  
24 relation to which a registration was  
25 made under the *Personal Property*  
26 *Securities Act 2009* (Commonwealth)  
27 before the deposit of the goods and the  
28 registration is in effect;  
29 (ii) the person has an interest in the goods  
30 that the warehouseman is aware of at  
31 any time before the expiration of  
32 2 months after the deposit of the goods.  
33

- 1 **29. Section 7 amended**
- 2 Delete section 7(2)(c).

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## **Part 4 — Commerce**

### **Division 1 — *Bills of Sale Act 1899* amended and repealed**

#### **30. Act amended**

This Division amends the *Bills of Sale Act 1899*.

#### **31. Part IIA inserted**

After section 5 insert:

### **Part IIA — Cessation of registration**

#### **6A. Early cessation of registration function**

(1) In this section —

*migration time* has the meaning given in the *Personal Property Securities Act 2009* (Commonwealth) section 306(1);

*pre-PPS transition period* means the period —

(a) commencing at the migration time or such earlier time as may be prescribed by the regulations; and

(b) ending at the registration commencement time;

*registration commencement time* has the meaning given in the *Personal Property Securities Act 2009* (Commonwealth) section 306(2);

*registration function* means any function conferred or imposed on the Registrar under the *Bills of Sale Act 1899* relating to the registration of a Bill of Sale.

(2) The Registrar may refuse to exercise a registration function during the pre-PPS transitional period.

(3) Without limiting subsection (2), the Registrar may refuse to exercise a registration function during the

1 pre-PPS transitional period in relation to a matter that  
2 was not finally determined or concluded immediately  
3 before the commencement of that period.  
4

5 **32. Bills of Sale Act 1899 and regulations repealed**

- 6 (1) The *Bills of Sale Act 1899* is repealed.  
7 (2) These regulations are repealed:  
8 (a) the *Bills of Sale (Fees) Regulations 1983*;  
9 (b) the *Bills of Sale Regulations 2001*.

10 **Division 2 — Chattel Securities Act 1987 amended**

11 **33. Act amended**

12 This Division amends the *Chattel Securities Act 1987*.

13 **34. Part IIA inserted**

14 After section 3A insert:  
15

16 **Part IIA — Act ceases to have effect except as**  
17 **otherwise provided**

18 **3B. Terms used**

19 In this Part —

20 *migration time* has the meaning given in the *Personal*  
21 *Property Securities Act 2009* (Commonwealth)  
22 section 306(1);

23 *pre-PPS transition period* means the period —

- 24 (a) commencing at the migration time or such  
25 earlier time as may be prescribed by the  
26 regulations; and  
27 (b) ending at the registration commencement time;

- 1                    **Registrar** has the meaning given in the *Personal*  
2                    *Property Securities Act 2009* (Commonwealth)  
3                    section 10;  
4                    **registration commencement time** has the meaning  
5                    given in the *Personal Property Securities Act 2009*  
6                    (Commonwealth) section 306(2);  
7                    **registration function** means any function conferred or  
8                    imposed on the Commissioner under Part III.

9                    **3C. Effect of Act at and after registration**  
10                    **commencement time**

- 11                    (1) Subject to section 3D, this Act, other than the  
12                    following provisions, has no effect at and after the  
13                    registration commencement time —  
14                           (a) sections 3A, 22, 23, 24, 25, 26, 29, 30A, 30B,  
15                           30C, 30D and 31;  
16                           (b) any other provision of this Act (a **related**  
17                           **provision**) that is referred to in provision listed  
18                           in paragraph (a) (a **primary provision**) to the  
19                           extent necessary for the purposes of the  
20                           continued operation of the primary provision;  
21                           (c) any power to make regulations in respect of a  
22                           matter that is conferred by the primary  
23                           provision or a related provision.  
24                    (2) Section 23 has no effect on and after the day after the  
25                    end of the period of 7 years beginning at the  
26                    registration commencement time.

27                    **3D. Refusal to exercise registration functions**

- 28                    (1) Subject to section 3E, the Commissioner may refuse to  
29                    exercise a registration function during the pre-PPS  
30                    transitional period.  
31                    (2) Without limiting subsection (1), the Commissioner  
32                    may refuse to exercise a registration function during

1 the pre-PPS transitional period in relation to a matter  
2 that was not finally determined or concluded  
3 immediately before the commencement of that period.

