

WESTERN AUSTRALIA

**CHATTEL SECURITIES
AMENDMENT ACT 1996**

No. 39 of 1996

AN ACT to amend the *Chattel Securities Act 1987*.

[Assented to 27 September 1996.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Chattel Securities Amendment Act 1996*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Chattel Securities Act 1987** is referred to as the principal Act.

[* *Act No. 101 of 1987.*
For subsequent amendments see 1994 Index to Legislation of Western Australia, Table 1, p. 29.]

Section 20 amended

4. Section 20 of the principal Act is amended by inserting after subsection (2) the following subsection —

“
 (3) The applicant, at the prescribed time or within the prescribed period, shall pay the prescribed fee (if any) payable in respect of an application made by the applicant under subsection (1).
”

Section 23 repealed and a section substituted

5. Section 23 of the principal Act is repealed and the following section is substituted —

“
 Details of entries
23. (1) A person (the “**applicant**”) may apply to the Commissioner, in or to the effect of the approved form or in the prescribed manner —
 (a) for a certificate containing —
 (i) details of particulars of entries in the register in respect of specified goods to which this Part applies; or

(ii) a statement that there are no entries in the register in respect of those goods;

or

(b) subject to the approval of the Commissioner, for confirmation of —

(i) details of particulars of entries in the register in respect of specified goods to which this Part applies; or

(ii) a statement that there are no entries in the register in respect of those goods,

by reference to an account sent to the applicant.

(2) The applicant, at the prescribed time or within the prescribed period, shall pay the prescribed fee (if any) payable in respect of an application under subsection (1).

(3) The Commissioner shall respond to an application made in accordance with this section by providing a certificate containing, or an account confirming, the details or statement applied for, and bearing the time and date that the response to the application was made, together with such other information as the Commissioner approves.

(4) In this section —

“**entries**” does not include particulars in the register that have been cancelled under section 19.

”.

Section 25 amended

6. Section 25 (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) A person who suffers loss or damage arising from, or in connection with, the purchase of registrable goods is entitled to make application to the Commissioner for an order for payment of compensation, including costs to the applicant, if —

(a) before the purchase was made, an application was made —

(i) under section 23 (1) (a) for a certificate setting out details of particulars of entries in the register in respect of specified goods; or

(ii) under section 23 (1) (b) for confirmation (by reference to an account) of particulars of details of entries relating to specified goods in the register;

and

(b) the certificate or the account did not contain particulars of an entry in the register relating to those goods at the time the details were provided or obtained.

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