



Western Australia

Disposal of Uncollected Goods Act 1970

## **Disposal of Uncollected Goods Regulations 1971**



# Disposal of Uncollected Goods Regulations 1971

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### **Defined terms**



## **Disposal of Uncollected Goods Regulations 1971**

### **1. Citation and commencement**

- (1) These regulations may be cited as the *Disposal of Uncollected Goods Regulations 1971*<sup>1</sup>.
- (2) These regulations shall take effect on and from the date the *Disposal of Uncollected Goods Act 1970*, comes into operation<sup>1</sup>.

### **2. Interpretation**

In these regulations unless the contrary intention appears —  
*Act* means the *Disposal of Uncollected Goods Act 1970*;  
*Schedule* means a Schedule to these regulations.

### **3. Prescribed goods**

The goods to which Part II of the Act applies are those listed in the Schedule 1.

*[Regulation 3 amended: Gazette 9 Jun 2017 p. 2850.]*

### **4. Forms**

- (1) The several forms set out in the Schedule 2 are the prescribed forms for the respective purposes therein indicated.
- (2) Where a form is used under these regulations the particulars and matters referred to on the form shall be completed to the extent that they apply in the case in which the form is used.

*[Regulation 4 amended: Gazette 9 Jun 2017 p. 2850.]*

**5. Place for application**

An application shall be made to the court nearest to the place where the goods the subject of the application were bailed or came into the possession of the applicant.

**6. Filing application**

On the filing of an application the Registrar shall appoint a day and hour for the hearing of the application that allows copies of the application to be served on the respondent and all other persons appearing to be affected thereby at least 14 clear days before the day so appointed and shall endorse that day and hour on the application and all copies to be served.

*[Regulation 6 amended: Gazette 9 Jun 2017 p. 2850.]*

**7. Service of application**

Copies of the application shall be served on the respondent and all other persons appearing to be affected thereby at least 14 clear days before the time fixed for hearing or within such lesser time as the court at the hearing may allow.

**8. Hearing where person served is absent**

If a person served with an application does not attend either in person or by his counsel or solicitor at the time and place fixed for the hearing of the application the court may make orders in his absence.

**Schedule 1**

*[Heading inserted: Gazette 9 Jun 2017 p. 2850.]*

Batteries.

Bedding (including sleeping bags).

Bicycle and bicycle parts.

Books.

Cooking utensils (including electric).

Footwear.

Gardening tools (including mowers and sprinklers).

Household appliances (including barbecues, hair-clippers, portable hair-dryers, portable electric or gas stoves, shavers).

Household linen.

Leather goods.

Motor vehicle accessories.

Motor vehicle parts.

Radiograms.

Radios.

Record players.

Soft furnishings.

Spectacles.

Sports equipment.

Tape recorders.

Television sets.

Travel goods.

Typewriters (non-electric).

Wearing apparel (except furs).

Schedule 2

**Schedule 2**

[Heading inserted: Gazette 9 Jun 2017 p. 2850.]

**Form 1**

|  |  |      |  |
|--|--|------|--|
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 9(1)(a) or 12(1) or 19(2)(a) and 26(1)(a), (2) and (3) |  |      |  |
| <b>Notice under Part<sup>1</sup> that goods are ready for redelivery</b>                                   |  |      |  |
| To [name] of [address], Bailor   |  |      |  |
| Notice   | <ol style="list-style-type: none"><li>1. The following goods [give sufficient description of goods] situated at [place] are now ready for redelivery for you.</li><li>2. The amount of \$ [insert amount] is due by you for charges. This amount is calculated as follows: [insert details].</li><li>3. Unless you take redelivery of the goods or give directions for their redelivery, or give notice in writing to [insert name and address of the person, firm or company with whom the goods were bailed] (Bailee) that you dispute all or any of the matters contained in this notice, the goods will be sold or otherwise disposed of in accordance with the Act.</li></ol> |      |  |
| Signature of Bailee  |  | Date |  |
| <sup>1</sup> Indicate under which Part of the Act the notice is issued.                                    |  |      |  |

[Form 1 inserted: Gazette 9 Jun 2017 p. 2851.]