4 (3) After the end of the pre-PPS transitional period the  
5 Commissioner is not to exercise a registration function  
6 under section 15, 19, 20, 21 or 22.

7 **3E. Show cause proceedings under s. 22**

8 If the Commissioner —

- 9 (a) has given a person a notice under section 22(1)  
10 and that notice is in force immediately before  
11 the registration commencement time; and  
12 (b) would have cancelled the registration of the  
13 person under section 22(2) had he or she been  
14 able to exercise that registration function after  
15 the end of the pre-PPS transition period,

16 the Commissioner may provide the Registrar with a  
17 written notice stating the registration of the person  
18 would have been so cancelled.

19 **3F. Details of entry**

20 At and after the registration commencement time, the  
21 Commissioner may, instead of providing a certificate  
22 under section 23(3), respond to an application made in  
23 accordance with section 23 by providing the applicant  
24 with an extract from the register.

25 **3G. Act to expire**

26 (1) When the Minister is satisfied that there is no reason  
27 for this Act to continue, the Minister is to publish a  
28 notice in the *Gazette* stating that the Minister is  
29 satisfied as to that matter, and that the Act expires at  
30 the end of the day on which the notice is published.

- 1           (2) This Act expires as stated in a notice published under  
2           subsection (1).  
3

4           **Division 3 — *Companies (Co-operative) Act 1943* amended**

5   **35. Act amended**

6           This Division amends the *Companies (Co-operative) Act 1943*.

7   **36. Section 3 amended**

8           In section 3 in the definition of **Charge** paragraph (c) delete  
9           “registration or would be registrable as a bill of sale;” and  
10          insert:

11  
12          registration;

13

14          **Division 4 — *Co-operatives Act 2009* amended**

15   **37. Act amended**

16          This Division amends the *Co-operatives Act 2009*.

17   **38. Section 44 amended**

18          Delete section 44(2).

19   **39. Section 230 amended**

20          Delete section 230(1)(f).

21   **40. Section 267 amended**

22          In section 267:

- 23           (a) in paragraph (b) delete “the *Mining Act 1978*; or” and  
24           insert:

25

26                   the *Mining Act 1978*.

27

- 28           (b) delete paragraph (c).

1 **41. Section 337 amended**

2 (1) In section 337 delete “A co-operative” and insert:

3

4 (1) Subject to subsection (2), a co-operative

5

6 (2) At the end of section 337 insert:

7

8 (2) If the Registrar gives a certificate under section 314 for  
9 the winding-up of a co-operative, a co-operative is  
10 declared to be an applied Corporations legislation  
11 matter for the purposes of the *Corporations (Ancillary  
12 Provisions) Act 2001* Part 3 in relation to the  
13 Corporations Act sections 588FL and 588FM, subject  
14 to the following modifications —

15 (a) those sections are to be read as if a co-operative  
16 were a company;

17 (b) any other modifications (within the meaning of  
18 the *Corporations (Ancillary Provisions)*  
19 *Act 2001* Part 3) that are prescribed by the  
20 regulations.  
21

22 **42. Section 454 amended**

23 After section 454(2) insert:

24

25 (3) The obligation to keep the Register of Co-operative  
26 Charges established under Schedule 3 clause 18 ceases  
27 on the day after the end of the period of 7 years  
28 beginning at the registration commencement time as  
29 defined in Schedule 3 clause 4A.  
30

1     **43.     Section 457 amended**

2             After section 457(3) insert:

3

- 4             (4) On and after the day after the end of the period of  
5                 7 years beginning at the registration commencement  
6                 time as defined in Schedule 3 clause 4A, this section  
7                 has no effect in relation to the Register of Co-operative  
8                 Charges referred to in clause 18 of that Schedule.

9

10    **44.     Schedule 3 Division 2A inserted**

11            After Schedule 3 clause 3 insert:

12

13                    **Division 2A — Schedule ceases to have effect except as**  
14                                 **otherwise provided**

15    **4A.     Terms used**

16            In this Division —

17            *migration time* has the meaning given in the *Personal*  
18            *Property Securities Act 2009* (Commonwealth)  
19            section 306(1);

20            *pre-PPS transition period* means the period —

21                 (a) commencing at the migration time or such earlier  
22                 time as may be prescribed by the regulations; and

23                 (b) ending at the registration commencement time;

24            *registrable charge* means a charge created before the  
25            registration commencement time that was a registrable  
26            charge as defined in clause 1 when it was created;

27            *registration commencement time* has the meaning given in  
28            the *Personal Property Securities Act 2009* (Commonwealth)  
29            section 306(2);

30            *registration function* means any function conferred or  
31            imposed on the Registrar under this Schedule.

