



New South Wales

Fair Trading Legislation Amendment (Miscellaneous) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Retirement Villages Amendment Bill 2018*.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Residential Tenancies Act 2010* to enable the regulations to establish a rental bond roll-over scheme,
- (b) to amend the *Co-operative Housing and Starr-Bowkett Societies Act 1998* to prohibit the formation or registration of new co-operative housing societies and Starr-Bowkett societies,
- (c) to repeal various Acts and transfer certain provisions with ongoing effect to other legislation,
- (d) to amend the *Uncollected Goods Act 1995* and other Acts and regulations to bring provisions relating to the disposal of abandoned and uncollected goods into a single Act and to reform and simplify those provisions.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2020 or on an earlier day or days to be appointed by proclamation.

Clause 3 makes it clear that the explanatory notes contained in Schedules 1–3 do not form part of the proposed Act.

Schedule 1 Amendment of Residential Tenancies Act 2010 No 42

Schedule 1 makes the amendments referred to in paragraph (a) of the Overview.

Schedule 2 Amendments relating to repeals and transfers

Schedule 2 makes the amendments referred to in paragraphs (b) and (c) of the Overview.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in the Schedule.

Schedule 3 Amendments relating to uncollected goods

Schedule 3 makes the amendments referred to in paragraph (d) of the Overview.

The amendments to each Act and instrument are explained in detail in the explanatory note relating to the Act or instrument concerned set out in the Schedule.



New South Wales

Fair Trading Legislation Amendment (Miscellaneous) Bill 2018

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Explanatory notes	2
Schedule 1 Amendment of Residential Tenancies Act 2010 No 42	3
Schedule 2 Amendments relating to repeals and transfers	4
Schedule 3 Amendments relating to uncollected goods	10



New South Wales

Fair Trading Legislation Amendment (Miscellaneous) Bill 2018

No. , 2018

A Bill for

An Act to amend various Acts and Regulations administered by the Minister for Innovation and Better Regulation; and other related matters.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Fair Trading Legislation Amendment (Miscellaneous) Act 2018</i> .	3
2 Commencement	4
This Act commences on 1 July 2020 or on an earlier day or days to be appointed by proclamation.	5 6
3 Explanatory notes	7
The matter appearing under the heading “Explanatory note” in Schedules 1–3 does not form part of this Act.	8 9

Schedule 1	Amendment of Residential Tenancies Act 2010	1
	No 42	2
Part 8, Division 7		3
Insert after Division 6 of Part 8:		4
Division 7	Roll-over of existing rental bond	5
186A	Regulations may establish rental bond roll-over scheme	6
(1)	The regulations may make provision for or with respect to the establishment of a rental bond roll-over scheme to enable a rental bond deposited with the Secretary in relation to a tenancy (a <i>deposited rental bond</i>) to be used for the purposes of a rental bond required for another tenancy.	7 8 9 10
(2)	Without limiting subsection (1), the regulations may make provision for or with respect to the following:	11 12
(a)	eligibility for participation in the scheme,	13
(b)	the circumstances in which a deposited rental bond may be treated as the rental bond for another tenancy,	14 15
(c)	the payment of additional amounts by a tenant towards a rental bond for another tenancy if the amount of a deposited rental bond is insufficient to cover the rental bond for the other tenancy,	16 17 18
(d)	the payment of a refund if the amount of a rental bond for the other tenancy is less than the deposited rental bond for the original tenancy,	19 20
(e)	any fee or deposit that must be paid to the Secretary to enable rental bond roll-over to occur,	21 22
(f)	the times or periods within which actions must be completed in relation to the payment of bonds (and the variation of those times or periods) and the consequences of failure to complete actions within those times or periods,	23 24 25 26
(g)	remedies for contraventions of the scheme,	27
(h)	the making of claims against a deposited rental bond (whether before or after it is treated as the rental bond for another tenancy),	28 29
(i)	the application of provisions of this Part to the scheme (whether with or without modifications).	30 31
(3)	In this section, <i>modification</i> includes an addition, omission or substitution.	32

