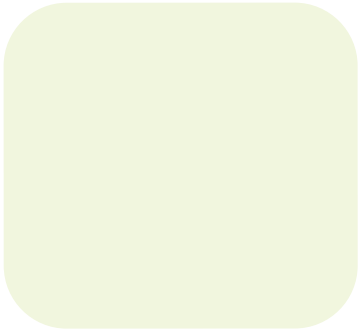
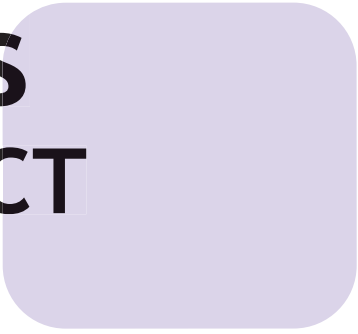


A Guide to

# Uncollected



# Goods in the ACT



OFFICE OF REGULATORY SERVICES  
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

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Telephone enquiries should be directed to Fair Trading on (02) 6207 0400.

### *Disclaimer*

This document provides general information about the rights and obligations of employees and employers under ACT fair trading laws.

It is intended to provide general information about the law and is not intended to represent a comprehensive statement of the law as it applies to particular problems or to individuals, or substitute for legal advice.

You should seek independent legal advice if you need assistance on the application of the law to your situation.

*November 2007*

## Table of Contents

<b>Introduction</b>	<b>1</b>
<b>What are uncollected goods?</b>	<b>1</b>
<b>Manner of disposal</b>	<b>2</b>
<b>Auctions</b>	<b>3</b>
<b>Disposal of goods left with businesses</b>	<b>4</b>
Disposal when collection arrangements are made	4
Disposal when no collection arrangements are made	4
<b>Business Checklist</b>	<b>5</b>
Preparing for abandoned goods	5
<b>Manner of Disposal Flowchart</b>	<b>6</b>
<b>Goods lost or abandoned on public or unleased land</b>	<b>8</b>
<b>Goods lost or abandoned on ACT or Commonwealth premises or property</b>	<b>9</b>
<b>Goods lost or abandoned at swimming pools</b>	<b>9</b>
<b>Goods left with a landlord</b>	<b>10</b>
<b>Disposal by ACT Policing</b>	<b>10</b>
<b>Animals</b>	<b>11</b>
<b>Vehicles</b>	<b>11</b>
<b>Trolleys</b>	<b>11</b>
<b>Bread and milk crates</b>	<b>12</b>
<b>Claims by owners</b>	<b>12</b>
Claim by owner before disposal	12
Disputes after disposal	13
<b>Uncollected Goods Trust Fund</b>	<b>13</b>
<b>Contact details</b>	<b>14</b>

## Introduction

This guide provides practical guidance to laws about what must happen to goods if they are uncollected, lost or abandoned.

The *Uncollected Goods Act 1996* (the Act) defines uncollected goods and prescribes how and when the disposal of uncollected goods can occur and what can be done if there is a dispute about the return of goods.

## What are uncollected goods?

Goods are moveable personal property, including animals and food. However, the Act does not apply to some items including unclaimed prizes and moneys; cheques; IOUs or other writings for securing the payment of money, goods or other property; animals under the *Domestic Animals Act 2000* (e.g. cats, dogs, pigs, horses, pigeons, rabbits, goats and bees) and the *Stock Act 2005* (e.g. sheep and horses); firearms; ammunition; and prohibited weapons.

Goods become uncollected if they are left or abandoned with someone who is not the owner, or if they are lost. However, goods become 'uncollected' after different periods of time and will be disposed of in different ways depending on where the goods are left or found.

If you find goods and believe they may be illegally obtained, you should contact ACT Policing on 6256 7777. You should also call ACT Policing if you see an unattended or suspicious package.

*The Act* gives businesses and government the right to dispose of uncollected, lost or abandoned goods after a certain period of time. The manner of disposal of goods is determined by their type and value.

For the purposes of *the Act*, the value of the goods is the net value. This is the market value, less the reasonable costs of selling the goods.

## Guide to Uncollected Goods in the ACT

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Such costs could include the removal, storage, preservation, transportation and advertisement of the goods.