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**4B. Effect of Schedule at and after registration commencement time**

- (1) Subject to subclause (2) and clause 4D, this Schedule has no effect at and after the registration commencement time.
- (2) If a registrable charge is void immediately before the registration commencement time or becomes void at or after that time, the Supreme Court may declare the charge not to be, and never to have been void if —
  - (a) an application has been made to the Supreme Court under clause 29 before the registration commencement time or is made at or after that time in accordance with clause 29; and
  - (b) the Supreme Court is satisfied as to the matters referred to in clause 29(a) or (b).

**4C. Refusal to exercise registration functions**

- (1) The Registrar may refuse to exercise a registration function during the pre-PPS transitional period.
- (2) Without limiting subclause (1), the Registrar may refuse to exercise a registration function during the pre-PPS transitional period in relation to a matter that was not finally determined or concluded immediately before the commencement of that period.
- (3) After the end of the pre-PPS transitional period the Commissioner is not to exercise a registration function.

**4D. Priority between registrable charges**

Subject to the *Personal Property Securities Act 2009* (Commonwealth) Chapter 9, at and after the registration commencement time, registrable charges have the priority between themselves that they would have had under this Act as in effect immediately before the registration commencement time.

1           **Division 5 — *Growers Charge Act 1940* amended**

2   **45. Act amended**

3           This Division amends the *Growers Charge Act 1940*.

4   **46. Long title amended**

5           In the long title delete “**bill of sale or other security**” and  
6           insert:

7  
8           **security agreement**

9

10   **47. Section 2 amended**

11       (1) In section 2 delete the definition of *bill of sale*.

12       (2) In section 2 insert in alphabetical order:

13

14                   *secured party* has the meaning given in the *Personal*  
15                   *Property Securities Act 2009* (Commonwealth)  
16                   section 10;

17                   *security agreement* has the meaning given in the  
18                   *Personal Property Securities Act 2009*  
19                   (Commonwealth) section 10;

20

21       (3) In section 2 in the definition of *crops* delete “grain.” and insert:

22

23           grain;

24

25   **48. Section 3 amended**

26       (1) In section 3:

27           (a) delete “Whenever crops” and insert:

28

29           (1) Whenever crops

30

- 1 (b) delete “bill of sale then,” and insert:  
2  
3 security agreement then,  
4  
5 (c) delete “bill of sale.” (first and second occurrence) and  
6 insert:  
7  
8 security agreement.  
9  
10 (2) At the end of section 3 insert:  
11  
12 (2) In accordance with the *Personal Property Securities*  
13 *Act 2009* (Commonwealth) section 73(2)(a), it is  
14 declared that section 73(2) of that Act applies to a  
15 charge created under subsection (1).  
16

17 **49. Section 6 amended**

- 18 In section 6(b):  
19 (a) delete “grantee of a bill of sale” and insert:  
20  
21 secured party  
22  
23 (b) delete “grantee,” and insert:  
24  
25 secured party,  
26

27 **50. Section 7 amended**

- 28 In section 7(d):  
29 (a) delete “holders of bills of sale” and insert:  
30  
31 a secured party  
32

**Personal Property Securities (Consequential Repeals and Amendments) Bill 2011**

**3BPart 4** Commerce

**26BDivision 6** Hire-Purchase Act 1959 amended

**s. 51**

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1 (b) delete “holders of bills of sale,” and insert:

2

3 a secured party,

4

5 **Division 6 — *Hire-Purchase Act 1959* amended**

6 **51. Act amended**

7 This Division amends the *Hire-Purchase Act 1959*.

8 **52. Section 3 amended**

9 Delete section 3(2)(e)(vii).

10 **53. Section 9 amended**

11 In section 9(4)(b) delete “counterparts and if required by the  
12 owner also the reasonable costs incurred by the owner in  
13 registering the same under the *Bills of Sale Act 1899*.” and  
14 insert:

15

16 counterparts.