Schedule 2	Amendments relating to repeals and transfers	1
2.1	Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11	2
[1]	Section 2A	3
	Insert after section 2:	4
2A	Prohibition on formation or registration of new societies and admission of new members	5
	Despite any other provision of this Act:	7
	(a) a society cannot be formed or registered on or after the commencement of this section, and	8
	(b) a Starr-Bowkett society cannot admit any person to membership on or after that commencement.	10
[2]	Schedule 5 Savings, transitional and other provisions	12
	Omit clause 2 (1). Insert instead:	13
	(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	14
	Explanatory note	16
	Item [1] of the proposed amendments provides that no new co-operative housing societies or Starr-Bowkett societies may be formed or registered under the <i>Co-operative Housing and Starr-Bowkett Societies Act 1998</i> on or after the commencement of the amendment. The amendment also prohibits existing Starr-Bowkett societies from admitting new members on or after that date.	17
	Item [2] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act or any other Act that amends the <i>Co-operative Housing and Starr-Bowkett Societies Act 1998</i> .	18
2.2	Fair Trading Act 1987 No 68	24
	Schedule 7	25
	Insert in appropriate order:	26
	Schedule 7 Provisions transferred by the Fair Trading Legislation Amendment (Miscellaneous) Act 2018	27
		28
		29
Part 1	Repeal and transfers	30
1	Repeal of Acts	31
	The <i>Innkeepers Act 1968</i> and the <i>Prices Regulation Act 1948</i> are repealed.	32
2	Provisions transferred to this Schedule	33
	Parts 2 and 3 re-enact the following provisions (with minor modifications) and are transferred provisions to which section 30A of the <i>Interpretation Act 1987</i> apply:	34
	(a) sections 5–8 of the <i>Innkeepers Act 1968</i> ,	35
	(b) sections 41, 42 and 59 of the <i>Prices Regulation Act 1948</i> .	36
		37
		38

Part 2	Innkeepers Act 1968 No 24	1
3	Liability for damage to property	2
	Subject to this Part, the keeper of an inn shall be under the like liability to make good damage to property brought to the inn by or on behalf of a traveller using its facilities as is imposed on him or her by law with respect to the loss thereof.	3 4 5
4	Exclusion of liability in certain cases	6
	The liability imposed by law on the keeper of an inn to make good the loss while at the inn, whether by theft or otherwise, of property brought to the inn by or on behalf of a traveller using its facilities, and the like liability imposed by clause 3 with respect to damage thereto, shall not be incurred by the innkeeper where:	7 8 9 10 11
	(a) the property lost or damaged is a vehicle or anything therein, or	12
	(b) the traveller is not a guest at the inn,	13
	unless the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or the innkeeper's employee or agent.	14 15
5	Limitation of liability in certain cases	16
(1)	Subject to this clause and clause 4, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed \$300 or a higher amount prescribed by the regulations.	17 18 19 20 21
(2)	In subclause (1), <i>liability</i> means liability imposed by law and includes the like liability imposed by clause 3.	22 23
(3)	Subclause (1) shall not have effect where:	24
	(a) after the traveller became a guest at the inn:	25
	(i) the property that was lost or damaged was deposited by the traveller or on his or her behalf expressly for safe custody with the innkeeper or the innkeeper's employee or agent authorised, or appearing to be authorised, for the purpose and, if so required by the innkeeper or that employee or agent, in a container fastened or sealed by the depositor, or	26 27 28 29 30 31
	(ii) the traveller, or some person on his or her behalf, was unable to deposit the property as provided by subparagraph (i) by reason of the refusal of the innkeeper or such an employee or agent to receive it or by reason of some other default of the innkeeper or employee or agent, or	32 33 34 35 36
	(b) the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or the innkeeper's employee or agent.	37 38
6	Abolition of innkeeper's lien over certain property	39
	Without prejudice to any other right he or she may have with respect thereto, an innkeeper, in his or her capacity as an innkeeper, shall not have any lien on property referred to in clause 4 (a).	40 41 42