If a number of goods are uncollected, they should be valued individually, unless the items clearly make up a set. For example, a leather jacket and a pair of socks should be valued individually. A dining room table and chairs, on the other hand, would be valued as one item.

Owners of goods are responsible for them and should adhere to arrangements made for their return. Owners of goods who do not take action to regain possession of their goods risk having them sold or destroyed as follows:

### Manner of disposal

<p><b>Perishable goods</b></p> <p>Includes foodstuff or any articles that are, or could become, noxious or a danger to public health.</p> <p><b>Note:</b> the disposal of perishable goods can occur immediately, regardless of where they are found.</p>	<p><b>immediately</b></p>
<p><b>Goods of no value</b></p> <p>Goods valued at less than \$20 are deemed to be of no value.</p> <p>Goods of no value must be kept for one week. After this time the goods can either be sold, destroyed or kept by the person who possesses them.</p>	<p><b>after 1 week</b></p>

## Guide to Uncollected Goods in the ACT

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<p><b>Goods of low value</b></p> <p>Goods valued at more than \$20, but less than \$500, are deemed to be of low value.</p> <p>Goods of low value must be kept for one month. After this time the goods can either be sold, destroyed or kept by the person who possesses them.</p>	<p>after 1 month</p>
<p><b>Goods of significant value and personal effects</b></p> <p>Goods valued at more than \$500 are considered to be of significant value.</p> <p>Goods of significant value and personal effects (e.g. personal papers, bank books, official records and photographs) must be kept for three months. After this time the goods can be sold at public auction.</p>	<p>by public auction after 3 months</p>

## Auctions

Where goods are to be sold by public auction, the person who possesses the goods must place an advertisement in the local paper at least 7 days prior to the auction. The advertisement should include the time and place of the auction and a general description of the goods. Goods that are passed in at auction may be disposed of, or destroyed, as the person who possesses them sees fit.

After goods are sold, the person who possessed them is entitled to retain their costs (e.g. for storage, advertising the goods etc). The remainder of the money should be paid into the Uncollected Goods Trust Fund. See [Uncollected Goods Trust Fund](#) (page 13) for further details.

### Disposal of goods left with businesses

Sometimes consumers will leave goods with a business and not return to collect them. Commonly unclaimed goods include cars, video recorders, DVD players, jewellery, cameras, dry cleaning and clothes that have been left for alteration.

Uncollected goods can be disposed of in a number of ways:

#### Disposal when collection arrangements are made

When you leave goods for repair, an arrangement should be made about the collection of the goods. This arrangement may be oral or in writing (e.g. a dry cleaning docket), or a prominent sign may be displayed in the store similar to the following:

*Under the **Uncollected Goods Act 1996**, this business is able to dispose of goods that remain uncollected after a certain period of time.*

**If the owner of goods owes the business money for any parts and/or labour that has been performed, the business can retain the goods until the debt is paid. If the debt is not paid, the business can dispose of the goods after the applicable time period.**

If you fail to collect goods as arranged, the business or landlord is able to dispose of the goods (see [Manner of disposal](#), page 2, for details).

#### Disposal when no collection arrangements are made

When no collection arrangements were made, the business or landlord may write to you requesting that you collect the goods within 7 days of the date of the letter. If the business does not have your address, and is unable to ascertain it through reasonable inquiry, the request shall be published in the Canberra Times. Any written request should include a description of the goods, the address and times at which the goods are available for collection, a statement of any costs that must be met by the

owner before the goods will be released and a statement that the goods may be disposed of if they are not collected within 7 days of the date of the request.

If the goods are not collected within 7 days, they become 'uncollected' and may be disposed of (see Manner of disposal, page 2, for details).

## Business Checklist

### Preparing for abandoned goods

If you operate a business where you repair goods, or hold goods for some other reason, it is in your interest to ensure that you have procedures in place that comply with the *Uncollected Goods Act 1996* and allow you to deal with unclaimed goods quickly and easily.

You should ensure that:

- you keep a record of the name and address of customers whose goods you are holding
- you make arrangements for the goods to be collected by -
  - orally advising the customer, or preferably
  - providing customers with a receipt noting the collection date.