17

18 **54. Section 36A amended**

19 In section 36A(2a)(b) delete “and agreement registration fees”.

20 **55. First Schedule Part 1 amended**

21 In the First Schedule Part 1 delete:

22

23 | ” Agreement Registration | ..... | ..... |  
Fees ..... | ..... |

1           **Division 7 — *Motor Vehicle Dealers Act 1973* amended**

2   **56.     Act amended**

3           This Division amends the *Motor Vehicle Dealers Act 1973*.

4   **57.     Section 32A amended**

5           In section 32A delete the definition of *security interest* and  
6           insert:

7  
8                         *security interest* has the meaning given in the *Personal*  
9                         *Property Securities Act 2009* (Commonwealth)  
10                        section 10;

11  
12           **Division 8 — *Settlement Agents Act 1981* amended**

13   **58.     Act amended**

14           This Division amends the *Settlement Agents Act 1981*.

15   **59.     Schedule 2 amended**

16           Delete Schedule 2 clause 2(fa).

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**Part 5 — Energy**

**Division 1 — *Electricity Industry Act 2004* amended**

**60. Act amended**

This Division amends the *Electricity Industry Act 2004*.

**61. Section 131A inserted**

After section 130 insert:

**131A. Licence not personal property for the purposes of the *Personal Property Securities Act 2009* (Commonwealth)**

If a licence is transferable by the licensee, in accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), the licence is declared not to be personal property for the purposes of that Act.

**Division 2 — *Energy Coordination Act 1994* amended**

**62. Act amended**

This Division amends the *Energy Coordination Act 1994*.

**63. Section 26A inserted**

After section 25 insert:

**26A. Licence not personal property for the purposes of the *Personal Property Securities Act 2009* (Commonwealth)**

If a licence is transferable by the licensee, in accordance with the *Personal Property Securities*

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*Act 2009* (Commonwealth) section 10 the definition of  
***licence*** paragraph (d), the licence is declared not to be  
personal property for the purposes of that Act.

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**Part 6 — Environment**

**Division 1 — *Conservation and Land Management Act 1984* amended**

**64. Act amended**

This Division amends the *Conservation and Land Management Act 1984*.

**65. Section 88 amended**

After section 88(2) insert:

- (3) If a permit or licence granted under subsection (1) to take forest produce on or from Crown land is transferable by the permit holder or licensee, in accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of **licence** paragraph (d), the permit or licence is declared not to be personal property for the purposes of that Act.

**66. Section 97A amended**

After section 97A(10) insert:

- (11) If a licence granted under subsection (1) or a permit granted under subsection (3) is transferable by the licensee or permit holder, in accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of **licence** paragraph (d), the licence or permit is declared not to be personal property for the purposes of that Act.

1 **67. Section 99A amended**

2 After section 99A(6) insert:

3

4 (7) If a licence granted under subsection (1) is transferable  
5 by the licensee, in accordance with the *Personal*  
6 *Property Securities Act 2009* (Commonwealth)  
7 section 10 the definition of *licence* paragraph (d), the  
8 licence is declared not to be personal property for the  
9 purposes of that Act.

10

11 **68. Section 101 amended**

12 After section 101(5) insert:

13

14 (6) If a licence granted under subsection (1) to enter and  
15 use any land to which this Division applies is  
16 transferable by the licensee, in accordance with the  
17 *Personal Property Securities Act 2009*  
18 (Commonwealth) section 10 the definition of *licence*  
19 paragraph (d), the licence is declared not to be personal  
20 property for the purposes of that Act.

21

22 **Division 2 — *Swan and Canning Rivers Management***  
23 ***Act 2006 amended***

24 **69. Act amended**

25 This Division amends the *Swan and Canning Rivers*  
26 *Management Act 2006*.

***Personal Property Securities (Consequential Repeals and Amendments) Bill 2011***

**5BPart 6** Environment

**33BDivision 3** Wildlife Conservation Act 1950 amended

**s. 70**

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1 **70. Section 32 amended**

2 After section 32(7) insert:

3

- 4 (8) If a licence granted under subsection (1) in respect of  
5 the River reserve is transferable by the licensee, in  
6 accordance with the *Personal Property Securities*  
7 *Act 2009* (Commonwealth) section 10 the definition of  
8 *licence* paragraph (d), the licence is declared not to be  
9 personal property for the purposes of that Act.

