



New South Wales

# Uncollected Goods Regulation 2020

under the

Uncollected Goods Act 1995

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

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to provide for the following matters under the *Uncollected Goods Act 1995* (the *Act*)—

- (a) the kinds of goods that are uncollected goods for the purposes of the Act,
- (b) the circumstances in which the Act cannot be used as an alternative to the statutory means of disposal of goods provided for in other Acts,
- (c) the records that are personal documents for the purposes of the notice and disposal requirements of the Act,
- (d) enabling a notice of intention to dispose of uncollected goods to be served on the owner of the goods electronically via an online messaging system,
- (e) the periods in which a depositor, or a person who has an interest in uncollected goods, may make an application to the Civil and Administrative Tribunal for an order relating to the goods.

This Regulation is made under the *Uncollected Goods Act 1995*, including sections 5(2)(f), 6(2)(g), 22A(4) (paragraph (e) of the definition of *personal document*), 27(c), 31B(2) 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.

## Contents

|                                                            | Page |
|------------------------------------------------------------|------|
| 1 Name of Regulation                                       | 3    |
| 2 Commencement                                             | 3    |
| 3 Definitions                                              | 3    |
| 4 When goods uncollected for purposes of Act               | 3    |
| 5 When Act not available for disposal of uncollected goods | 3    |
| 6 Personal documents                                       | 4    |
| 7 Service of notices                                       | 4    |
| 8 Applications for Tribunal orders                         | 4    |

## Uncollected Goods Regulation 2020

under the

Uncollected Goods Act 1995

### 1 Name of Regulation

This Regulation is the *Uncollected Goods Regulation 2020*.

### 2 Commencement

This Regulation commences on 1 July 2020 and is required to be published on the NSW legislation website.

### 3 Definitions

(1) In this Regulation—

**Secretary** means—

- (a) the Commissioner for Fair Trading, Department of Customer Service, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Customer Service.

**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 When goods uncollected for purposes of Act

For the purposes of section 5(2)(f) of the Act, goods are also uncollected goods if—

- (a) a manager of a registrable boarding house or, if no manager has been appointed for a registrable boarding house, a proprietor of a registrable boarding house, reasonably believes the goods have been abandoned or left behind at the registrable boarding house (within the meaning of the *Boarding Houses Act 2012*), or
- (b) a managing agent for an association or, if no managing agent has been appointed for an association, a secretary of the executive committee of an association, reasonably believes the goods have been abandoned or left behind on the association property of the association (within the meaning of the *Community Land Management Act 1989*), or
- (c) a tenant reasonably believes that the goods have been abandoned or left behind by a former co-tenant or former occupant of residential premises after the former co-tenant or former occupant vacated the premises (within the meaning of the *Residential Tenancies Act 2010*).

### 5 When Act not available for disposal of uncollected goods

For the purposes of section 6(2)(g) of the Act, the Act is not available as an alternative to the following Acts—

- (a) *Companion Animals Act 1998*,
- (b) *Tow Truck Industry Act 1998*.

## 6 Personal documents

For the purposes of paragraph (e) of the definition of *personal document* in section 22A(4) of the Act, each of the following is prescribed—

- (a) a medical record,
- (b) a legal document (for example, a will, power of attorney or contract),
- (c) an employment reference, payment summary or other document relating to the depositor's employment history.

## 7 Service of notices

- (1) For the purposes of section 27(c) of the Act, a notice may be served on a person by sending the notice electronically via an online messaging system specified by the person for the service of notices of that kind.
- (2) In this clause—

*online messaging system* means an online service approved by the Secretary that enables a person to securely send and receive written messages by means of a website, mobile telephone or mobile device or by other electronic means.

**Note.** If a document cannot practicably be served on a person in Tribunal proceedings, other means of serving a document can be ordered by the Tribunal (see rule 15 of the *Civil and Administrative Tribunal Rules 2014*).

## 8 Applications for Tribunal orders

- (1) For the purposes of section 31B(2) of the Act, the following periods are prescribed—
  - (a) for an application for an order under section 31B(1)(a) or (b) of the Act—
    - (i) if the uncollected goods are low value uncollected goods or medium value uncollected goods—60 days commencing on the relevant date, or
    - (ii) if the uncollected goods are high value uncollected goods or personal documents—90 days commencing on the relevant date,
  - (b) for an application for an order under section 31B(1)(c) or (d) of the Act—180 days commencing on the relevant date.
- (2) In this clause—

*high value uncollected goods* has the same meaning as in section 22 of the Act.

*low value uncollected goods* has the same meaning as in section 20 of the Act.

*medium value uncollected goods* has the same meaning as in section 21 of the Act.

*personal documents* has the same meaning as in section 22A of the Act.

*relevant date* means—

- (a) if a notice under Part 3 of the Act was given to, or served on, the depositor or person who has an interest in the uncollected goods—the day on which the notice was given or served, or
- (b) in any other case—the day on which the uncollected goods were left in the possession of the receiver.