It is also advisable to place a sign prominently in the business premises to the effect that, after a certain period of time, uncollected items will be disposed of.

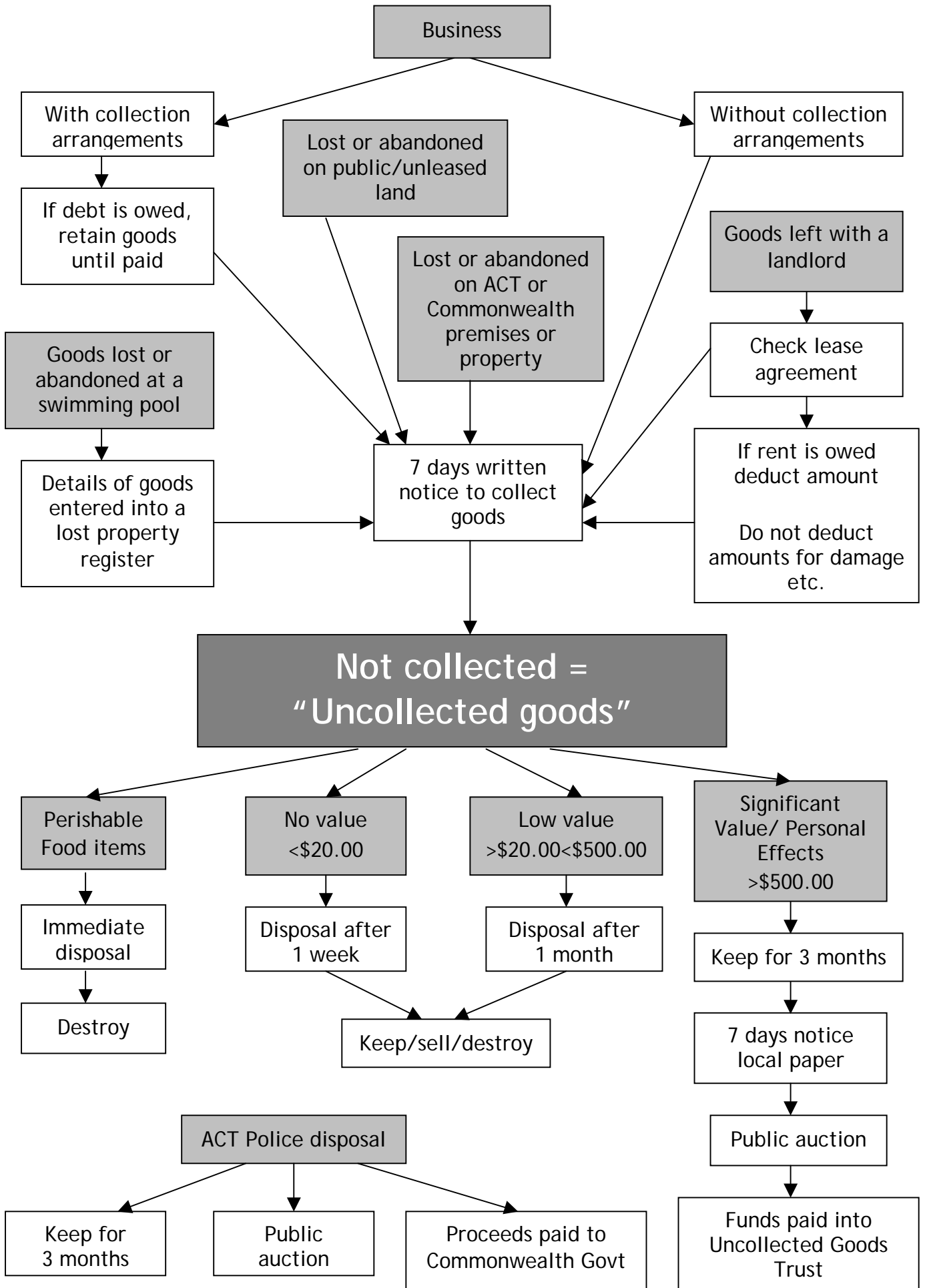
- If you have not made arrangements for the goods to be collected, you must write to the customer, or if the address is unknown, place an advertisement in the Canberra Times requesting that the customer collect the goods and providing the appropriate details.