Part 3	Prices Regulation Act 1948 No 26	1
7	Speculating in goods	2
(1)	A person, not being a bona fide wholesale or retail trader or a bona fide consumer or user, shall not purchase or agree to purchase or otherwise acquire (except by way of bona fide security only) any goods or any right or interest therein, and any goods so purchased or agreed to be purchased or acquired shall be liable to forfeiture.	3 4 5 6 7
(2)	In any prosecution for an offence against subclause (1) it shall be a sufficient defence to show that the purchase or agreement had not the object or the effect of increasing, directly or indirectly, the price of the goods to the consumer or user.	8 9 10 11
(3)	This clause shall not apply in relation to the purchase or acquisition of goods at a sale of those goods by auction upon the winding up of a business.	12 13
8	Corners and restrictions on circulation of goods	14
(1)	A person shall not, with intent to corner the market or restrain trade therein, hold or buy up any goods and store or retain them in his or her possession or under his or her control.	15 16 17
(2)	In addition to any penalty that may be imposed for an offence against subclause (1), the court may order that the whole of such goods, or such quantity thereof as the court so orders, shall be forfeited to the Crown.	18 19 20
9	Offences and penalties	21
(1)	Any person who contravenes or fails to comply with any provision of this Part shall be guilty of an offence.	22 23
(2)	No prosecution for an offence against this Part shall be instituted without the written consent of the Secretary or an authorised officer who is authorised by the Secretary for the purposes of this subclause.	24 25 26
(3)	A person who is guilty of an offence against this Part shall be liable:	27
(a)	if a body corporate—to a penalty not exceeding 100 penalty units, or	28
(b)	if any other person—to a penalty not exceeding 50 penalty units, or to imprisonment for a term not exceeding 12 months, or to both such penalty and imprisonment.	29 30 31
(4)	If a corporation contravenes, whether by act or omission, a provision of this Part, each person who is a director of the corporation, or who is concerned in the management of the corporation, is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.	32 33 34 35
Part 4	Consequential amendment to Valuation of Land Act 1916 No 2	36 37
10	Section 14BB Definitions	38
	Omit the definition of <i>inn</i> from section 14BB (7). Insert instead:	39
	<i>inn</i> means a common inn.	40
	Explanatory note	41
	The proposed amendment repeals the <i>Innkeepers Act 1968</i> and the <i>Prices Regulation Act 1948</i> and transfers a number of their provisions that are to have ongoing effect into the <i>Fair Trading Act 1987</i> . Section 30A of the <i>Interpretation Act 1987</i> is to apply to these transferred provisions to provide that	42 43 44

the transfer does not affect the operation (if any) or meaning of the provision. The proposed amendment also makes a consequential amendment to a definition in the *Valuation of Land Act 1916*.

2.3 Residential Tenancies Act 2010 No 42

Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions consequent on enactment of Fair Trading Legislation Amendment (Miscellaneous) Act 2018

Definitions

In this Part:

1948 Act means the *Landlord and Tenant (Amendment) Act 1948*.

prescribed premises means prescribed premises to which the 1948 Act applied immediately before its repeal by the *Fair Trading Legislation Amendment (Miscellaneous) Act 2018*.

Repeal of Act

The 1948 Act is repealed.

Savings provision—1948 Act continues to apply to certain premises

- (1) Despite its repeal, the 1948 Act continues to apply to prescribed premises, subject to the modifications specified in subclause (2), as if that Act had not been repealed:
 - (a) until the death of the lessee of those premises, or
 - (b) if a spouse or de facto partner resided with the lessee immediately before the lessee's death, until the death of that spouse or de facto partner.

Note. *De facto partner* is defined in section 21C of the *Interpretation Act 1987*.
- (2) Sections 83 and 83A of the 1948 Act, as continued by this clause, are modified as follows:
 - (a) by omitting section 83 (1) (c) (ii) and (iii) and (2),
 - (b) by omitting “the spouse, or such child, or the father or mother, as the case may be,” from section 83 (1) and inserting instead “that spouse”,
 - (c) by omitting section 83A (1) (b) and (c) and (1A),
 - (d) by omitting “the spouse, or such child, or the father or mother as the case may be,” from section 83A (1) and inserting instead “that spouse”.
- (3) A reference to the 1948 Act in this Act (other than this clause) or any other Act or regulation is taken to be a reference to that Act as continued in force by this clause.

Explanatory note

The proposed amendment repeals the *Landlord and Tenant (Amendment) Act 1948*, but provides that the Act (which contain protections for certain lessees) continues to have effect in relation to certain prescribed premises, subject to certain modifications, as if that Act had not been repealed:

- (a) until the death of the lessee of those premises, or
- (b) if a spouse or de facto partner resided with the lessee immediately before the lessee's death, until the death of that spouse or de facto partner.

