

CHAPTER 1

Introduction

1.1 On 25 June 2009, the Senate referred the provisions of the Personal Property Securities Bill 2009 to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report due by 7 August 2009.

1.2 The committee presented a short interim report to the Senate out of session on 7 August, indicating that it intended to present its final report on 17 August. On 13 August the Senate granted a further extension of the reporting date to 20 August 2009.

1.3 The Bill was introduced in the House of Representatives on 24 June 2009 by the Attorney-General, the Hon. Robert McClelland MP. The government states that:

... The bill will replace the existing complex, inconsistent and ad hoc web of common law and legislation, involving over 70 Commonwealth, state and territory acts. It will implement a single national law, creating a uniform and functional approach to personal property securities.

Personal property is any form of property other than land. It includes goods such as cars, machinery, even crops and livestock, financial property such as currency and letters of credit and intangibles such as intellectual property rights.

The bill will apply to all transactions which create an interest in personal property that secures a loan or other obligation.¹

Conduct of the inquiry

1.4 The committee advertised the inquiry in *The Australian* newspaper on 1 July 2009. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to a range of organisations and individuals inviting submissions by 31 July 2009.

1.5 The committee received 26 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.6 The committee held public hearings in Sydney on 6 and 7 August 2009. A list of witnesses who appeared at the hearing is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

1 Attorney-General, the Hon Robert McClelland, Second Reading Speech, *Hansard*, Wednesday 24 June 2009, p. 14.

Scope of the report

1.7 The structure of the report is as follows:

- Chapter 2 outlines the history of the development of the Bill;
- Chapter 3 identifies the changes between the exposure draft bill reported on by this committee in March 2009 and this 2009 Bill;
- Chapter 4 discusses general issues relevant to the Bill; and
- Chapter 5 considers unresolved technical issues relating to the Bill.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume.

1.10 Due to delays in the production of the Hansard Transcript, this report was prepared without extensive reference to evidence received at the public hearing.