

FACT SHEET

Disposal of Uncollected Goods Bill 2019

The Bill repeals the outdated *Disposal of Uncollected Goods Act 1968* and replaces it with modern legislation dealing with the way businesses can deal with goods left with them by consumers that are uncollected.

The Bill applies where there is a common law agreement for the bailment of goods, and the parties did not make arrangements for the collection of the goods. It specifically includes new provisions dealing with:

- Motor vehicles; and
- Perishable items.

Key features of the Bill include:

- Simple procedures for the disposal of uncollected goods. Goods that have been left uncollected for a period of time may legally be disposed of by businesses. The methods of disposal are determined by the procedures in the Bill and the value of the individual goods.
- A clear and simple “goods disposal notice” is sent to the consumer before the business intends to dispose of the goods.
- “Value categories” of goods are introduced with different procedures for the disposal of each category.
- Shortening the required holding periods that businesses must retain goods before disposal is allowed.
- Removing any requirement to notify the Commissioner of Police prior to disposal of goods.
- Removing the requirement to sell goods only at public auction. Instead private sales may be used, even for high value goods in some circumstances.
- Introducing a new provision dealing with the disposal of perishable goods.
- Clearer and simpler record keeping, of how uncollected goods were disposed of.
- Giving good legal title to purchasers of goods.
- Protecting businesses who sell goods against claims by former owners of goods.
- The Director of Consumer Affairs and Fair Trading may make Determinations about certain matters, such as:
 - keeping the threshold dollar value of the “value categories” up to date.

- deciding what are appropriate methods to determine the value of certain goods.
- Modern terminology is used: “provider” (consumer) and “recipient” (business) instead of the “bailor” or “bailee” of goods.
- The Bill will commence on Royal Assent.

A key reform in the Bill is that it divides all goods into three value categories – Low, Medium or High:

- Low value uncollected goods are any goods valued at \$200 or less, except for a motor vehicle, which is valued at \$1,000 or less.
- Medium value uncollected goods are any goods valued at between \$200 and \$5,000, except for a motor vehicle, which is valued at more than \$1,000 but less than \$5,000.
- High value uncollected goods are any goods (including motor vehicles) valued at more than \$5,000.
- The Bill allows for the Director of Consumer Affairs and Fair Trading to periodically adjust the dollar thresholds of the value categories to ensure that they do not become outdated due to inflation. This is done by making and publishing a Determination.

Motor vehicles are treated differently from other goods in the Bill in the following ways:

- The dollar amount of vehicles in the value categories is different from other types of goods.
- Before a sale, the provider (business) must do a check that there are no other secured interests in a vehicle.
- The provider must give a receipt to the purchaser showing certain details about the vehicle sold.

The Bill does not apply to unsolicited goods, or where there are special provisions in other legislation for the disposal of certain goods, such as:

- goods left behind by tenants subject to a tenancy agreement;
- pawned goods held by a pawnbroker;
- unclaimed lottery or gambling prizes;
- lost property received by the police service;
- vehicles seized by the police; and
- items obstructing public roads.