2.4 Work Health and Safety Act 2011 No 10	1
Schedule 5	2
Insert after Schedule 4:	3
Schedule 5 Provisions transferred by the Fair Trading Legislation Amendment (Miscellaneous) Act 2018	4
	5
	6
1 Repeal of Act	7
The <i>Rural Workers Accommodation Act 1969</i> is repealed.	8
2 Provisions transferred to this Schedule	9
Clauses 3 and 4 re-enact sections 5, 6 and 8 of the <i>Rural Workers Accommodation Act 1969</i> and are transferred provisions to which section 30A of the <i>Interpretation Act 1987</i> applies.	10
	11
	12
3 Accommodation to be provided for rural worker	13
(1) A person who has control of rural premises must provide suitable accommodation to a rural worker who works at the rural premises if due to the nature of the work, the rural worker must live for a period exceeding 24 hours at or near the rural premises.	14
Maximum penalty: 250 penalty units.	15
	16
	17
	18
(2) It is a defence to any proceedings against a person for an offence against subclause (1) if the person proves that:	19
(a) it was not reasonably practicable for the person to comply with this clause, or	20
	21
	22
(b) the commission of the offence was due to causes over which the person had no control and against the happening of which it was impracticable for the person to make provision.	23
	24
	25
4 Cost of accommodation	26
The accommodation provided for a rural worker is, subject to any contrary provision of a Commonwealth or State industrial instrument applicable to the worker, to be provided free of cost to the worker.	27
	28
	29
5 Savings provisions	30
(1) Section 22 (Liability of directors etc for offences by corporation—accessory to the commission of the offences) of the <i>Rural Workers Accommodation Act 1969</i> , as in force immediately before its repeal, continues to have effect in relation to the offence against clause 3 (1).	31
	32
	33
	34
(2) A code of practice in force immediately before the repeal of the <i>Rural Workers Accommodation Act 1969</i> by the <i>Fair Trading Legislation Amendment (Miscellaneous) Act 2018</i> is taken to be an approved code of practice under Part 14 of this Act.	35
	36
	37
	38
Explanatory note	39
The proposed amendment repeals the <i>Rural Workers Accommodation Act 1969</i> and transfers 3 provisions of that Act that are to have ongoing effect into the <i>Work Health and Safety Act 2011</i> .	40
Section 30A of the <i>Interpretation Act 1987</i> is to apply to these transferred provisions to provide that the transfer does not affect the operation (if any) or meaning of the provisions. The proposed amendment also provides that a code of practice in force under Part 3 of the <i>Rural Workers</i>	41
	42
	43
	44

Accommodation Act 1969 immediately before the repeal of that Act is taken to be an approved code of practice under Part 14 of the *Work Health and Safety Act 2011*.

1
2

Schedule 3	Amendments relating to uncollected goods	1
3.1	Uncollected Goods Act 1995 No 68	2
[1]	Whole Act (except Schedule 1 and where otherwise amended by this subschedule)	3
	Omit “bailor”, “bailee” and “bailee’s” wherever occurring.	4
	Insert instead “depositor”, “receiver” and “receiver’s”, respectively.	5
[2]	Section 3 Definitions	6
	Omit the definitions of <i>bailee</i> , <i>bailor</i> , <i>relevant charges</i> and <i>uncollected goods</i> .	7
	Insert in alphabetical order:	8
	<i>depositor</i> means the person who gives possession of goods (whether or not the person is the owner of the goods), and includes a bailor.	9
	<i>receiver</i> means the person who takes possession of goods, and includes a bailee.	10
	<i>relevant charges</i> —see section 28.	11
	<i>uncollected goods</i> means goods that are uncollected as referred to in section 5.	12
[3]	Section 3, definition of “Tribunal”	13
	Insert in alphabetical order:	14
	<i>Tribunal</i> means the Civil and Administrative Tribunal.	15
[4]	Section 4 Object of Act	16
	Omit the section.	17
[5]	Section 5 When goods uncollected for purposes of Act	18
	Insert at the end of the section:	19
	(2) Goods are also uncollected goods if:	20
	(a) a park owner reasonably believes the goods have been abandoned or left by the occupant on the site when an occupation agreement is terminated (within the meaning of the <i>Holiday Parks (Long-term Casual Occupation) Act 2002</i>), or	21
	(b) an operator reasonably believes the goods have been abandoned or left behind on residential premises when an agreement is terminated or on common property in the community (within the meaning of the <i>Residential (Land Lease) Communities Act 2013</i>), or	22
	(c) a landlord reasonably believes the goods have been abandoned or left behind by the tenant or an occupant of the premises after vacant possession of the premises is obtained or the premises are abandoned (within the meaning of the <i>Residential Tenancies Act 2010</i>), or	23
	(d) an operator reasonably believes the goods have been abandoned or left behind on residential premises when a residence contract is terminated or on common property within the retirement village (within the meaning of the <i>Retirement Villages Act 1999</i>), or	24
	(e) an owners corporation reasonably believes the goods have been abandoned or left behind on common property of a strata scheme (within the meaning of the <i>Strata Schemes Management Act 2015</i>), or	25
	(f) the goods are of a kind prescribed by the regulations.	26