10

11 **Division 3 — *Wildlife Conservation Act 1950* amended**

12 **71. Act amended**

13 This Division amends the *Wildlife Conservation Act 1950*.

14 **72. Section 15 amended**

15 After section 15(5) insert:

16

- 17 (6) If such licences as are prescribed under subsection (1)  
18 are transferable by the licensee, in accordance with the  
19 *Personal Property Securities Act 2009*  
20 (Commonwealth) section 10 the definition of *licence*  
21 paragraph (d), the licences are declared not to be  
22 personal property for the purposes of that Act.

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## **Part 7 — Fisheries**

### **Division 1 — *Fish Resources Management Act 1994* amended**

#### **73. Act amended**

This Division amends the *Fish Resources Management Act 1994*.

#### **74. Section 66 amended**

After section 66(4) insert:

- (5) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), an authorisation granted under subsection (1) is declared not to be personal property for the purposes of that Act.

#### **75. Section 83 amended**

After section 83(3) insert:

- (4) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), a fish processor's licence granted under subsection (1) is declared not to be personal property for the purposes of that Act.

#### **76. Section 92 amended**

After section 92(6) insert:

- (7) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), an aquaculture licence granted

1 under subsection (1) is declared not to be personal  
2 property for the purposes of that Act.  
3

4 **Division 2 — *Pearling Act 1990* amended**

5 **77. Act amended**

6 This Division amends the *Pearling Act 1990*.

7 **78. Section 23 amended**

8 After section 23(1) insert:  
9

10 (2A) In accordance with the *Personal Property Securities*  
11 *Act 2009* (Commonwealth) section 10 the definition of  
12 **licence** paragraph (d), the following rights,  
13 entitlements or authorities are declared not to be  
14 personal property for purposes of that Act —

- 15 (a) a pearl oyster farm lease issued under  
16 subsection (1)(a);  
17 (b) a pearling licence issued under  
18 subsection (1)(b);  
19 (c) a pearl oyster hatchery licence issued under  
20 subsection (1)(c);  
21 (d) a pearling permit issued under  
22 subsection (1)(g);  
23 (e) a pearl oyster hatchery permit issued under  
24 subsection (1)(h).  
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## Part 8 — Lands

### Division 1 — *Land Administration Act 1997* amended

#### 79. Act amended

This Division amends the *Land Administration Act 1997*.

#### 80. Section 48 amended

After section 48(2) insert:

- (3) If a licence granted under subsection (1) is transferable by the licensee, in accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), the licence is declared not to be personal property for the purposes of that Act.

#### 81. Section 91 amended

After section 91(5) insert:

- (6) If a licence granted under subsection (1) is transferable by the licensee, in accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), the licence is declared not to be personal property for the purposes of that Act.

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**Part 9 — Mines and Petroleum**

**Division 1 — *Mining Act 1978* amended**

**82. Act amended**

This Division amends the *Mining Act 1978*.

**83. Section 162A inserted**

After section 161 insert:

**162A. Certain things are not personal property for the purposes of the *Personal Property Securities Act 2009* (Commonwealth)**

In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), the following rights, entitlements or authorities are declared not to be personal property for the purposes of that Act —

- (a) a prospecting licence granted under section 40(1), 56A(6) or 70(6);
- (b) an exploration licence granted under section 57(1);
- (c) a retention licence granted under section 70B(1);
- (d) a mining lease granted under section 71;
- (e) a general purpose lease granted under section 86(1);
- (f) a miscellaneous licence granted under section 91(1).

1           **Division 2 — *Offshore Minerals Act 2003* amended**

2   **84.     Act amended**

3           This Division amends the *Offshore Minerals Act 2003*.

4   **85.     Section 443A inserted**

5           After section 442 insert:

6

7           **443A.   Certain things are not personal property for the**  
8           **purposes of the *Personal Property Securities***  
9           ***Act 2009* (Commonwealth)**

10           In accordance with the *Personal Property Securities*  
11           *Act 2009* (Commonwealth) section 10 the definition of  
12           *licence* paragraph (d), the following rights,  
13           entitlements or authorities are declared not to be  
14           personal property for the purposes of that Act —

- 15           (a)   an exploration licence granted under  
16                 section 63(a) or 81(1);
- 17           (b)   a retention licence granted under  
18                 section 143(a);
- 19           (c)   a mining licence granted under section 206(a)  
20                 or 225(1);
- 21           (d)   a works licence granted under section 276(a).