If the goods are not claimed, you should keep a record of all goods you dispose of and the following details:

*continued page 8*



# MANNER OF DISPOSAL FLOWCHART



- your efforts to reach the customer
- a detailed description of the goods
- your estimate of the market value of the goods
- date and manner of disposal
- deductions made and
- record of deposit to the Uncollected Goods Trust Fund
- any money that remains after your reasonable deductions have been made is deposited into the Unclaimed Goods Trust Fund.

### Goods lost or abandoned on public or unleased land

Perishable goods found on public or unleased land can be disposed of immediately.

Public and unleased land includes areas such as public streets, parking lots, walkways and parks.

Goods, which appear to be lost or abandoned on public or unleased land, should be given to ACT Policing.

If, however, goods appear suspicious, the Police should be contacted on 6256 7777 and they can investigate. In this situation, do not remove the goods and take them to a police station.

Goods may be found on public or unleased land by ACT Government authorised officers. When this occurs, the officer will either move the item to a retention area or will place a notice on the item indicating that disposal will occur if the goods are not removed within 7 days.

If the goods are not claimed, or the item is not removed, they will be disposed of (see [Manner of disposal](#), page 2, for details).

### **Goods lost or abandoned on ACT or Commonwealth premises or property**

Perishable goods found on public or unleased land can be disposed of immediately. ACT property includes ACT Government buildings, ACTION buses and schools.

Commonwealth property includes Parliamentary precincts, the Australian National Botanic Gardens, the Canberra International Airport and the Australian War Memorial.

If goods are found in any of these locations they should be given to a public employee who appears to be in charge of the place such as a school principal or bus driver, or the police. See Disposal by ACT Policing, page 10, for more information about disposal of goods by police.

If the goods are found by, or handed to, a public employee, the goods will be kept for three months. After this time the goods will be sold at public auction, unless it would be impracticable in the public interest to do so. The ACT Government will retain costs for storing, maintaining and selling the goods. Remaining money will be placed in the Uncollected Goods Trust Fund.

If goods are not collected within three months, they are deemed to be uncollected and may be disposed of (see Manner of disposal, page 2, for details).

### **Goods lost or abandoned at swimming pools**

Perishable goods or goods of no value can be disposed of immediately.

Details of other goods should be entered into a lost property register kept by pool management. This register should include a description of the goods and other particulars. To claim lost goods a person must satisfy management that the goods are theirs. They must also sign the register as evidence of receiving the goods. If goods are not collected after three

months, they are deemed to be uncollected and management may sell the goods (see [Manner of disposal](#), page 2, for details).

### Goods left with a landlord

Sometimes goods are left in a rental property when the tenants move out.

Landlords who possess abandoned goods should check their lease agreement to establish whether or not an agreement was made about goods abandoned by tenants.

Landlords are able to claim unpaid rent from the proceeds of the disposal of uncollected goods. They may **not** claim other costs associated with the tenancy (e.g. damage to the property may not be claimed).

The Uncollected Goods Act **does not** give landlords the right to take possession of goods that are not abandoned. **Landlords who enter a rental property and remove goods risk prosecution.**

Tenants who wish to enquire about goods left in a Housing ACT property should contact the Department of Disability, Housing and Community Services on 133 427.

### Disposal by ACT Policing

If Police find goods, or are given goods found on public or unleased land, they will attempt to find the owner and return the goods. However, if the owner cannot be found, the goods will be held for three months. Once this time has passed, the person who found the goods may make a claim for them. If no claim is made, the goods will be sold at auction and proceeds will be paid to the Commonwealth Government.

**Note:** proceeds cannot be recovered if ACT Policing has disposed of goods.

### Animals

If you find an animal, you should contact the following:

Pets: RSPCA on 6287 8100 (or, for dogs, a further option is to call Domestic Animal Services on 6207 2424)

Wildlife: Parks, Conservation and Lands Rangers on 132 281


Livestock: Parks, Conservation and Lands on 6207 9777

### Vehicles

City Rangers issue notices under the *Roads and Public Places Act 1937* to remove an abandoned vehicle from unleased land. The notice instructs the removal of the vehicle by a specific date and if it is not moved, arrangements can be made to impound the vehicle under the Uncollected Goods Act.