[6] Section 6 When Act available for disposal of uncollected goods	1
Omit section 6 (2) and (3). Insert instead:	2
(2) This Act is also available as an alternative to other statutory means of disposal of particular uncollected goods. However, it is not available as an alternative to the following:	3
(a) the <i>Passenger Transport Act 1990</i> ,	4
(b) the <i>Passenger Transport Act 2014</i> ,	5
(c) the <i>Pawnbrokers and Second-hand Dealers Act 1996</i> ,	6
(d) the <i>Storage Liens Act 1935</i> ,	7
(e) the <i>Transport Administration Act 1988</i> ,	8
(f) the <i>Unclaimed Money Act 1995</i> ,	9
(g) any other Act or instrument prescribed by the regulations.	10
[7] Section 7	11
Omit the section. Insert instead:	12
7 No liability for due disposal of uncollected goods	13
A person does not incur any liability in respect of the disposal of uncollected goods in accordance with this Act or in accordance with an order of the Tribunal.	14
[8] Part 2 Disposal of uncollected goods by way of court order	15
Omit the Part.	16
[9] Sections 19–22A	17
Omit sections 19–22. Insert instead:	18
19 Application of Part	19
This Part applies to uncollected goods, other than bailed goods in respect of which a dispute exists between the depositor and the receiver as to:	20
(a) the amount of any charge made by the receiver for the carriage or storage of the goods or for repairs or other work done in connection with the goods, or	21
(b) the condition of the goods or the nature or quality of any repairs or other work done in connection with the goods.	22
20 Low value uncollected goods	23
(1) This section applies to uncollected goods with a value of less than \$1,000 (<i>low value uncollected goods</i>).	24
(2) A receiver may dispose of low value uncollected goods in an appropriate manner if the depositor:	25
(a) has been given oral or written notice of the receiver’s intention to dispose of the goods, and	26
(b) has been given at least 14 days, from the date when notice was given, within which to collect the goods.	27
(3) The receiver may move or store low value uncollected goods in an appropriate manner.	28

21	Medium value uncollected goods	1
(1)	This section applies to uncollected goods with a value equal to or more than \$1,000 but less than \$20,000 (<i>medium value uncollected goods</i>).	2 3
(2)	A receiver may dispose of medium value uncollected goods by way of public auction or by private sale for a fair value if the depositor:	4 5
(a)	has been given written notice of the receiver's intention to dispose of the goods, and	6 7
(b)	has been given at least 28 days, from the date when notice was given, within which to collect the goods.	8 9
(3)	The receiver may move or store medium value uncollected goods in an appropriate manner.	10 11
22	High value uncollected goods	12
(1)	This section applies to uncollected goods with a value of at least \$20,000 (<i>high value uncollected goods</i>).	13 14
(2)	A receiver must not dispose of high value uncollected goods otherwise than in accordance with an order of the Tribunal. Maximum penalty: 200 penalty units.	15 16 17
(3)	A receiver may apply to the Tribunal for an order specifying the way in which the uncollected goods are to be disposed of.	18 19
(4)	The receiver may move or store high value uncollected goods in an appropriate manner.	20 21
22A	Personal documents	22
(1)	This section applies to personal documents that are uncollected goods.	23
(2)	A receiver may dispose of personal documents if the depositor:	24
(a)	has been given written notice of the receiver's intention to dispose of the documents, and	25 26
(b)	has been given at least 28 days, from the date when notice was given, within which to collect the documents.	27 28
(3)	Personal documents must be disposed of by way of a secure destruction method or by returning the documents to their author.	29 30
(4)	In this section:	31
	<i>personal document</i> means:	32
(a)	a birth certificate, passport or other identity document, or	33
(b)	bank books or other financial statements or documents, or	34
(c)	photographs and other personal memorabilia, or	35
(d)	licences or other documents conferring authorities, rights or qualifications, or	36 37
(e)	any other record, or class of record, prescribed by the regulations for the purposes of this definition.	38 39
[10]	Section 24 Perishable goods and rubbish	40
	Omit section 24 (1). Insert instead:	41
(1)	Nothing in this Part prevents a receiver from disposing of rubbish or perishable uncollected goods.	42 43

