Western Australia

Disposal of Uncollected Goods Act 1970

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Defined terms

Western Australia

Disposal of Uncollected Goods Act 1970

An Act to authorise the disposal in specified circumstances of certain uncollected goods.

Part I — Preliminary

1. Short title

This Act may be cited as the *Disposal of Uncollected Goods Act 1970*.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation.

*[**3.** Deleted: No. 10 of 1998 s. 76.]*

4. Terms used

(1) In this Act, unless the contrary intention appears —

application means an application to the court, under section 17(3), section 19(1), or section 20, for an order;

Commissioner means the Commissioner of Police appointed under the *Police Act 1892*;

court means the Magistrates Court constituted by a magistrate;

inspection includes the acceptance of goods for the purpose of submitting a quotation of the charges to be made for the repair or other treatment of such goods;

order means an order of the court made on an application;

prescribed goods means goods prescribed by regulation;

relevant amount means $3 500 or such other amount as is prescribed by regulation.

(2) For the purpose of this Act, goods are deemed to be ready for redelivery —

(a) in relation to goods accepted for inspection, when the inspection has been carried out; and

(b) in relation to goods accepted for custody, when the period of arranged custody has expired, or, where there

is no period of arranged custody, 7 days after they are so accepted; and

(c) in relation to goods accepted for storage, when the period of arranged storage has expired or, where there is no period of arranged storage, 7 days after they are so accepted; and

(d) in relation to goods accepted for repair or other treatment, when the repair or other treatment has been carried out.

(3) Any reference in this Act to a bailor or bailee of goods shall, in respect of a period during which his rights and obligations in relation to the goods are vested in any other person, be construed as a reference to that other person.

[Section 4 amended: No. 59 of 2004 s. 141; No. 43 of 2016 s. 4.]

5. Other legal rights and powers, effect on of this Act

Subject to section 30, nothing in this Act shall be construed as derogating in any way from the rights or powers of any person, other than a bailor of goods to which this Act applies, conferred by or under another Act or by the rules of equity or common law, and all such rights and powers may continue to be exercised in the same manner as if this Act had not been passed.

6. Act not to apply to bailment etc. under Sch. 1 Act

The provisions of this Act do not apply to any bailment, possession, or other custody of goods to which an Act, or a provision of an Act, mentioned in the Schedule apply.

[Section 6 amended: No. 128 of 1987 s. 89.]

Part II — Disposal of uncollected prescribed goods

7. Application of this Part

This Part applies to a bailment of prescribed goods accepted, whether before or after the coming into operation of this Act, by a bailee in the course of business for inspection, custody, storage, repair, or other treatment.

8. Bailee's right to dispose of uncollected prescribed goods

Where prescribed goods, accepted pursuant to a bailment to which this Part applies, are ready for redelivery but there is a failure by the bailor to take redelivery of the goods or, if the terms of any agreement between the bailor and the bailee so provide, to give directions as to their redelivery, the bailee, while the failure continues, may, subject to the terms of any agreement between him and the bailor and to this Act, sell the goods by public auction or private treaty or otherwise dispose of them unless, the bailee, for any reason, refuses to make redelivery to the bailor or prevents him from taking redelivery.

9. Preconditions to disposing of goods under s. 8

(1) A bailee shall not, under section 8, attempt to sell goods unless —

(a) he, after the goods are ready for redelivery, gives a notice in writing, as provided by Part IX, to the bailor that the goods are so ready; and

(b) he, not less than 3 months after he gives the notice referred to in paragraph (a) and not less than one month before he attempts to sell the goods, gives a notice in writing, as provided by Part IX, to —

(i) the bailor; and

(ii) every other person known to the bailee, at the time he gives the notice, as having or claiming to have an interest in the goods; and

(iii) the Commissioner,

of the bailee's intention to sell or otherwise dispose of the goods.

(2) A bailee shall not, under section 8, dispose of goods other than by selling them unless, during a period of one month after he is entitled to sell them in accordance with that section and subsection (1), he has made reasonable but unsuccessful efforts to do so.