**Form 2**

|   |  |
|---|--|
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 9(1)(b) or 12(1)(b) and (c) and 26(1)(b), (2) and (4) |  |
| <b>Notice under Part<sup>1</sup> of intention to sell or otherwise dispose of goods</b>                   |  |
| To [name] of [address], Bailor  |  |



|   |  |      |  |
|---|--|------|--|
| Notice  | <p>1. You were given notice on [date] that the following goods [give sufficient description of goods] situated at [place] were ready for redelivery.</p> <p>2. The goods are *prescribed goods to which Part II of the Act applies/*goods to the value of \$[state estimated value of goods] to which Part III of the Act applies.<br/>(* Delete as applicable)</p> <p>3. It is intended to sell or dispose of the goods in accordance with the Act unless not more than 1 month from the date of giving of this notice you either —</p> <p>(a) take redelivery of the goods or give directions for their redelivery; or</p> <p>(b) give notice in writing to [insert name and address of person, firm or company with whom the goods were bailed] (Bailee) that *you deny the goods are prescribed goods/*you claim the goods exceed \$3 500 in value.<br/>(* Delete as applicable)</p> |      |  |
| Signature of Bailee   |  | Date |  |
| <p>Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) whom the Bailee knows or claims to have an interest in the goods.</p> |  |      |  |
| <p><sup>1</sup> Indicate under which Part of the Act the notice is issued.</p>  |  |      |  |

[Form 2 inserted: Gazette 9 Jun 2017 p. 2851.]

**Form 3**

|  |
|--|
| <p>Disposal of Uncollected Goods Act 1970<br/>s. 17(1) and 26(1), (2) and (6)</p> <p><b>Notice under Part V to treat dispute as determined</b></p> <p>To [name] of [address], Bailor</p> |
|--|

**Disposal of Uncollected Goods Regulations 1971**

**Schedule 2**

|                     |  |      |  |
|---------------------|--|------|--|
| Notice              | <p>1. With reference to the following goods [<i>give sufficient description of goods</i>] a dispute arose on [<i>date</i>] between you and the Bailee mentioned below, [<i>give nature of dispute and manner in which it arose</i>].</p> <p>2. The goods are available for redelivery to you at [<i>address</i>].</p> <p>3. The goods will be sold or otherwise disposed of in accordance with the Act unless not more than 1 month from the date of the giving of this notice you either —</p> <p>(a) take redelivery of the goods or give directions for their redelivery; or</p> <p>(b) give notice in writing to [<i>insert name and address of person, firm or company with whom the goods were bailed</i>] (Bailee) that you object to this dispute being treated as determined.</p> |      |  |
| Signature of Bailee |  | Date |  |

[Form 3 inserted: Gazette 9 Jun 2017 p. 2852.]

**Form 4**

|   |  |      |  |
|---|--|------|--|
| <p><i>Disposal of Uncollected Goods Act 1970</i><br/>s. 19(1), (2)(b) and (c) and 26(1)(c), (2) and (5)</p> <p><b>Notice under Part VI of intention to apply to Court for order to sell or otherwise dispose of goods valued in excess of \$3 500</b></p> |  |      |  |
| To [ <i>name</i> ] of [ <i>address</i> ], Bailor  |  |      |  |
| Notice  | <p>1. You were given notice on [<i>date</i>] that the following goods [<i>give sufficient description of goods</i>] situated at [<i>place</i>] were ready for redelivery.</p> <p>2. *A dispute relating to the goods was determined on [<i>date</i>] in the following manner [<i>give full details</i>].</p> <p>(* Delete if there was no dispute)</p> <p>3. Unless not more than 1 month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, [<i>insert name and address of person, firm or company with whom the goods were bailed</i>] (Bailee) intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.</p> |      |  |
| Signature of Bailee   |  | Date |  |

Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) whom the Bailee knows has or claims to have an interest in the goods.

[Form 4 inserted: Gazette 9 Jun 2017 p. 2852.]

**Form 5**

|  |   |                            |  |
|--|---|----------------------------|--|
| <p><i>Disposal of Uncollected Goods Act 1970</i><br/>s. 20(a), 21(b) and (c) and 26(1)(c), (2) and (5)</p> <p><b>Notice under Part VII of intention to apply to Court for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(a) applies</b></p>   |   |                            |  |
| To   |   | The Commissioner of Police |  |
| and To <sup>1</sup>  |   | [name]                     |  |
| Notice   | <p>1. The following goods [give sufficient description of goods] came into possession of [name] of [address] in the following circumstances [give full details]<sup>2</sup>.</p> <p>2. It is intended to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.</p> |                            |  |
| Signature of person in possession of goods   |   | Date                       |  |
| <p><sup>1</sup> Copies of this notice must also be sent to every other person (if any) whom the person in possession knows has or claims to have an interest in the goods.</p> <p><sup>2</sup> Include any information known to the person in possession concerning the identity or whereabouts of the person through whom the person came into such possession.</p> |   |                            |  |

[Form 5 inserted: Gazette 9 Jun 2017 p. 2853.]

