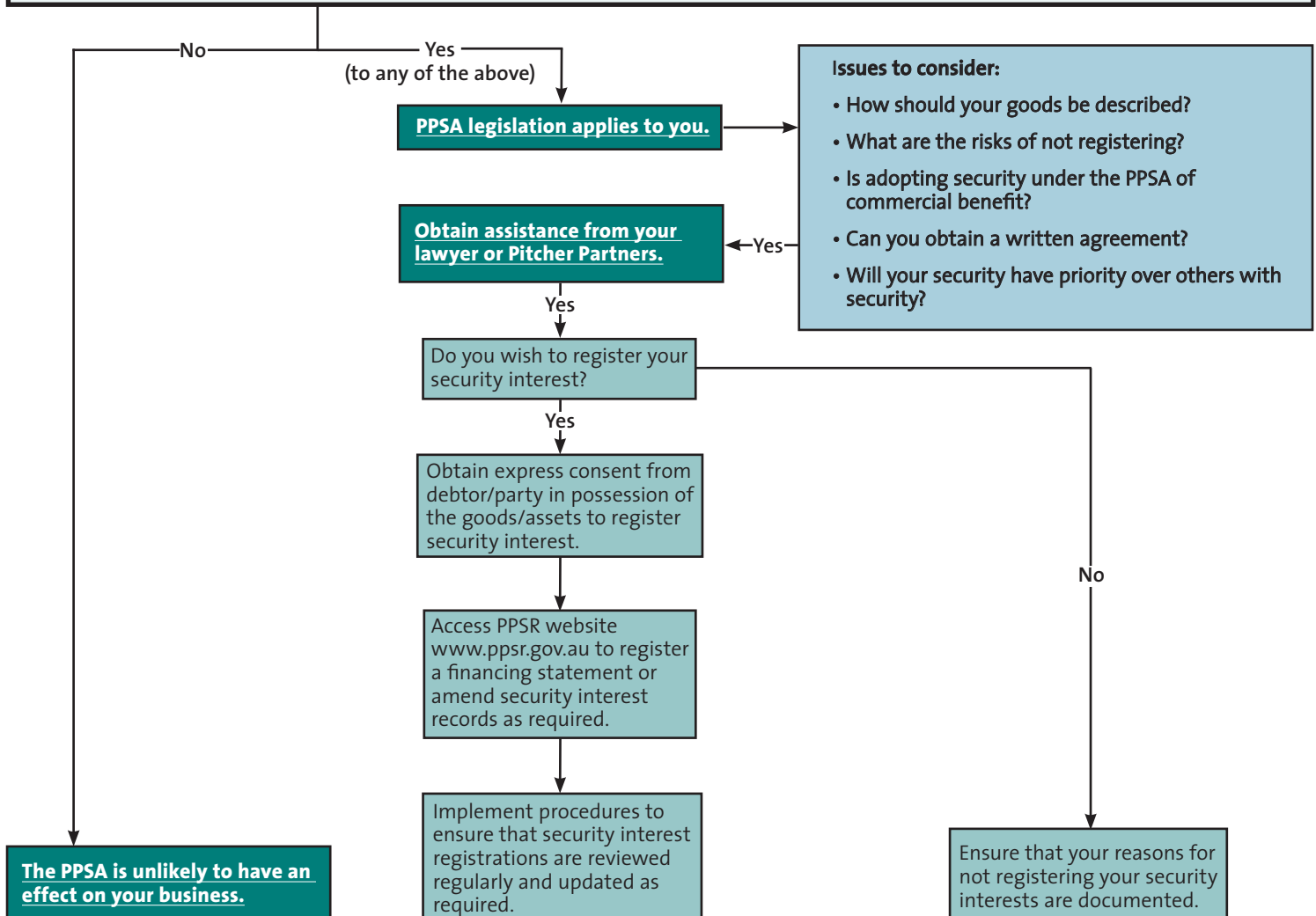


DOES THE PERSONAL PROPERTY SECURITIES LEGISLATION AFFECT YOU?

Personal Property Securities Act (PPSA)

The Personal Property Securities Act 2009 was passed on 14 December 2009 that will make wholesale changes to the registration of security interests in personal property. The Act is expected to commence on 30 January 2012. Many businesses will not be aware that the legislation will radically change the notion of legal title to assets. For those who do not understand how the legislation will affect them, their assets will be at risk.