(3) Where, in respect of prescribed goods under a bailment to which this Part applies, there is a dispute such as is referred to in section 15 or 16, a bailee shall not sell the goods or otherwise dispose of them unless the dispute is treated as determined under subsection (1) of section 17 or is determined under subsection (4) of that section or otherwise.

Part III — Disposal of uncollected goods assessed at a value not exceeding the relevant amount

[Heading amended: No. 43 of 2016 s. 5.]

10. Application of this Part

This Part applies in relation to a bailment of goods, other than prescribed goods, of a value not exceeding the relevant amount accepted, whether before or after the coming into operation of this Act, by the bailee in the course of business for inspection, custody, storage, repair, or other treatment.

[Section 10 amended: No. 43 of 2016 s. 6.]

11. Bailee's right to dispose of uncollected goods

Where goods accepted pursuant to a bailment to which this Part applies are ready for redelivery but there is a failure by the bailor to take redelivery of the goods or, if the terms of any agreement between the bailor and the bailee so provide, to give directions as to their redelivery, the bailee, while that failure continues, may, subject to the terms of any agreement between him and the bailor and to this Act, sell the goods by public auction or private treaty or otherwise dispose of them unless the bailee, for any reason, refuses to make redelivery to the bailor or prevents him from taking redelivery.

12. Preconditions to disposing of goods under s. 11

(1) A bailee shall not, under section 11, attempt to sell goods by public auction unless he —

(a) after the goods are ready for redelivery, gives notice in writing, as provided by Part IX, to the bailor that the goods are so ready; and

(b) not less than 6 months after he gives the notice referred to in paragraph (a) and not less than one month before he attempts to so sell the goods, gives a notice in writing, as provided by Part IX, to —

(i) the bailor; and

(ii) every other person known to the bailee, at the time he gives the notice, as having or claiming to have an interest in the goods; and

(iii) the Commissioner,

of the bailee's intention to sell or otherwise dispose of the goods; and

(c) at least one month before he attempts to so sell the goods, causes to be published in —

(i) a daily newspaper published in Perth and circulating throughout the State; and

(ii) the *Government Gazette*,

a notice, as provided in Part IX, of intention to sell or otherwise dispose of the goods.

(2) A bailee shall not, under section 11, dispose of goods other than by selling them by public auction, unless, after he is entitled to sell them by public auction in accordance with that section and subsection (1) of this section, he has, in circumstances calculated to offer a reasonable prospect of sale, unsuccessfully offered the goods for sale by public auction on 2 occasions not less than 14 days apart.

(3) Where, in respect of goods under a bailment to which this Part applies, there is a dispute such as is referred to in section 15 or 16, a bailee shall not sell the goods or otherwise dispose of them unless the dispute is treated as determined under subsection (1) of section 17 or is determined under subsection (4) of that section or otherwise.

Part IV — Procedure after goods are sold or otherwise disposed of pursuant to Parts II and III

13. Application of this Part

This Part applies to goods sold or otherwise disposed of pursuant to Part II or Part III.

14. Rights of bailor and bailee, and bailee's duties, after goods disposed of under Part II or III

(1) Where goods are sold —

(a) any amount by which the gross proceeds of sale exceed the outstanding charges of the bailee in relation to the goods may be recovered by the bailor in a court of competent jurisdiction as a debt due to him by the bailee; and

(b) any amount by which the bailee's outstanding charges exceed the gross proceeds of sale of the goods may be recovered by the bailee in a court of competent jurisdiction as a debt due to him by the bailor.

(2) Where goods are disposed of otherwise than by sale, the amount of the bailee's outstanding charges may be recovered by him in a court of competent jurisdiction as a debt due to him from the bailor.