**Form 6**

|   |
|---|
| <p><i>Disposal of Uncollected Goods Act 1970</i><br/>s. 20(b), 21 and 26(1)(c), (2) and (5)</p> <p><b>Notice under Part VII of intention to apply to Court to dispose of goods in possession otherwise than under bailment in course of business where s. 20(b) applies</b></p> |
| To [name] of [address] (Person through whom possession was acquired).   |

**Disposal of Uncollected Goods Regulations 1971**

**Schedule 2**

|  |   |      |  |
|--|---|------|--|
| Notice   | <p>1. On <i>[date]</i>, at <i>[place]</i> the following goods <i>[give sufficient description of goods]</i> now situated at <i>[place]</i> came, through you, into possession of <i>[insert name and address of person in possession of goods]</i> under the following circumstances <i>[give full details]</i>.</p> <p>2. Unless not more than 1 month from the date of the giving of this notice you relieve the abovementioned person of the goods, I intend to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.</p> |      |  |
| Signature of person in possession of goods   |   | Date |  |
| <p>Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) the person in possession knows or claims to have an interest in the goods.</p> |   |      |  |

*[Form 6 inserted: Gazette 9 Jun 2017 p. 2853.]*

**Form 7**

|  |           |  |          |
|--|-----------|--|----------|
| Magistrates Court of Western Australia (Civil jurisdiction)          |           |  |          |
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 17(3)            |           | Magistrates Court at <i>[place]</i><br>No: |          |
| <b>Application under Part V for summary determination of dispute</b> |           |  |          |
| Between  |           |  |          |
| Applicant  | Full name |  |          |
|  | Address   |  |          |
|  |           |  | Postcode |
|  | Telephone |  |          |
| Email address  |           |  |          |
| and  |           |  |          |
| Respondent   | Full name |  |          |
|  | Address   |  |          |
|  |           |  | Postcode |
| Telephone  |           |  |          |

|  |  |      |
|--|--|------|
|  | Email address  |      |
| Application  | <p>1. On [date], at [place] a dispute arose between the applicant and the respondent concerning goods in the possession of [insert name of applicant or respondent, as case may be] in the following circumstances [give full details].</p> <p>2. The applicant applies for the summary determination of that dispute.</p> |      |
| Signature of applicant or lawyer   |  | Date |
| This application will be heard in the Magistrates Court at [place] at [time] on [date].  |  |      |
| Registrar  |  |      |
| To   | The Respondent   |      |
| and To <sup>1</sup>  | [name]   |      |
| If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence. |  |      |
| <sup>1</sup> A copy of this application must be served on the respondent and any other person appearing to be affected by the application.   |  |      |

[Form 7 inserted: Gazette 9 Jun 2017 p. 2854.]

**Form 8**

|  |               |                              |  |
|--|---------------|------------------------------|--|
| Magistrates Court of Western Australia (Civil jurisdiction)  |               |                              |  |
| Disposal of Uncollected Goods Act 1970 s. 19(1)  |               | Magistrates Court at [place] |  |
| <b>Application under Part VI for order to sell or otherwise dispose of goods valued in excess of \$3 500</b> |               | No:                          |  |
| Between  |               |                              |  |
| Applicant  | Full name     |                              |  |
|  | Address       |                              |  |
|  |               | Postcode                     |  |
|  | Telephone     |                              |  |
|  | Email address |                              |  |
| and  |               |                              |  |

