

Disposing of uncollected motor vehicles

A guide for business and consumers

Disposal of Uncollected Goods Act 2020



Promoting a fair marketplace

CBOS

Consumer, Building &
Occupational Services

This guide is a resource and reference document and is for general information only.

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Introduction

There are rules in Tasmania governing how businesses and consumers deal with disposing of uncollected goods. This Guide focuses on the disposal of uncollected motor vehicles.

What are uncollected goods?

Uncollected goods are items that are temporarily left behind (for a period of time) by a consumer who:

- hasn't come back to collect the goods
- hasn't told the business what to do with the goods
- hasn't paid the business
- can't be contacted.

The *Disposal of Uncollected Goods Act 2020* (the Act) regulates how a business or individual (**the receiver**) disposes of goods (including motor vehicles) left behind by a consumer (**the provider**). The business or individual has 'temporary possession' of the goods left behind. If uncollected for a period, the Act allows the receiver to sell or otherwise dispose of the goods and recover their repair and storage costs.

Disposing of motor vehicles rules

There are some special rules that apply to disposal of motor vehicles:

- giving a goods disposal notice to the owner
- methods of disposal of motor vehicles
- providing receipts to someone buying the vehicle
- keeping records of how a vehicle was disposed of

To help comply with the Act, this Guide provides two templates for businesses to use:

1. [Disposal record for an uncollected motor vehicle](#)
2. [Sales receipt for an uncollected motor vehicle](#)

Requirements for disposing of an uncollected motor vehicle

Disposal process

Depending on the value of each vehicle, the disposal methods which are allowed are slightly different.

Value of motor vehicle	How a notice is given to consumer	Business waiting times	Disposal method allowed
Low value – meaning less than \$1,000	Send a goods disposal notice to the consumer. It may be given personally, or by email, text message (SMS), fax, or be left at, or sent by post to, the person’s last known address.	<ul style="list-style-type: none"> • 28 days after notice sent; or • 60 days if prior contact cannot be made with the consumer of the goods. 	Sale, destruction, appropriation or any other means.
Medium value – \$1,000 or more but is less than \$5 000.	Same procedure as above	<ul style="list-style-type: none"> • 28 days after notice sent; or • 90 days if prior contact cannot be made with the consumer of the goods. 	Public auction; or Private sale, taking reasonable care to ensure that vehicles are sold for the best price.
High value - \$5,000 or more	Same as above but with this additional requirement: The business must do a search and get a written report a, whether the vehicle is subject to a security interest (such as consumer has a loan on the vehicle) under section 170(2)(b) of the <i>Personal Property Securities Act 2009</i> of the Commonwealth.	<ul style="list-style-type: none"> • 28 days after notice; or • 180 days if contact cannot be made with the provider of the goods. 	Public auction, that is advertised at least 7 days in advance; or is held over a period of at least 7 days. Or a private sale, if that is the way to get the best price, and taking reasonable care to ensure that the vehicle is sold for the best possible price

Receipt for sale of a motor vehicle

When selling a motor vehicle, you must provide the purchaser with a receipt, containing all of the following details.

Vehicle details

- Last registration number if this is available, and
- Vehicle Identification Number (VIN)

Seller details

- If the seller is a business entity, provide the business name and ABN
- If the seller is an individual sole trader, provide full name, address and date of birth

Purchaser details

- Purchaser's full name, address and date of birth
- Date of sale
- Sale price
- Name of the previous owner of the vehicle sold

Signatures

The receipt given to the purchaser must be signed by the purchaser and the receiver (the business)

Statement details

The Statement must contain the following words:

'This vehicle has been sold under the Disposal of Uncollected Goods Act 2020'

Record keeping (for medium and high value vehicles)

Businesses or individuals receiving vehicles, are required to maintain a record of disposal for all uncollected vehicles. The record must include:

- a description of the vehicle
- the date and means of giving a goods disposal notice in relation to the vehicle
- the name and address of any person who was given the notice
- the disposal date
- the manner of disposal:
 - if the vehicle was sold
 - the name and address of the purchaser
 - sale price
 - the amount kept by the receiver to cover relevant charges payable to the receiver for the vehicle
 - the amount kept by the receiver to recover any disposal costs
 - if the vehicle was sold by public auction (including internet)
 - the name and address of the principal place of business of the auctioneer who sold the vehicle and
 - the balance amount of the proceeds of sale paid to the Registrar of Motor Vehicles and the payment date if this applies.

How long is a business required to keep this record

Records of the disposal of a vehicle need to be kept for six years.

Template 1 - Uncollected motor vehicle – disposal record kept by business

Disposal Record - Uncollected motor vehicle

Record kept by the business (*Disposal of Uncollected Goods Act 2020*)

Description of motor vehicle	
Date of goods disposal notice and how it was given	
Name and address of person the goods disposal notice was given to	
Disposal date/...../.....
How the vehicle was disposed of (sale, auction, appropriation, destruction)	
If sold, name and address of purchaser	
Sale price, and amount kept by the business to cover costs	\$
If sold by auction, name and address of auctioneer	

Template 2 - Sales receipt given to purchaser, for a motor vehicle disposed under the *Disposal of Uncollected goods Act 2020*

Sales Receipt – Disposal of uncollected motor vehicle

Given to purchaser (*Disposal of Uncollected Goods Act 2020*)

Date/...../.....	Receipt number	Amount \$
Vehicle Registration Number (VRN)		Paid by <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Credit card
Vehicle Identification Number (VIN)		
Vehicle owner name		
Purchaser name, address, Date of Birth		
Seller name, address, ABN or Date of Birth		
Signed by purchaser	Signed by seller	This vehicle has been sold under the <i>Disposal of Uncollected Goods Act 2020</i>