(3) For the purpose of this section references to the charges of a bailee in relation to any goods shall, subject to the terms of any agreement between the bailor and the bailee, be construed as referring to the amount agreed upon for the inspection, custody, storage, repair, or other treatment and the cost of transporting the goods to the premises used by the bailee or if no amount has been agreed upon, a reasonable charge therefor and additional amounts in respect of —

(a) storage of the goods during the period beginning with the date of the notice that goods are ready for redelivery and ending with the date of sale or other disposal; and

(b) any costs of or in connection with the sale or other disposal including the reasonable and necessary expenses incurred by the bailee in serving notices and in publication of advertisements; and

(c) the cost, if any, of insuring the goods during the period referred to in paragraph (a).

(4) Where goods are sold or otherwise disposed of the bailee shall, within 7 days from the date of the sale or other disposal of the goods, prepare a record containing —

(a) a sufficient description of the goods; and

(b) if the goods have been sold —

(i) the date and place of the sale; and

(ii) the name and address of the place of business of the person who conducted the sale; and

(iii) the amount of the gross proceeds of the sale; and

(iv) the amount of any sum paid to the bailee on account of his charges prior to the sale;

and

(c) if the goods have been disposed of by gift, the name and address of the person to whom the goods were given; and

(d) if the goods have been destroyed, the name and address of the person by whom they were destroyed; and

(e) if the goods have been disposed of in any other manner, details of it; and

(f) a statement specifying each item of the charges of the bailee in relation to the goods,

and shall, during the period of 6 years from the time the record is prepared, keep the record together with a copy of the notice of

intention to sell or otherwise dispose of the goods, and shall, at any reasonable time during that period, if so requested by or on behalf of any person who at the time of the sale or other disposal, had, or claimed to have had, an interest in the goods, produce the record and copy for inspection.

(5) Where a person to whom subsection (4) applies fails to comply with that subsection or prepares or produces for the purposes of that subsection a document that to his knowledge is false in any particular, he is guilty of an offence against this Act.

Part V — Provisions relating to disputes

15. Dispute as to charges etc., effect of on bailee's right under Part II or III

Where, at any time after notice that goods are ready for redelivery has been given and before the giving by a bailee to a bailor of notice of intention to sell or otherwise dispose of goods, a dispute arises between the bailee and the bailor by reason of the bailor's refusal in writing —

(a) to pay the sum that the bailee claims to be due to him by way of his charges in relation to the goods; or

(b) to take or give directions for redelivery of the goods,

on the ground that the charges are excessive or that the bailor is not satisfied that the inspection, custody, storage, repair or other treatment of the goods has been properly carried out, the bailee's right under Part II or Part III to sell or otherwise dispose of the goods shall not be exercised unless the dispute is treated as determined under subsection (1) of section 17 or is determined under subsection (4) of that section or otherwise.

16. Dispute as to description or value of goods, effect of on bailee's right under Part II or III

Where, at any time after notice of intention to sell or otherwise dispose of goods has been given by a bailee to a bailor and before the goods are sold or otherwise disposed of, a dispute arises between the bailee and the bailor by reason of the bailor's refusal in writing —

(a) to accept that the goods described in the notice are prescribed goods; or

(b) to accept as accurate the assessment of the value of the goods described in the notice as not exceeding the relevant amount,

the bailee's right under Part II or Part III to sell or otherwise dispose of the goods shall not be exercised unless the dispute is treated as determined under subsection (1) of section 17 or is determined under subsection (4) of that section or otherwise.

[Section 16 amended: No. 43 of 2016 s. 7.]

17. Determination of disputes

(1) A dispute to which section 15 or 16 refers shall, without prejudice to any other mode of determining it, be treated as determined for the purpose of the section if —

(a) the bailee gives to the bailor a notice in writing, as provided by Part IX, to treat the dispute as determined; and

(b) the bailor does not, within one month after he receives the notice referred to in paragraph (a), give to the bailee a notice in writing that the bailor objects to the dispute being treated as determined for the purpose of the section.

(2) Where, under subsection (1), a dispute is treated as determined, it shall, for the purpose referred to in that subsection, be treated as having been determined on the date the bailee gives the notice to the bailor in accordance with paragraph (a) of that subsection.