22

23           **Division 3 — *Petroleum and Geothermal Energy Resources***  
24           ***Act 1967* amended**

25   **86.     Act amended**

26           This Division amends the *Petroleum and Geothermal Energy*  
27           *Resources Act 1967*.

1 **87. Section 152 inserted**

2 After section 151 insert:

3

4 **152. Certain things are not personal property for the**  
5 **purposes of the *Personal Property Securities***  
6 ***Act 2009 (Commonwealth)***

7 In accordance with the *Personal Property Securities*  
8 *Act 2009 (Commonwealth)* section 10 the definition of  
9 *licence* paragraph (d), the following rights,  
10 entitlements or authorities are declared not to be  
11 personal property for the purposes of that Act —

- 12 (a) a petroleum exploration permit or a geothermal  
13 exploration permit granted under section 37;
- 14 (b) a drilling reservation granted under  
15 section 43C(4);
- 16 (c) a petroleum retention lease or geothermal  
17 retention lease granted under section 48B(5);
- 18 (d) a petroleum production licence or geothermal  
19 production licence granted under section 61(4).  
20

21 **Division 4 — *Petroleum Pipelines Act 1969* amended**

22 **88. Act amended**

23 This Division amends the *Petroleum Pipelines Act 1969*.

24 **89. Section 66E inserted**

25 After section 66D insert:

26

27 **66E. Licences under section 10 are not personal property**  
28 **for the purposes of the *Personal Property Securities***  
29 ***Act 2009 (Commonwealth)***

30 In accordance with the *Personal Property Securities*  
31 *Act 2009 (Commonwealth)* section 10 the definition of

1                    *licence* paragraph (d), a licence granted under  
2                    section 10 is declared not to be personal property for  
3                    the purposes of that Act.  
4

5                    **Division 5 — *Petroleum (Submerged Lands) Act 1982* amended**

6                    **90.        Act amended**

7                    This Division amends the *Petroleum (Submerged Lands)*  
8                    *Act 1982*.

9                    **91.        Section 152I inserted**

10                    At the beginning of Part IV insert:  
11

12                    **152I.     Certain things are not personal property for the**  
13                    **purposes of the *Personal Property Securities***  
14                    ***Act 2009 (Commonwealth)***

15                    In accordance with the *Personal Property Securities*  
16                    *Act 2009 (Commonwealth)* section 10 the definition of  
17                    *licence* paragraph (d), the following rights,  
18                    entitlements or authorities are declared not to be  
19                    personal property for the purposes of that Act —

- 20                    (a)    an exploration permit for petroleum granted  
21                    under section 27;
- 22                    (b)    a retention lease granted under section 38B(5);
- 23                    (c)    a production licence for petroleum granted  
24                    under section 44(2);
- 25                    (d)    a licence to construct and operate a pipeline  
26                    granted under section 65(10).  
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**Part 10 — Premier**

**Division 1 — *Gold Corporation Act 1987* amended**

**92. Act amended**

This Division amends the *Gold Corporation Act 1987*.

**93. Section 67 amended**

(1) In section 67 delete “Where gold” and insert:

(1) Where gold

(2) At the end of section 67 insert:

(2) For the purposes of the *Personal Property Securities Act 2009* (Commonwealth) section 259, gold that is collateral purchased by Gold Corporation, the Mint or GoldCorp under subsection (1), but not the proceeds from the sale of gold to Gold Corporation, the Mint, or GoldCorp, is declared to be an excluded matter in relation to section 32 of that Act.

1

## **Part 11 — Racing and Gaming**

2

### **Division 1 — *Liquor Control Act 1988* amended**

3

#### **94. Act amended**

4

This Division amends the *Liquor Control Act 1988*.

5

#### **95. Section 30A amended**

6

After section 30A(2) insert:

7

8

(3) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of *licence* paragraph (d), a licence granted under subsection (1) that is transferable by the licensee is declared not to be personal property for the purposes of that Act.

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### **Division 2 — *The Western Australian Turf Club Act 1892* amended**

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17

#### **96. Act amended**

18

This Division amends *The Western Australian Turf Club Act 1892*.

