

Uncollected Goods

This factsheet provides basic information only. This factsheet should not be substituted for legal advice. You should seek legal advice about what to do in relation to your matter.

What are uncollected goods?

Uncollected goods are items of personal property left with someone who is not the owner of them which are not collected by the owner.

Some common circumstances where goods may be considered 'uncollected goods' include where:

- It was agreed that the owner of the goods was to collect the goods at a certain time or within a certain period and has failed to do so.
- There has been a reasonable attempt to deliver the goods to their owner, and the person in possession of the goods has been unable to deliver the goods in accordance with an agreement between the parties.
- A request has been made to the owner in writing to collect the goods and the owner has failed to collect the goods within 7 days of that request being made.

Can I throw out property left at my home?

If goods belonging to someone else have been left at your property, there are steps that you must take before you can dispose of them.

What steps you must take will depend on the value of the goods. Before you dispose of any uncollected goods, you should contact a lawyer to ensure that you have taken all necessary steps prior to disposal. Failure to do this may mean the owner of the goods has grounds to seek compensation from you for the disposed goods.

How are goods valued and how can they be disposed of?

Perishable goods	Goods such as animals or fresh food.	If you are holding the perishable goods of another person, and there has been no agreement that you would hold those goods, you are permitted to dispose of the perishable
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		goods <u>at any time</u> .
Personal effects	<p>Clothing, jewellery and personal documents.</p> <p>A personal document includes:</p> <ul style="list-style-type: none"> • an identity document; • a bank book or other financial statement; • photographs or other personal memorabilia; • a licence or other document conferring an authority, right or qualification and any document prescribed by regulation. 	<p>Personal effects (other than a personal document) may be sold at public auction after 3 months.</p> <p>Personal documents cannot be disposed of in a way that results in the personal information of the owner of the document becoming publicly available.</p> <p>Personal documents can only be disposed of by returning to document to the authority that issued it, or, if this is not practicable, in an appropriate lawful way.</p>
Goods of no value	Uncollected goods that have a net value of \$20 or less.	<p>Goods of no value that have been left at your property may be disposed of, sold or kept <u>after 1 week</u> of becoming 'uncollected goods.'</p> <p>If the uncollected good of no value is a vehicle, it can be disposed of immediately, as long as it not a mobile home</p>

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		abandoned in a residential park.
Goods of low value	Uncollected goods having a net value of more than \$20 but less than \$500.	Goods of low value may be disposed of, destroyed or kept <u>after 1 month</u> of becoming 'uncollected goods.' If the uncollected good of low value is a vehicle, it can be disposed of immediately, as long as it not a mobile home abandoned in a residential park.
Goods of significant value	Uncollected goods having a net value of \$500 or more.	Goods of significant value must be kept for <u>three months</u> after becoming 'uncollected goods.' After this time, they can be sold at public auction. If the uncollected good of significant value is a vehicle, it can be sold at public auction after 14 days of becoming 'uncollected goods.' If the goods fail to be sold at the public auction, you can then dispose of them in any manner.

What steps do I need to take?

If you intend to dispose of uncollected goods, you should write to the owner of the goods to request the owner collect the goods within 7 days. The request needs to contain:

- A brief description of the goods.
- The address where the goods will be available to be collected from.

- The times when the goods will be available for collection at that address.
- A statement that the goods will be disposed of in accordance with the Uncollected Goods Act if they are not collected within 7 days of the date of the request.
- Details of any costs that must be met by the owner before the goods will be released.

Before doing this, you should contact Legal Aid ACT for information about this process.

What if you dispose of goods without waiting the minimum times?

If you do not wait the required times before disposing of uncollected goods, you may be liable to compensate the owner of the goods for their loss. For this reason, if you intend to dispose of uncollected goods, you should obtain legal advice prior to ensure that you are, in fact, permitted to do so.

What should I do if someone is threatening to discard my property pursuant to the Uncollected Goods Act?

If you receive a notice that someone in possession of your goods intends to dispose of them in accordance with the Uncollected Goods Act, you should contact them in writing immediately to put them on notice that you do intend to collect the goods and to arrange a suitable time and place for collection. If you fail to then collect the goods, the person in possession of the goods may take steps to dispose of them.

Get Help

Legal Aid ACT has a team of civil lawyers who may be able to give you information or duty advice about your rights and responsibilities in relation to uncollected goods in the ACT.

Legal Aid ACT
 Phone: **1300 654 314**
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 Website: <https://www.legalaidact.org.au/>
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