

New Rules for Abandoned Goods Check Your By-Laws

Get Your By-Laws Checked: New Rules for Abandoned Goods and Vehicles on Strata Properties

On 1 July 2020, the NSW legislation for abandoned goods on strata properties moved to the *Uncollected Goods Act 1995* and will therefore no longer be regulated under the *Strata Schemes Management Act 2015* and strata regulations.

This means what can be done to dispose of or sell abandoned goods on common property in NSW strata buildings has changed.

A Quick Summary of the New Rules for Abandoned Goods

1. The *Uncollected Goods Act 1995* (Act) is the law that now governs goods and vehicles abandoned on common property within strata properties in NSW.

2. The Act divides abandoned goods into six categories with different rules and procedure applying to each category. The six categories are:

- Perishable
- Low Value
- Medium Value
- High Value
- Personal Documents and Memorabilia
- Motor Vehicles (an owners corporation can move vehicles that it reasonably believes have been abandoned on common property)

3. A person disposing of the abandoned goods will not be liable for doing so if they follow the procedures set out in the Act. This includes disposing of abandoned goods in accordance with an order made by the NSW Civil and Administrative Tribunal (NCAT) as NCAT has the power to order

the disposal and management of the goods.

4. Under the Act, uncollected goods including any goods that owners reasonably believe to be abandoned or left behind on common property.

5. Appropriate records of the sale or disposal of the abandoned goods must be kept by the party disposing the goods and who it went to as follows:

- 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

6. If you don't know the person who owns the abandon goods, you should make a reasonable effort to identify the owner of the goods and communicate with them.

7. The strata committee can request that additional expenses for removing, storing, maintaining or insuring the goods are covered.

8. A person cannot confiscate and refuse to return the goods because the owner owes money for other debts, such as rent or levies.

9. For more information visit Fair Trading NSW '[uncollected goods and vehicles in strata schemes](#)'.

10. You will need to update your [abandoned goods and vehicle by-laws](#) to ensure they are in line with these new laws.

For NSW strata legal, by-law, building defect and levy collection advice contact us [here](#) or call 02 9562 1266, we're happy to assist.