



Registrar of Personal Property Securities

Practice Statement Number 10

Preventing certain persons from making or amending registrations on the PPSR

This Registrar's Practice Statement is intended to help users of the Personal Property Securities Register (PPSR) understand when the Registrar of Personal Property Securities (Registrar) may put in place measures to prevent certain persons or organisations from using the PPSR for the purpose of creating and amending PPSR registrations.

Summary of Practice Statement content

This Practice Statement outlines:

- Why the Registrar may put in place measures to prevent certain persons from making or amending registrations on the PPSR
- The process for persons to apply to make or amend registrations where they have been prevented from doing so
- The review options available if an application is refused

Key Terms

AAT – Administrative Appeals Tribunal

Financing change statement – the approved form in which a registration must be made or amended in order to be registered on the PPSR.

Identifier – the identifier of an organisation or an individual used in accordance with the rule of the PPS Act to register on the PPSR (such as ACN, DOB etc).

PPS Act – The *Personal Property Securities Act 2009* (Cth) which sets out the rules for administering the PPSR

Registrar – The Registrar of Personal Property Securities makes or delegates power to make decisions under the PPS Act

Statement of reasons – a written statement that explains the reasons for making a decision

Why would the Registrar prevent certain persons from being able to make or amend registrations on the PPSR?

Section 147 of the PPS Act requires the Registrar to establish and maintain a highly available and accessible PPSR. In order to do this, the PPSR was established at the outset as a fully digitalised service governed by a range of business rules to support users to comply with the requirements of the PPS Act.

In order to support the PPSR's responsiveness and high number of transactions, these business rules operate based on the assumption that a user, having accepted the terms and conditions of use, is making a registration that is not frivolous, vexatious or offensive, or contrary to the public interest. Additionally, it needs to be made with the legitimate belief that they have or will have a security interest. This supports a streamlined and timely registration process for the majority of PPSR users.

Where it becomes evident to the Registrar that a person or organisation registering on the PPSR has acted in a manner contrary to this, the Registrar exercises the right to prevent standard PPSR business rules from operating for offending individual or organisation identifiers. The Registrar will do this by preventing these identifiers from being able to be registered on the PPSR without first approaching the Registrar or their delegate.

I am unable to make a registration on the PPSR. Has the Registrar taken steps to prevent me from doing so?

If the Registrar has taken steps to prevent you from making or amending registrations on the PPSR, you will receive an error message if you attempt to make a new PPSR Registration or amend or transfer an existing one.

This error message will contain a reference number along the lines of 'ENQ-0123456-1A2B3C' and a phone number and email address to contact to find out more information as to whether you have been refused access to the PPSR.

What do I do if I still want to make or amend a registration but the PPSR won't allow me to do so?

You must contact the Registrar or their delegate to apply to make your registration. Information about how to do this will be provided upon contact from you.

Following a valid application, the Registrar or their delegate will then consider whether there is any evidence to suggest that your registration should or should not be able to be accepted.¹ You will be notified of the outcome of this decision in writing.

The Registrar has decided not to accept my registration – can I appeal? Can you tell me the reasons why you made your decision?

A decision made to refuse to accept a registration or amendment to a registration can be reviewed by the Administrative Appeals Tribunal (AAT).²

The AAT is an independent tribunal that reviews certain decisions made by Australian Government departments. Fees apply for making an application to the AAT to review a decision. For more information, see the AAT website at www.aat.gov.au.

As this is a decision that can be reviewed by the AAT, you are also entitled to request written reasons for the decision.³ This is known as a *statement of reasons*. To get a statement of reasons, you must send us a written request within 28 days of the decision. We will then supply you with a statement of reasons within 28 days of your request. There is no fee for requesting a *statement of reasons*.

You can also make a written complaint to the Commonwealth Ombudsman at any time if you believe we have treated you unfairly or unreasonably. For more information, see their website at <http://www.ombudsman.gov.au/>.

¹ Pursuant to s150 of the PPS Act

² PPS Act Section 191(a) and (b)

³ *Administrative Appeals Tribunal Act 1975* (Cth) subsection 28(1)