

ABANDONED GOODS

On 1 July 2020, Section 125 of [Strata Schemes Management Act \(NSW\) 2015](#) that dealt with abandoned goods in strata was repealed. The issue is now dealt with under the [Uncollected Goods Act 1995](#). This means what can be done to dispose of abandoned goods on common property has changed and you may need to update by-laws.

HOW TO DEAL WITH ABANDONED GOODS UNDER THE ACT

The [Uncollected Goods Act 1995](#) gives the person in possession of the goods the right to dispose of them after a certain amount of time. The amount of time and manner of disposal depends on the type and value of the goods.

The owner of the goods is responsible for them. If they do not act to regain possession the goods may be lawfully sold or destroyed if proper processes are followed. A person disposing of the abandoned goods will not be liable for doing so if they follow the procedures set out in the Act:

- + **Perishable goods and rubbish**
Can be disposed of without restriction. No notice is required.
- + **Low Value – less than \$1,000**
Verbal or written notice is required at least 14 days prior to disposing of the goods in an appropriate manner.
- + **Medium Value – a value of at least \$1,000 but less than \$20,000**
28 days written notice is required before disposing of goods by public auction or private sale for a fair value.
- + **High Value – Uncollected goods with a value of at least \$20,000**
May only be disposed of them in accordance with an order of the Tribunal.
- + **Personal Documents and Memorabilia**
28 days written notice is required before they are returned to the Author or destroyed securely.
- + **Motor Vehicles**
Motor vehicles are subject to an additional requirement that it needs a Personal Property Securities Register Certificate that confirms the vehicle is not stolen. Uncollected motor vehicles can be moved or stored in an appropriate manner and the circumstances meet the criteria of the Act.

PROVIDING NOTICE

You can give the owner of the goods notice personally, by letter or email. The notice must include:

- + your name
- + a description of the goods
- + an address where the owner can collect the goods
- + a statement of any relevant charges (e.g. removal, storage, maintenance and insurance costs)
- + a statement that on or after a specified date, the goods will be sold, kept or destroyed unless they are first collected and the relevant charges are paid.

RECORD KEEPING

Low-value items documentation must be kept for at least 12 months. Higher value items plus their records must be kept for at least 12 years. A record must be made within seven days of disposing of the goods that include:

- + a description of the goods
- + the date of disposal
- + the manner of disposal
- + if the goods were sold, the name and address of the buyer, amount of proceeds of sale and the amount retained to cover the relevant charges
- + if the goods are sold by public auction, the name and address of the principal place of business of the auctioneer.

If you have any questions, simply contact your [Strata Plus strata manager](#)



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