(1A)	A receiver is not required to give a depositor notice of the receiver’s intention to dispose of the goods.	1 2
[11]	Section 28 Relevant charges due to receiver	3
	Insert at the end of the section:	4
(2)	This section does not apply to personal documents.	5
[12]	Section 30 Records	6
	Insert before section 30 (1):	7
(1A)	This section applies to low value uncollected goods, medium value uncollected goods, high value uncollected goods and personal documents.	8 9
[13]	Section 30 (2)	10
	Omit the subsection. Insert instead:	11
(2)	A record prepared under this section must:	12
(a)	be kept by the receiver for at least the following period from the date on which the goods were disposed of:	13 14
(i)	in relation to low value uncollected goods—12 months,	15
(ii)	in any other case—6 years, and	16
(b)	be made available by the receiver, on request, for inspection by the depositor or by any other person claiming an interest in the goods.	17 18
[14]	Section 31 Sale of uncollected motor vehicles	19
	Insert “and the person has obtained a written search result (within the meaning of section 174 of the <i>Personal Property Securities Act 2009</i> of the Commonwealth) in relation to the vehicle” after “stolen” in section 31 (1).	20 21 22
[15]	Part 3A	23
	Insert after section 31:	24
	Part 3A Disposal of uncollected goods by way of Tribunal order	25 26
31A	Receiver may seek Tribunal direction	27
(1)	The Tribunal may, on application by a receiver, make any one or more of the following orders:	28 29
(a)	an order authorising the removal or other disposal of uncollected goods,	30
(b)	an order directing that notice of any action or proposed action in relation to uncollected goods be given to the depositor, the legal personal representative of a depositor or any other person,	31 32 33
(c)	an order authorising the sale of uncollected goods,	34
(d)	an order as to the manner of sale of uncollected goods,	35
(e)	an order as to the payment of the proceeds of sale of uncollected goods,	36
(f)	any ancillary order that the Tribunal, in the circumstances, thinks appropriate.	37 38
(2)	A receiver must deal with goods in accordance with an order of the Tribunal under this section and not in accordance with the other provisions of this Act relating to disposal of goods.	39 40 41

(3)	This section does not apply to perishable goods.	1
31B	Orders by Tribunal relating to uncollected goods	2
(1)	The Tribunal may, on application by a depositor or a person who has an interest in uncollected goods, make any of the following orders:	3
(a)	an order requiring the receiver to pay compensation for uncollected goods disposed of by the receiver otherwise than in accordance with this Act,	4
(b)	an order requiring the receiver to pay compensation for uncollected goods damaged after being left in the possession of the receiver and before being claimed by the person entitled to them,	5
(c)	an order that the receiver deliver uncollected goods into the depositor's or other person's possession,	6
(d)	an order requiring the receiver to pay the proceeds of sale, or an amount equivalent to the value of the uncollected goods, to the depositor or person,	7
(e)	any ancillary order that the Tribunal, in the circumstances, thinks appropriate.	8
(2)	An application for an order under this section must be made within the period prescribed by the regulations.	9
[16]	Section 32 Minimum period within which certain commercial bailees may dispose of uncollected goods by agreement	10
	Omit the section.	11
	Explanatory note	12
	Items [1]–[8] of the proposed amendments extend the operation of the <i>Uncollected Goods Act 1995</i> to goods other than bailed goods, namely goods that:	13
(a)	a park owner reasonably believes have been abandoned or left by the occupant on the site when an occupation agreement is terminated (within the meaning of the <i>Holiday Parks (Long-term Casual Occupation) Act 2002</i>), or	14
(b)	an operator reasonably believes have been abandoned or left behind on residential premises when an agreement is terminated or on common property in the community (within the meaning of the <i>Residential (Land Lease) Communities Act 2013</i>), or	15
(c)	a landlord reasonably believes have been abandoned or left behind by the tenant or an occupant of the premises after vacant possession of the premises is obtained or the premises are abandoned (within the meaning of the <i>Residential Tenancies Act 2010</i>), or	16
(d)	an operator reasonably believes have been abandoned or left behind on residential premises when a residence contract is terminated or on common property within the retirement village (within the meaning of the <i>Retirement Villages Act 1999</i>), or	17
(e)	an owners corporation reasonably believes have been abandoned or left behind on common property of a strata scheme (within the meaning of the <i>Strata Schemes Management Act 2015</i>), or	18
(f)	are of a kind prescribed by the regulations.	19
	Items [9]–[11] make amendments to simplify the operation of the disposal of uncollected goods regime. Different provisions apply depending on whether the goods are of low value (less than \$1,000), medium value (equal to or more than \$1,000 but less than \$20,000), high value (at least \$20,000), personal documents or perishable goods.	20
	Items [12] and [13] make amendments relating to record keeping. Item [13] provides that records relating to the disposal of low value uncollected goods need only be kept for at least 12 months from the date on which the goods were disposed of (rather than 6 years which remains the general requirement).	21
	Item [14] provides that a person must obtain a written search result under the <i>Personal Property Securities Act 2009</i> of the Commonwealth before selling a motor vehicle under the <i>Uncollected Goods Act 1995</i> (in addition to obtaining a certificate from the Commissioner of Police showing it is not stolen).	22