19

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#### **97. Section 30 amended**

21

In section 30 delete “The respective” and insert:

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23

Subject to the *Personal Property Securities Act 2009* (Commonwealth), the respective

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**Part 12 — Transport**

**Division 1 — *Jetties Act 1926* amended**

**98. Act amended**

This Division amends the *Jetties Act 1926*.

**99. Section 8A amended**

(1) Delete section 8A(4) and insert:

(4) The cost of removal under subsection (3) is a debt due to the Crown and a first charge in priority to all other claims on the materials comprising the private jetty.

(5A) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 73(2)(a), it is declared that section 73(2) of that Act applies to a charge created under subsection (4).

(5B) The Minister may recover that cost of removal under subsection (3) by causing the materials comprising the private jetty to be sold.

(5C) If under subsection (5B) any materials comprising the private jetty are sold in good faith to a person and the person takes the property in good faith, the person receives good title to the materials against every other person including its true owner.

(2) In section 8A(5) delete “subsection (4)” and insert:

subsection (5B)

1 **Division 2 — *Perth Parking Management Act 1999* amended**

2 **100. Act amended**

3 This Division amends the *Perth Parking Management Act 1999*.

4 **101. Section 9 amended**

5 After section 9(5) insert:

6

7 (6) If a licence issued under subsection (1) is transferable  
8 by the licensee, in accordance with the *Personal*  
9 *Property Securities Act 2009* (Commonwealth)  
10 section 10 the definition of *licence* paragraph (d), the  
11 licence is declared not to be personal property for the  
12 purposes of that Act.  
13

14 **Division 3 — *Road Traffic Act 1974* amended**

15 **102. Act amended**

16 This Division amends the *Road Traffic Act 1974*.

17 **103. Section 15A inserted**

18 At the end of Part II insert:

19

20 **15A. Disclosure of information for the purposes of the**  
21 ***Personal Property Securities Act 2009***  
22 **(Commonwealth)**

23 The Director General may disclose the following  
24 information to the Registrar as defined in the *Personal*  
25 *Property Securities Act 2009* (Commonwealth)  
26 section 10 —

27 (a) information relating to vehicles that have been  
28 stolen or written off;

- 1 (b) information contained in the register of vehicle  
2 licences referred to in section 27(1) that the  
3 Director General considers to be relevant to the  
4 operation of the register as defined in  
5 section 10 of that Act.  
6

7 **Division 4 — *Shipping and Pilotage Act 1967* amended**

8 **104. Act amended**

9 This Division amends the *Shipping and Pilotage Act 1967*.

10 **105. Section 5 amended**

11 After section 5(3) insert:  
12

- 13 (4A) If under subsection (3) any wreckage is sold in good  
14 faith to a person and the person takes the property in  
15 good faith, the person receives good title to the  
16 wreckage against every other person including its true  
17 owner.  
18

19 **Division 5 — *Taxi Act 1994* amended**

20 **106. Act amended**

21 This Division amends the *Taxi Act 1994*.

22 **107. Section 16 amended**

23 After section 16(9) insert:  
24

- 25 (10A) In accordance with the *Personal Property Securities*  
26 *Act 2009* (Commonwealth) section 10 the definition of  
27 ***licence*** paragraph (d), a lease of taxi plates under this  
28 section is declared not to be personal property for the  
29 purposes of that Act.  
30

1 **Division 6 — *Transport Co-ordination Act 1966* amended**

2 **108. Act amended**

3 This Division amends the *Transport Co-ordination Act 1966*.

4 **109. Section 20 amended**

5 After section 20(4) insert:

6

7 (5) In accordance with the *Personal Property Securities*  
8 *Act 2009* (Commonwealth) section 10 the definition of  
9 *licence* paragraph (d), a licence granted under this Part  
10 is declared not to be personal property for the purposes  
11 of that Act.  
12

13 **110. Section 47ZD amended**

14 After section 47ZD(6) insert:

15

16 (7) If a licence issued under subsection (1) is transferable  
17 by the licensee, in accordance with the *Personal*  
18 *Property Securities Act 2009* (Commonwealth)  
19 section 10 the definition of *licence* paragraph (d), the  
20 licence is declared not to be personal property for the  
21 purposes of that Act.  
22

23 **Division 7 — *Western Australian Marine Act 1982* amended**

24 **111. Act amended**

25 This Division amends the *Western Australian Marine Act 1982*.

1 **112. Section 71 amended**

2 (1) Delete section 71(3) and insert:

3

4 (3) The cost of removal under subsection (2) is a debt due  
5 to the Crown and a first charge in priority to all other  
6 claims on the navigational hazard.