(3) Where, within the period of one month referred to in subsection (1)(b), the bailor gives to the bailee a notice in writing that he objects to the dispute being treated as determined for the purpose referred to in that subsection, the bailee or the bailor may make an application for the summary determination of the dispute and the court may exercise all or any of the powers contained in Part VIII.

(4) Upon the making of an order on an application made under subsection (3), the dispute is determined.

(5) Where any costs are awarded in respect of an application made under subsection (3) in respect of any goods, the charges of the bailee in relation to those goods shall, if those costs are awarded against the bailee, be reduced by, and if they are awarded to the bailee, be increased by, the amount of so much of those costs as are not otherwise recovered.

Part VI — Disposal of goods valued in excess of the relevant amount

[Heading amended: No. 43 of 2016 s. 8.]

18. Application of this Part

This Part applies in relation to a bailment of goods, other than prescribed goods, of a value exceeding the relevant amount accepted, whether before or after the coming into operation of this Act, by the bailee in the course of business for inspection, custody, storage, repair, or other treatment.

[Section 18 amended: No. 43 of 2016 s. 9.]

19. Bailee may apply for court order to dispose of uncollected goods

(1) Where goods accepted pursuant to a bailment in relation to which this Part applies, are ready for redelivery but there is a failure by the bailor to take redelivery of the goods, or if the terms of any agreement between the bailor and the bailee so provide, to give directions for their redelivery, the bailee, while that failure continues, may, subject to the terms of any agreement between him and the bailor and to this Act, make an application to the court for an order to sell or otherwise dispose of the goods unless the bailee, for any reason, refuses to make redelivery to the bailor or prevents him from taking redelivery.

(2) The bailee shall not make an application under subsection (1) unless he —

(a) gives a notice in writing, as provided by Part IX, to the bailor that the goods are ready for redelivery; and

(b) not less than 6 months after he gives the notice referred to in paragraph (a) and not less than one month before he makes the application, gives a notice in writing, as provided by Part IX, to —

(i) the bailor; and

(ii) every other person known to the bailee, at the time he gives the notice, as having or claiming to have an interest in the goods; and

(iii) the Commissioner,

of the bailee's intention to make the application; and

(c) at least one month before he makes the application, causes to be published in —

(i) a daily newspaper published in Perth and circulating throughout the State; and

(ii) the *Government Gazette*,

a notice, as provided by Part IX, of his intention to make the application.

Part VII — Disposal of goods in possession otherwise than under a bailment in the course of business

20. Person possessing another's goods may apply for court order to dispose of them

Where, without committing a criminal offence, a person has or acquires possession of goods in any way other than under a bailment to which Parts II, III or VI apply and —

(a) he is unaware of either the identity or the whereabouts of the person through whom he came into possession of them; or

(b) the person through whom he came into possession of the goods refuses or fails to relieve him of the possession thereof after having been given notice of the possessor's intention to make application to the court to sell or otherwise dispose of the goods, as provided in Part IX,

he may, subject to this Act, make an application to the court for an order to sell or otherwise dispose of the goods.

21. Preconditions to making s. 20 application

A person shall not make an application under section 20 unless, not less than one month before he does so, he gives notice in writing, as provided by Part IX, to —

(a) where section 20(b) applies, the person through whom he came into possession; and

(b) any other person known to him, at the time he gives the notice, as having or claiming to have an interest in the goods; and

(c) the Commissioner,

of his intention to make the application.

Part VIII — Powers of the court

22. Court's powers on s. 17(3), 19(1) or 20 application

(1) On an application under section 17(3), section 19(1), or section 20, the court may make such order as it thinks fit including an order authorising —

(a) a sole applicant to sell or otherwise dispose of the goods;

(b) joint applicants to sell or otherwise dispose of the goods,

if the sole applicant or at least one of the joint applicants, as the case may be, remains in possession of the goods until he is, in accordance with the order, entitled to sell or otherwise dispose of them.

(2) An order for sale or other disposal of goods made on any application referred to in subsection (1), except an application under section 20 relating to goods that are not held under a bailment shall, if the bailor has not paid to the bailee the bailee's outstanding charges in respect of the goods, specify the amount that the court considers reasonable in respect of the bailee's charges to the date of the order, including any of such costs and charges as are referred to in section 14(3) and as have been incurred to that date.

