



New South Wales

# Uncollected Goods Regulation 2017

under the

Uncollected Goods Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Uncollected Goods Act 1995*.

MATT KEAN, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to repeal and remake, without substantial amendment, the *Uncollected Goods Regulation 2011*, which would otherwise be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation provides for the following:

- (a) the particular goods to which the *Uncollected Goods Act 1995* does not apply (because a different legislative scheme applies to those goods),
- (b) the making of an application to the Local Court for an order for the disposal of uncollected goods.

This Regulation is made under the *Uncollected Goods Act 1995*, including sections 6, 8 and 38 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Uncollected Goods Regulation 2017

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### 1 Name of Regulation

This Regulation is the *Uncollected Goods Regulation 2017*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note.** This Regulation repeals and replaces the *Uncollected Goods Regulation 2011*, which would otherwise be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Uncollected Goods Act 1995*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Act not available as an alternative to certain Acts

For the purposes of section 6 (2) of the Act, the following Acts and any instruments under those Acts are prescribed:

*Holiday Parks (Long-term Casual Occupation) Act 2002*

*Passenger Transport Act 1990*

*Passenger Transport Act 2014*

*Residential (Land Lease) Communities Act 2013*

*Residential Tenancies Act 2010*

*Retirement Villages Act 1999*

*Storage Liens Act 1935*

*Transport Administration Act 1988*

### 5 Applications to Local Court for orders for disposal of uncollected goods

An application under section 8 (1) of the Act for an order authorising a bailee to dispose of uncollected goods must nominate:

- (a) the bailor of the goods (that is, the person entitled to custody of the goods) as the respondent, and

- (b) any other person claiming an interest in the goods (such as an owner of the goods) as an additional party.

**Note.** An application is to be made in the form approved under section 72 of the *Local Court Act 2007*. For the procedure relating to the application, see Part 4 of that Act.

## **6 Repeal and savings**

- (1) The *Uncollected Goods Regulation 2011* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Uncollected Goods Regulation 2011*, had effect under that Regulation, continues to have effect under this Regulation.