**Disposal of Uncollected Goods Regulations 1971**

**Schedule 2**

|  |   |  |      |          |
|--|---|--|------|----------|
| Respondent   | Full name   |  |      |          |
|  | Address   |  |      | Postcode |
|  |   |  |      |          |
|  | Telephone   |  |      |          |
| Email address  |   |  |      |          |
| Application  | <p>1. On [date] at [place], the respondent entrusted to the applicant the following [give sufficient description of goods].</p> <p>2. The value of the goods exceeds \$3 500.</p> <p>3. The goods are ready for redelivery to the respondent who has failed to take delivery of them or to give directions for their redelivery despite notice to do so.</p> <p>4. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.</p> |  |      |          |
| Signature of applicant or lawyer   |   |  | Date |          |
| This application will be heard in the Magistrates Court at [place] at [time] on [date].  |   |  |      |          |
| Registrar  |   |  |      |          |
| To   | The Respondent  |  |      |          |
| and To <sup>1</sup>  | [name]  |  |      |          |
| If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence. |   |  |      |          |
| <sup>1</sup> A copy of this application must be served on the respondent and any other person appearing to be affected by the application.   |   |  |      |          |

[Form 8 inserted: Gazette 9 Jun 2017 p. 2854-5.]

**Form 9**

|  |                              |
|--|------------------------------|
| Magistrates Court of Western Australia (Civil jurisdiction)  |                              |
| Disposal of Uncollected Goods Act 1970<br>s. 20(a)   | Magistrates Court at [place] |
| <b>Application under Part VII for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(a) applies</b> | No:                          |
| In the matter of an application to dispose of goods under s. 20(a) of the Act  |                              |

|  |  |      |  |          |
|--|--|------|--|----------|
| Applicant  | Full name  |      |  |          |
|  | Address  |      |  | Postcode |
|  |  |      |  |          |
|  | Telephone  |      |  |          |
| Email address  |  |      |  |          |
| Application  | <p>1. On <i>[date]</i> at <i>[place]</i> the applicant came into possession of the following goods <i>[give sufficient description of goods]</i> in the following circumstances <i>[give full details]</i>.</p> <p>2. The applicant is unaware of the identity or whereabouts of the person through whom the applicant came into possession of the goods.</p> <p>3. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.</p> |      |  |          |
| Signature of applicant or lawyer   |  | Date |  |          |
| Note: It is not intended to serve this application on any person other than <sup>1</sup> :   |  |      |  |          |
| This application will be heard in the Magistrates Court at <i>[place]</i> at <i>[time]</i> on <i>[date]</i> .  |  |      |  |          |
| Registrar  |  |      |  |          |
| To <sup>1</sup>  |  |      |  |          |
| If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence. |  |      |  |          |
| <sup>1</sup> A copy of this application must be served on any person appearing to be affected by the application.  |  |      |  |          |

[Form 9 inserted: Gazette 9 Jun 2017 p. 2855-6.]

**Form 10**

|   |  |
|---|--|
| Magistrates Court of Western Australia (Civil jurisdiction)   |  |
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 20(b)<br><br><b>Application under Part VII for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(b) applies</b> | Magistrates Court at <i>[place]</i><br>No: |
| Between   |  |

**Disposal of Uncollected Goods Regulations 1971**

**Schedule 2**

|  |   |      |          |  |
|--|---|------|----------|--|
| Applicant  | Full name   |      |          |  |
|  | Address   |      |          |  |
|  |   |      | Postcode |  |
|  | Telephone   |      |          |  |
| Email address  |   |      |          |  |
| and  |   |      |          |  |
| Respondent   | Full name   |      |          |  |
|  | Address   |      |          |  |
|  |   |      | Postcode |  |
|  | Telephone   |      |          |  |
| Email address  |   |      |          |  |
| Application  | <p>1. On <i>[date]</i> at <i>[place]</i>, the applicant came into possession of the following goods <i>[give sufficient description of goods]</i> through the respondent, under the following circumstances <i>[give full details]</i>.</p> <p>2. The respondent has failed to relieve the applicant of the possession of the goods despite notice to do so.</p> <p>3. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.</p> |      |          |  |
| Signature of applicant or lawyer   |   | Date |          |  |
| This application will be heard in the Magistrates Court at <i>[place]</i> at <i>[time]</i> on <i>[date]</i> .  |   |      |          |  |
| Registrar  |   |      |          |  |
| To   | The Respondent  |      |          |  |
| and To <sup>1</sup>  | <i>[name]</i>   |      |          |  |
| If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence. |   |      |          |  |
| <sup>1</sup> A copy of this application must be served on the respondent and any other person appearing to be affected by the application.   |   |      |          |  |