(3) An order for sale or other disposal in respect of any goods —

(a) may specify for the purposes of section 24(a), a rate of storage charge for those goods; and

(b) may specify, for the purposes of section 24(b), the amount that may be incurred in respect of the costs of or in connection with the sale or other disposal of the goods; and

(c) may specify the manner in which and the conditions subject to which the goods may be sold or otherwise disposed of pursuant to the order; and

(d) may prohibit the sale or other disposal of the goods for such period as the court specifies, and may contain such

conditions as to advertisement and notice to the bailor, interested persons, and the Commissioner as the court thinks fit.

(4) The power of the court to make an order for sale or other disposal in respect of any goods held under an agreement for bailment is subject to the terms of the agreement.

(5) On an application the court may make such order with respect to costs as it considers just and reasonable and the costs awarded to any person in respect of any such application may be recovered in a court of competent jurisdiction by him as a debt due to him from the person against whom they were awarded unless they are otherwise recovered or accounted for under any other provision of this Act.

23. Order for disposal of goods, effect of

(1) A person in whose favour an order for sale or other disposal is made in respect of any goods may, subject to the order and to this Act, sell or otherwise dispose of the goods.

(2) An order for sale or other disposal in respect of any goods does not affect the right of any person to recover the goods by an action commenced before the goods are sold or otherwise disposed of.

(3) If such an action as is referred to in subsection (2) is commenced before the goods are disposed of in accordance with an order made under this Act, the right under the order for disposal of the goods shall not be exercised until the action is heard and determined, or otherwise disposed of, and if in that action an order is made for the recovery of the goods from the person in whose favour the order for disposal was made, that person's right to dispose of the goods in accordance with the order made under this Act is extinguished.

(4) For the purposes of this section an action is deemed not to have commenced until a writ or summons or other originating process

in the action has been served upon the party from whom it is sought to recover the goods.

24. Subsidiary charges for goods disposed of under court order

Where goods are sold or otherwise disposed of under an order for disposal the person authorised to dispose of the goods under the order may make subsidiary charges in respect of —

(a) a reasonable charge for the storage of the goods during the period beginning with the date of the order and ending with the date of sale or other disposal not exceeding a charge at the rate, if any, specified in the order pursuant to the powers in section 22(3)(a); and

(b) any costs of, or in connection with, the sale or other disposal not exceeding the amount, if any, specified in the order under section 22(3)(b); and

(c) the cost, if any, of insuring the goods during the period referred to in paragraph (a).

25. Rights of bailor etc. and applicant's duties after goods disposed of under court order

(1) Where goods are sold under an order for sale the amount by which the gross proceeds of sale exceed the aggregate of —

(a) the amount specified in any order pursuant to section 22(2); and

(b) the amount of any subsidiary charges properly levied in accordance with section 24; and

(c) the amount of any costs awarded to the person authorised to dispose of the goods in respect of the application for the order for disposal that are not otherwise recovered or accounted for under any other provisions of this Act,

is recoverable in a court of competent jurisdiction by the bailor or the person through whom possession was obtained, as the case requires, as a debt due to him by the person authorised to

sell the goods, and any amount by which the aggregate of the amounts referred to in paragraphs (a), (b) and (c) exceeds the gross proceeds of the sale is recoverable in a court of competent jurisdiction by the person authorised to sell the goods as a debt due to him by the bailor or the person through whom possession was obtained, as the case requires.

(2) Where goods are sold or otherwise disposed of under the order of the Court, the person authorised by the order to sell or otherwise dispose of the goods shall, not more than 7 days after the date of the sale or other disposal of the goods, prepare a record in relation to the goods containing —

(a) a reference to the order authorising the sale or other disposal of the goods; and

(b) if the goods have been sold —

(i) the date and place of the sale;

(ii) the name and address of the place of business of the person who conducted the sale;

(iii) the amount of the gross proceeds of sale;

and

(c) if the goods have been disposed of by gift, the name and address of the person to whom the goods were given; and

(d) if the goods have been destroyed, the name and address of the person by whom they were destroyed; and

(e) if the goods have been disposed of in any other manner, details of it; and

(f) a statement specifying each of the items that constitute the amounts referred to in subsection (1),

and shall, not more than 14 days after the date of the sale or other disposal of the goods, file a copy of the record in the court in which the order was made.