Item [15] enables the Civil and Administrative Tribunal to make orders regarding uncollected goods and the disposal of uncollected goods.	1 2
Item [16] repeals section 32 of the <i>Uncollected Goods Act 1995</i> which provided that, in relation to certain bailed goods, a provision of an agreement between a bailor and bailee that authorised the bailee to dispose of uncollected goods was void if it gave the bailor less than 3 months to collect the goods after the goods were ready for delivery to the bailor.	3 4 5 6
3.2 Uncollected Goods Regulation 2017	7
Repeal	8
The <i>Uncollected Goods Regulation 2017</i> is repealed.	9
Explanatory note	10
The proposed amendment makes a consequential repeal.	11
3.3 Civil and Administrative Tribunal Act 2013 No 2	12
Schedule 4 Consumer and Commercial Division	13
Insert at the end of clause 3 (1):	14
<i>Uncollected Goods Act 1995</i>	15
Explanatory note	16
The proposed amendment to the <i>Civil and Administrative Tribunal Act 2013</i> gives the Consumer and Commercial Division of the Civil and Administrative Tribunal functions in relation to the <i>Uncollected Goods Act 1995</i> .	17 18 19
3.4 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88	20
[1] Part 8, heading	21
Omit “and goods”.	22
[2] Sections 31 and 34–36	23
Omit the sections.	24
Explanatory note	25
The proposed amendments make consequential repeals.	26
3.5 Holiday Parks (Long-term Casual Occupation) Regulation 2017	27
Repeal	28
The <i>Holiday Parks (Long-term Casual Occupation) Regulation 2017</i> is repealed.	29
Explanatory note	30
The proposed amendment makes a consequential repeal.	31
3.6 Residential (Land Lease) Communities Act 2013 No 97	32
[1] Part 11, Division 7, heading	33
Omit “and goods”.	34
[2] Section 143 Home or goods abandoned after site agreement is terminated	35
Omit the section.	36
Explanatory note	37
The proposed amendments make consequential repeals.	38

3.7 Residential Tenancies Act 2010 No 42	1
[1] Section 107 Landlord’s remedies on abandonment	2
Omit section 107 (7).	3
[2] Part 6, Division 2 Goods left on residential premises	4
Omit the Division.	5
Explanatory note	6
The proposed amendments make consequential repeals.	7
3.8 Retirement Villages Act 1999 No 81	8
Part 9, Division 7 Uncollected goods	9
Omit the Division.	10
Explanatory note	11
The proposed amendment makes a consequential repeal.	12
3.9 Retirement Villages Regulation 2017	13
[1] Part 7 Uncollected goods	14
Omit the Part.	15
[2] Schedule 5 Penalty notice offences	16
Omit the matter relating to “ Offences under this Regulation ”.	17
Explanatory note	18
The proposed amendments make consequential repeals.	19
3.10 Strata Schemes Management Act 2015 No 50	20
Part 6, Division 5 Goods left on common property	21
Omit the Division.	22
Explanatory note	23
The proposed amendment makes a consequential repeal.	24
3.11 Strata Schemes Management Regulation 2016	25
Clauses 32–34	26
Omit the clauses.	27
Explanatory note	28
The proposed amendment makes a consequential repeal.	29