*[Form 10 inserted: Gazette 9 Jun 2017 p. 2856-7.]*

*[Form 11 deleted: Gazette 9 Jun 2017 p. 2857.]*



**Form 12**

|   |   |                                     |  |
|---|---|-------------------------------------|--|
| Magistrates Court of Western Australia (Civil jurisdiction)     |   |                                     |  |
| <i>Disposal of Uncollected Goods Act 1970 s. 27</i>             |   | Magistrates Court at <i>[place]</i> |  |
| <b>Certificate as to making and contents of order under Act</b> |   | No:                                 |  |
| Between <sup>1</sup>  |   |                                     |  |
| Applicant   | Full name   |                                     |  |
|   | Address   |                                     |  |
|   |   | Postcode                            |  |
|   | Telephone   |                                     |  |
| Email address   |   |                                     |  |
| and <sup>1</sup>  |   |                                     |  |
| Respondent <sup>1</sup>   | Full name   |                                     |  |
|   | Address   |                                     |  |
|   |   | Postcode                            |  |
|   | Telephone   |                                     |  |
| Email address   |   |                                     |  |
| Certificate   | I certify that at a sitting of the <i>[place]</i> Magistrates Court, held at <i>[place]</i> on the <i>[date]</i> , the Court heard and determined the application of <i>[name]</i> for <i>[give details]</i> and made the following order <i>[give details]</i> . |                                     |  |
| Registrar   |   |                                     |  |
| <sup>1</sup> Delete if application under s. 20(a).              |   |                                     |  |

*[Form 12 inserted: Gazette 9 Jun 2017 p. 2857.]*

**Form 13**

|   |  |
|---|--|
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 14(4) |  |
| <b>Record of goods disposed of not under Court order</b>  |  |
| Name of Bailee  |  |
| Name of Bailor  |  |
| Description of goods                                      |  |
| How disposed of   |  |

**Schedule 2**

|  |  |
|--|--|
| Date and place of disposal   |  |
| Name and address of —<br>1. Person who conducted sale; or<br>2. Donee; or<br>3. Person who destroyed goods |  |
| Where goods sold   |  |
| Gross proceeds of sale   |  |
| Specification of each item of Bailee's charges   |  |
| Total amount of charges paid to Bailor   |  |
| Balance standing to Bailor's credit  |  |

*[Form 13 inserted: Gazette 9 Jun 2017 p. 2857-8.]*

**Form 14**

|  |  |
|--|--|
| <i>Disposal of Uncollected Goods Act 1970</i><br>s. 25(2)  |  |
| <b>Record of goods disposed of under Court order</b>   |  |
| Name of Bailee   |  |
| Name of Bailor   |  |
| Description of goods   |  |
| Date and Ref. No. of Court order and name of parties   |  |
| How disposed of  |  |
| Date and place of disposal   |  |
| Name and address of —<br>1. Person who conducted sale; or<br>2. Donee; or<br>3. Person who destroyed goods |  |

| Where goods sold   |  |
|--|--|
| Gross proceeds of sale   |  |
| Details of Bailee's charges approved by Court under s. 22(2) of Act  |  |
| Details of subsidiary charges levied in accordance with s. 24 of Act |  |
| Details of costs referred to in s. 25(1)(c) and awarded to Bailee    |  |
| Balance standing to Bailor's or Owner's credit                       |  |

*[Form 14 inserted: Gazette 9 Jun 2017 p. 2858-9.]*

**Notes**

<sup>1</sup> This is a compilation of the *Disposal of Uncollected Goods Regulations 1971* and includes the amendments made by the other written laws referred to in the following table. The following table contains information about these regulations and any reprint.

**Compilation table**

| <b>Citation</b>   | <b>Gazettal</b>           | <b>Commencement</b>   |
|---|---------------------------|---|
| <i>Disposal of Uncollected Goods Regulations 1971</i>   | 10 Jun 1971<br>p. 1907-18 | 1 Aug 1971 (see r. 1(2) and<br><i>Gazette</i> 16 Jul 1971 p. 2555)  |
| <b>Reprint 1: The <i>Disposal of Uncollected Goods Regulations 1971</i> as at 13 Feb 2004</b> |                           |   |
| <i>Disposal of Uncollected Goods Amendment Regulations 2017</i>                               | 9 Jun 2017<br>p. 2849-59  | r. 1 and 2: 9 Jun 2017<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>10 Jun 2017 (see r. 2(b)) |

**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

| <b>Defined term</b> | <b>Provision(s)</b> |
|---------------------|---------------------|
| Act.....            | 2                   |
| Schedule.....       | 2                   |