(3) A person who had, or claims to have had at the time of the sale or other disposal of the goods under the order for sale or other disposal, an interest in the goods, may inspect a copy of the record filed in the court pursuant to subsection (2).

(4) Where a person to whom subsection (2) applies fails to comply with that subsection or prepares or files for the purposes of that subsection a document that is false in any particular, he is guilty of an offence against this Act.

Part IX — Provisions as to notices

26. Form and content of notices

(1) This section applies to —

(a) notices that goods are ready for redelivery; and

(b) notices of intention to sell or otherwise dispose of goods; and

(c) notices of intention to apply to the court for an order to sell or otherwise dispose of the goods; and

(d) notices to treat a dispute as determined.

(2) A notice to which this section applies shall be in writing and shall contain —

(a) the names and addresses of the bailor and the bailee or, where Part VII applies, the name and address of the person in possession of the goods with an account of how the goods came into his possession, including the place and date of possession and, where possible, the name and address of the person through whom he acquired possession; and

(b) a sufficient description of the goods to which it relates and of the place where they are situate; and

(c) a statement indicating the Part of the Act pursuant to which the notice is given.

(3) A notice that goods are ready for redelivery, in addition to containing the matters referred to in subsection (2) that apply to the notice, shall state —

(a) that the goods are available for redelivery by the bailee to the bailor; and

(b) the place at which they are so available; and

(c) the amount, if any, the bailee claims is due to him as charges in relation to the goods and the manner in which that amount has been calculated; and

(d) that unless the bailor —

(i) takes or gives directions for redelivery of the goods; or

(ii) gives to the bailee a notice in writing that he disputes all or any of the matters contained in the notice that the goods are ready for redelivery,

the bailee will in accordance with this Act sell or otherwise dispose of the goods.

(4) A notice of intention to sell or otherwise dispose of goods, in addition to containing the matters referred to in subsection (2) that apply to the notice, shall state —

(a) either that the goods are prescribed goods or other goods to the value of an amount, stating it, not exceeding the relevant amount, as the case may be;

(b) the date on which the bailee gave to the bailor notice that the goods were ready for redelivery;

(c) that unless, not more than one month after the bailee has given the notice, the bailor —

(i) takes or gives directions for redelivery of the goods; or

(ii) gives to the bailee a notice in writing that he denies that the goods are prescribed goods or that they are other goods to the value of an amount exceeding the relevant amount, as the case may be,

the bailee intends to sell or otherwise dispose of the goods.

(5) A notice of intention to make an application to the court for an order to sell or otherwise dispose of any goods, in addition to containing the matters referred to in subsection (2) that apply to the notice, shall state —

(a) where the bailee has given notice that the goods are ready for redelivery, the date he gave it; and

(b) where there has been a dispute between the bailor and the bailee in relation to the goods and the dispute has been determined, the manner in which and the date on which, it was determined; and

(c) that unless, not more than one month after the bailee has given the notice, the bailor takes, or gives directions for redelivery, the bailee intends to make an application to the court for an order to sell or otherwise dispose of the goods in accordance with this Act.

(6) A notice to treat a dispute as determined, in addition to the matters referred to in subsection (2) that apply to the notice, shall state —

(a) the nature of the dispute and the manner in which it arose; and

(b) that the goods are available for redelivery by the bailee to the bailor; and

(c) the place at which they are so available; and

(d) that unless, not more than one month after the bailee has given the notice, the bailor takes, or gives directions for redelivery of the goods, the bailee will sell or otherwise dispose of the goods in accordance with this Act.

[Section 26 amended: No. 43 of 2016 s. 10.]