Do you:	YES	NO
• Sell goods on credit	<input type="checkbox"/>	<input type="checkbox"/>
• Provide credit facilities in any form, including to related parties	<input type="checkbox"/>	<input type="checkbox"/>
• Make loans or advances of funds to anyone including related parties	<input type="checkbox"/>	<input type="checkbox"/>
• Have goods or assets located at other people's premises	<input type="checkbox"/>	<input type="checkbox"/>
• Rent, lease or hire goods or assets to others, including to related parties	<input type="checkbox"/>	<input type="checkbox"/>
• Supply goods on retention of title terms	<input type="checkbox"/>	<input type="checkbox"/>
• Supply goods on consignment and where these goods are stored elsewhere	<input type="checkbox"/>	<input type="checkbox"/>
• Grant licenses to other parties to use any of your products, trademarks or intellectual property	<input type="checkbox"/>	<input type="checkbox"/>
• Plan to enter into and pay a deposit for a conditional sale or purchase contract	<input type="checkbox"/>	<input type="checkbox"/>
• Intend to take security over certain assets	<input type="checkbox"/>	<input type="checkbox"/>
• Have guarantors with charging clauses in your favour	<input type="checkbox"/>	<input type="checkbox"/>
• Have assets or funds held on trust by other parties	<input type="checkbox"/>	<input type="checkbox"/>

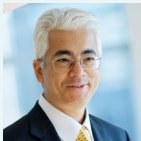


WATCH OUTS

As a result of PPSA, businesses should **exercise caution should they find themselves in the following circumstances:**

- Being approached by suppliers, financiers, banks or lessors seeking to amend or enter into new security agreements. Take care when reviewing the new agreement to ensure that additional security is not provided.
- When purchasing goods or a business, a vendor may not disclose security interests in respect of the property being purchased. Purchasers should check the security register of the vendor or risk inheriting a liability of the vendor.
- Businesses should regularly monitor security registrations against their own structures to ensure that only valid security interests are being registered.
- When investing or borrowing to invest in any investment instruments, ensure that you are aware of your rights.

For further information please contact



David Vasudevan
Partner - Business Recovery and Insolvency
T 03 8610 5542
E david.vasudevan@pitcher.com.au



Paul Toner
Partner - Private Clients
T 03 8610 5182
E paul.toner@pitcher.com.au



Daniel Byrne
Partner - Business Advisory & Assurance
T 03 8610 5291
E daniel.byrne@pitcher.com.au



Peter Jose
Partner - Business Advisory & Assurance
T 03 8610 5142
E peter.jose@pitcher.com.au



Paul Robson
Director - Business Advisory & Assurance
T 03 8610 5289
E paul.robson@pitcher.com.au



Damian Pearce
Senior Manager - Business Recovery and Insolvency
T 03 8610 5471
E damian.pearce@pitcher.com.au



Josh Kennedy
Manager - Private Clients
T 03 8610 5399
E josh.kennedy@pitcher.com.au



Andrew Johnson
Senior Manager - Business Advisory & Assurance
T 03 8612 9247
E andrew.johnson@pitcher.com.au

Disclaimer:

This document is intended to provide a summary only and should not be relied on as a substitute for professional advice. The examples provided herein are for illustrative purposes only and not meant to be exhaustive.



Melbourne

Telephone +61 3 8610 5000
partners@pitcher.com.au
www.pitcher.com.au

Sydney

Telephone +61 2 9221 2099
partners@pitcher-nsw.com.au

Adelaide

Telephone +61 8 8179 2800
partners@pitcher-sa.com.au

Perth

Telephone +61 8 9322 2022
partners@pitcher-wa.com.au

Brisbane

Telephone +61 7 3222 8444
partners@pitcher-qld.com.au

Pitcher Partners, including Johnston Rorke, is an association of Independent firms
An independent member of Baker Tilly International

In Victoria, Pitcher Partners refers to the Victorian partnership and its associated entities including Pitcher Partners Advisors Proprietary Limited, Pitcher Partners Consulting Pty Ltd, Pitcher Partners Corporate Pty Ltd, Pitcher Partners Transaction Services Pty Ltd and Pitcher Partners Investment Services Pty Ltd.

Liability limited by a scheme approved under Professional Standards Legislation