To report an abandoned vehicle, call 132 281 or  
email [city.rangers@act.gov.au](mailto:city.rangers@act.gov.au)

### Trolleys



**Help keep our environment clean.**

If you find an abandoned trolley from a major supermarket or store such as K-Mart, Big W or Target, call Trolley Trackers on 1800 641 497.

Abandoned trolleys from local supermarkets should be reported to the individual store.

### Bread and milk crates

Bread and milk crates remain the property of the individual company and should be returned to:

Buttercup Bakeries  
191 Gladstone Street  
Fyshwick CANBERRA

Telephone: 6280 4664

(If crate is brown or yellow and marked 'Quality Bakers Australia')

Tip Top Bakeries  
10 Mildura Street  
Griffith CANBERRA

Telephone: 1300 361 965

(If crate is red or orange and marked 'Tip Top Bakeries')

Canberra Milk Capitol Chilled Foods Australia  
2-8 Mildura Street  
Kingston CANBERRA

Telephone: 6260 9111

(If crate is marked with a Dairy Farmers logo)

### Claims by owners

#### Claim by owner before disposal

At any time before the disposal of uncollected goods, the owner of the goods can claim them back by approaching the person who is in possession of them. The possessor of the goods can require the owner to pay any reasonable costs (such as storing or maintaining the goods) or any unpaid debt (including rent) owing to the possessor (e.g. the cost of a repair performed).

If a business, landlord or the government will not release goods, or if there is a dispute about the amount they seek to charge, then the owner

## Guide to Uncollected Goods in the ACT

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of the goods can approach the ACT Law Courts and Tribunals (for all matters under \$5000) to review the matter. The Court can prevent the business from disposing of the goods until a determination has been made, and can review any charges that the possessor is seeking to recover.

### Disputes after disposal

If disposal of your goods has occurred lawfully, you are unable to take action against the person who sold the goods. If, however, the disposal of your goods occurred unlawfully, then you may take Court action. This may be appropriate if, for example, a business grossly undervalued goods and kept them.

If your goods are sold at auction, they become the property of the buyer and you are unable to take possession of them. You may, however, be able to claim compensation from the Uncollected Goods Trust Fund. See below for details on the Trust Fund.

## Uncollected Goods Trust Fund

After goods are sold, the possessor may retain reasonable costs (e.g. for storing the goods, advertising, unpaid rent etc). The remainder of the money should then be paid into the Uncollected Goods Trust Fund.

The owner of the goods that have been sold may make an application for the balance of the money paid to the Fund. Claims for compensation must be made within 3 years of the date the balance was paid to the Fund.

The Fund is administered by the Office of Regulatory Services, Department of Justice and Community Safety. Contact the office on 6207 0400 for more details.

## Contact details

ACT Office of Regulatory Services ..... 6207 0400  
(General enquiries about uncollected goods/the Uncollected  
Goods Trust Fund and to obtain copies of this brochure)

[www.ors.act.gov.au](http://www.ors.act.gov.au)

ACT Policing ..... 6256 7777

Police Lost Property ..... 6241 5933

[www.afp.gov.au](http://www.afp.gov.au)

RSPCA ..... 6287 8100

[www.rspca-act.org.au](http://www.rspca-act.org.au)

Domestic Animal Services ..... 6207 2424

[www.tams.act.gov.au](http://www.tams.act.gov.au)

City Rangers ..... 132 281

[www.tams.act.gov.au](http://www.tams.act.gov.au)

Department of Disability, Housing and ..... 133 427  
Community Services

[www.dhcs.act.gov.au](http://www.dhcs.act.gov.au)

ACT Law Courts and Tribunals ..... 6217 4444

[www.courts.act.gov.au](http://www.courts.act.gov.au)

Uncollected Goods Trust Fund ..... 6207 0400





**255 Canberra Avenue  
Fyshwick ACT 2609  
[www.ors.act.gov.au](http://www.ors.act.gov.au)**

**GPO Box 158  
Canberra City ACT 2601  
Ph. 6207 0400  
Fax. 6207 0538  
E-mail: [fair.trading@act.gov.au](mailto:fair.trading@act.gov.au)**