Part X — General

27. Court order, evidence of by certificate

In any proceedings under this Act for the recovery of a sum in relation to goods in respect of which an order has been made, a certificate of the court as to the making and contents of the order is evidence of the matters set forth therein.

28. Surplus proceeds of sale, application of

(1) Where any sum that is recoverable under this Act has not been recovered within a period of 28 days of becoming so recoverable, the person from whom it is recoverable shall, on the expiration of that period, deposit the sum with the Treasurer and furnish to him —

(a) where, in relation to goods in respect of which the sum is recoverable, a record is required to be prepared under section 14(4) or section 25(2), a copy of that record; and

(b) where, in relation to goods in respect of which the sum is recoverable, an order has been made, a certificate of the court as to the making and contents of the order.

(2) Where a person to whom subsection (1) applies complies with that subsection the rights against him by any other person in respect of the sum referred to in that subsection are extinguished.

(3) Where a person to whom subsection (1) applies fails to comply with that subsection or furnishes for the purposes of that subsection a document that to his knowledge is false in any particular, he is guilty of an offence against this Act.

(4) The Treasurer may pay any sum deposited with him under subsection (1) to a person appearing to him to be entitled thereto and if the sum is so paid the rights of any other person in respect of the recovery of that sum from the Treasurer are extinguished.

(5) In subsections (1) and (4) ***Treasurer*** means Treasurer of the State for the time being.

29. Bailee's expenses before sale, recovery of if goods collected

Where at any time after notice that goods are ready for redelivery has been given to the bailor and before the goods specified in that notice have been sold or otherwise disposed of, the bailor takes redelivery of the goods the bailee may, in a court of competent jurisdiction, recover as a debt due to him from the bailor the reasonable and necessary expenses incurred by him in serving notices, in publication of advertisements, and in preparing for sale up to the time of payment.

30. Title to goods acquired

(1) A person who acquires goods sold or otherwise disposed of in the exercise or purported exercise of the powers given under this Act obtains a good title to the goods if he acquires them in good faith and without notice of —

(a) any failure, arising in connection with the sale or other disposal of the goods, to comply with any of the provisions of this Act; or

(b) any lack of title in the bailor or other person who has given possession of the goods to the person effecting the sale or other disposal of them under this Act.

(2) In any civil proceedings by or against a bailee, or any person, authorised by the provisions of this Act to sell or otherwise dispose of any goods, the burden of proving that the provisions of this Act relating to the sale or other disposal of those goods have been complied with lies on that bailee or person.

31. Application to court, making and service of

(1) Applications shall be commenced by application in the form prescribed.

(2) Subject to subsection (3), the court shall not hear an application unless the court is satisfied that a copy of the application has been served upon all such persons as appear to the court to be affected by the application.

(3) Where a copy of an application has not been served on all persons referred to in subsection (2) but the court is satisfied by evidence on oath that every reasonable effort has been made to do so, the court may, nevertheless, proceed to hear and determine the application.

(4) Where the court is satisfied, by evidence on oath, that the identity of a person who appears to the court to be affected by an application is not known and all reasonable steps that can be taken to establish his identity have been taken, it may proceed to hear and determine the application notwithstanding that a copy of it has not been served on him.

32. Court procedure

(1) Subject to this Act, the *Magistrates Court (Civil Proceedings) Act 2004* and rules of court made under that Act apply to and to the hearing and determination of an application.

(2) A copy of an application is to be served on any person appearing to be affected by it.

[Section 32 inserted: No. 59 of 2004 s. 141.]

*[**33.** Deleted: No. 59 of 2004 s. 141.]*

34. Penalties

A person who is guilty of an offence against this Act is liable to a fine of $1 000.

[Section 34 amended: No. 78 of 1995 s. 147.]

35. Regulations

The Governor may make regulations for giving effect to this Act and, in particular and without limiting the foregoing, prescribing —

(a) goods which may be sold pursuant to Part II;

(b) the forms to be used under this Act.