7 (4A) In accordance with the *Personal Property Securities*  
8 *Act 2009* (Commonwealth) section 73(2)(a), it is  
9 declared that section 73(2) of that Act applies to a  
10 charge created under subsection (3).

11 (4B) The chief executive officer may recover the cost of  
12 removal under subsection (2) by —

13 (a) action in a court of competent jurisdiction  
14 against the owner of the navigational hazard; or

15 (b) selling or causing to be sold the navigational  
16 hazard.

17 (4C) If under subsection (4B)(b) any navigational hazard is  
18 sold in good faith to a person and the person takes the  
19 property in good faith, the person receives good title to  
20 the navigational hazard against every other person  
21 including its true owner.  
22

23 (2) In section 71(4) delete “subsection (3)(b)” and insert:

24

25 subsection (4B)(b)  
26

1 **Division 8 — *Western Australian Marine (Sea Dumping)***  
2 ***Act 1981* amended**

3 **113. Act amended**

4 This Division amends the *Western Australian Marine (Sea*  
5 *Dumping) Act 1981*.

6 **114. Section 12 amended**

7 (1) In section 12(3) delete “charge upon the vessel, aircraft or  
8 platform,” and insert:

9  
10 first charge in priority to all other claims upon the  
11 vessel, aircraft or platform,  
12

13 (2) After section 12(3) insert:  
14

15 (4A) In accordance with the *Personal Property Securities*  
16 *Act 2009* (Commonwealth) section 73(2)(a), it is  
17 declared that section 73(2) of that Act applies to a  
18 charge created under subsection (3).  
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**Part 13 — Water**

**Division 1 — *Country Areas Water Supply Act 1947* amended**

**115. Act amended**

This Division amends the *Country Areas Water Supply Act 1947*.

**116. Section 81 amended**

(1) In section 81 delete “The” and insert:

(1) The

(2) At the end of section 81 insert:

(2) In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 73(2)(a), it is declared that section 73(2) of that Act applies to a charge created under subsection (1).

**Division 2 — *Country Towns Sewerage Act 1948* amended**

**117. Act amended**

This Division amends the *Country Towns Sewerage Act 1948*.

**118. Section 79 amended**

(1) In section 79 delete “The” and insert:

(1) The

1 (2) At the end of section 79 insert:  
2

3 (2) In accordance with the *Personal Property Securities*  
4 *Act 2009* (Commonwealth) section 73(2)(a), it is  
5 declared that section 73(2) of that Act applies to a  
6 charge created under subsection (1).  
7

8 **Division 3 — Metropolitan Water Supply, Sewerage, and**  
9 **Drainage Act 1909 amended**

10 **119. Act amended**

11 This Division amends the *Metropolitan Water Supply,*  
12 *Sewerage, and Drainage Act 1909.*

13 **120. Section 109 amended**

14 (1) In section 109 delete “The” and insert:  
15

16 (1) The  
17

18 (2) At the end of section 109 insert:  
19

20 (2) In accordance with the *Personal Property Securities*  
21 *Act 2009* (Commonwealth) section 73(2)(a), it is  
22 declared that section 73(2) of that Act applies to a  
23 charge created under subsection (1).  
24

25 **Division 4 — Water Services Licensing Act 1995 amended**

26 **121. Act amended**

27 This Division amends the *Water Services Licensing Act 1995.*

1 **122. Section 60C inserted**

2 After section 60B insert:

3

4 **60C. Operating licence (water supply services) is not**  
5 **personal property for the purposes of the *Personal***  
6 ***Property Securities Act 2009* (Commonwealth)**

7 If an operating licence granted under section 18 is  
8 transferable by the licensee, in accordance with the  
9 *Personal Property Securities Act 2009*  
10 (Commonwealth) section 10 the definition of *licence*  
11 paragraph (d), the licence is declared not to be personal  
12 property for the purposes of that Act.

13

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