



**Australian Government**  
**Attorney-General's Department**

**Civil Law Division**

09/21494

12 November 2009

Senator Trish Crossin  
Chair  
Senate Standing Committee on Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Senator Crossin

**Personal Property Securities – regulations and amendments to the *Corporations Act 2001***

At the Committee's hearing on 10 November 2009 the Department agreed, at Senator Barnett's request, to provide on notice further information about the anticipated timeframes and processes for the passage of amendments to the *Corporations Act 2001* as part of personal property securities (PPS) reform and the making of PPS regulations.

While we have set out the estimated timeframes and processes below, you would appreciate that they are of course subject to decisions of Government and the Parliament's timetable and workload.

The proposed amendments to the Corporations Act are currently with the Attorney-General for approval. Under the intergovernmental *Corporations Agreement 2002*, the Commonwealth must release the proposed amendments for public comment for a period of three months unless a shorter period is agreed to. It is planned that there be a two month period of public exposure, commencing in the second half of November 2009. Subject to the Government's agreement, the amendments would be introduced into Parliament in February 2010.

As we advised at the hearing, the Department has released an updated paper on the proposed PPS regulations. The paper sets out the policy outcomes to be achieved through the PPS regulations and will serve as drafting instructions for the regulations.

Many of the regulation enabling provisions in the PPS Bill relate to the operation of the PPS Register. Draft regulations about the PPS Register are expected to be made available for public comment by March 2010.

As we indicated at the hearings there will be another tranche of regulations dealing with matters other than the PPS Register, for example regulations underpinning the application of the PPS Bill to 'mortgage backed securities'. Finalising these regulations will require further consultation with stakeholders. Subject to the progress of those consultations, we expect the second tranche of regulations to be available for comment in the second quarter of 2010.

The PPS Intergovernmental Agreement requires that the Commonwealth consult, and in some cases seek the agreement of, the States and Territories in advance of any regulations being made under the PPS Act. We expect to be in a position to present the PPS Regulations to the States and Territories for approval before the middle 2010. This would allow the regulations to be tabled in Parliament early in the third quarter of 2010.

I trust this is of assistance.

The action officer for this matter is Adele Rentsch who can be contacted

Yours sincerely

Richard Glenn  
Assistant Secretary  
Personal Property Securities Branch