Schedule — Acts custody of goods under which is not subject to this Act

[s. 6]

[Heading amended: No. 19 of 2010 s. 4.]

Title of Act.

Criminal and Found Property Disposal Act 2006.

Criminal Investigation Act 2006.

Firearms Act 2024.

Government Railways Act 1904.

Jetties Act 1926.

Pawnbrokers and Second-hand Dealers Act 1994.

Public Transport Authority Act 2003.

Shipping and Pilotage Act 1967.

Warehousemen's Liens Act 1952.

Residential Tenancies Act 1987 sections 79 and 80A.

[Schedule amended: No. 128 of 1987 s. 89; No. 88 of 1994 s. 100; No. 5 of 1999 s. 21; No. 16 of 1999 s. 7(1); No. 31 of 2003 s. 157 and 203; No. 59 of 2006 s. 73; No. 60 of 2011 s. 98; No. 23 of 2024 s. 465.]

Notes

This is a compilation of the *Disposal of Uncollected Goods Act 1970* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Short title	Number and year	Assent	Commencement
Disposal of Uncollected Goods Act 1970	121 of 1970	10 Dec 1970	1 Aug 1971 (see s. 2 and *Gazette* 16 Jul 1971 p. 2555)
Residential Tenancies Act 1987 s. 89	128 of 1987	21 Jan 1988	1 Oct 1989 (see s. 2 and *Gazette* 18 Aug 1989 p. 2748)
Pawnbrokers and Second-hand Dealers Act 1994 s. 100	88 of 1994	5 Jan 1995	1 Apr 1996 (see s. 2 and *Gazette* 29 Mar 1996 p. 1495)
Sentencing (Consequential Provisions) Act 1995 s. 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and *Gazette* 25 Oct 1996 p. 5632)
Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Port Authorities (Consequential Provisions) Act 1999 s. 21	5 of 1999	13 Apr 1999	14 Aug 1999 (see s. 2(1) and *Gazette* 13 Aug 1999 p. 3823)
Perth Parking Management (Consequential Provisions) Act 1999 s. 7(1)	16 of 1999	19 May 1999	7 Aug 1999 (see s. 2 and *Gazette* 6 Aug 1999 p. 3727)
Reprint of *Disposal of Uncollected Goods Act 1970* as at 14 Jan 2000 (includes amendments listed above)			
Public Transport Authority Act 2003 s. 157 and 203	31 of 2003	26 May 2003	1 Jul 2003 (see s. 2(1) and *Gazette* 27 Jun 2003 p. 2384)
Courts Legislation Amendment and Repeal Act 2004 s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7128)

Short title	Number and year	Assent	Commencement
Criminal Investigation (Consequential Provisions) Act 2006 s. 73	59 of 2006	16 Nov 2006	1 Jul 2007 (see s. 2 and *Gazette* 22 Jun 2007 p. 2838)
Standardisation of Formatting Act 2010 s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and *Gazette* 10 Sep 2010 p. 4341)
Residential Tenancies Amendment Act 2011 Pt. 5 Div. 1	60 of 2011	14 Dec 2011	1 Jul 2013 (see s. 2(b) and *Gazette* 3 May 2013 p. 1735)
Reprint 2: The *Disposal of Uncollected Goods Act 1970* as at 1 Feb 2013 (includes amendments listed above except those in the *Residential Tenancies Amendment Act 2011*)			
Disposal of Uncollected Goods Amendment Act 2016	43 of 2016	1 Dec 2016	s. 1 and 2: 1 Dec 2016 (see s. 2 (a)); Act other than s. 1 and 2: 10 Jun 2017 (see s. 2(b) and *Gazette* 9 Jun 2017 p. 2849)
Firearms Act 2024 Pt. 17 Div. 3 Subdiv. 8	23 of 2024	27 Jun 2024	31 Mar 2025 (see s. 2(d) and SL 2024/289 cl. 2)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
application	4(1)
Commissioner	4(1)
court	4(1)
inspection	4(1)
order	4(1)
prescribed goods	4(1)
relevant amount	4(1)
Treasurer	28(5)

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