



Sale of uncollected boats

Adopted as Club Policy 14 October 2019

This Policy provides details on the approach required under the Australian Consumer Law and Fair Trading Act 2012 dealing with disposal of uncollected goods. This came into effect on 1 September 2012.

The Act, insofar as it is relevant to the Club for disposal of boats, provides that boats will be uncollected if the Club can:

1. Reasonably expect to be relieved of any duty to safeguard the boats on giving notice to the provider but cannot locate or communicate with the provider; or
2. The boat owner has not paid the relevant charge payable to the Club in relation to the goods within a reasonable time after being informed by the Club that the goods are ready for collection.

The key requirement is that a notice must be given. The form of the notice depends on whether the boats are low value (less than \$200), medium value (\$200 to \$4,999) or high value (over \$5,000).

For boats fitting into the medium value the requirements are:

The Club is required to give written notice to the owner. If the owner does not take steps to recover the boat within 28 days of service of the notice, the boat may be disposed of. If the owner cannot be located, the goods may be disposed of 90 days after they become uncollected. The boat may be disposed of by public auction or private sale. Reasonable care must be taken to ensure the goods are sold for best price reasonably obtainable.

The proceeds of sale are applied to the debt to the Club for storage costs and costs of disposal. Any surplus must be sent as unclaimed money to the appropriate state authority.

The Club's notice of intention to dispose of uncollected goods must specify—

- (a) the Club's name;
- (b) a description of the boat and any other goods (mast, foils etc);
- (c) an address at which the goods may be collected;
- (d) a statement of the relevant money owing to the Club for the boat and, if the relevant charge is likely to increase, a statement of the current relevant charge and an estimate of further charges that will accrue;
- (e) a statement to the effect that on or after a specified date the boat will be disposed of unless it is collected and the relevant charge paid;
- (f) if applicable, a statement to the effect that the Club will retain from the proceeds of sale of the boat an amount not exceeding the sum of the amount owing to the Club and the disposal costs.

The notice may be given to the person personally or left at, or sent by post to, the person's last known address.

A letter template is attached.

To last known Address of Boat Owner



1 Aquatic Drive
South Melbourne
Vic 3205

Date

Dear Mr/Mrs.....

Ref: Disposal of Uncollected Goods

e.g. Impulse Boat including sail, mast, foils and fittings.
Boat Name: Sail Number

We are writing to inform you that in accordance with the Australian Consumer Law and Fair Trading Act 2012 we plan to dispose of your uncollected boat and equipment, as referenced, unless it is removed from the Albert Sailing Club boat rack within(Refer note 1)

As of today, the amount of monies owing for the storage of the boat is \$..... with an on-going monthly charge of \$.....

If the boat is not collected by(Refer note 2) then the club plans to sell the boat, retaining from the proceeds of the sale an amount not exceeding the sum of the amount owing to the Club and the disposal costs. Any surplus will be sent to the State Revenue Office of Victoria as unclaimed monies.

If you require further information please contact us

Yours Sincerely,

Secretary
Albert Sailing Club

Notes when using this template

1. Use 28 days if address of owner is known or 90 days if address is not known.
2. Use date 28 days from notice if address of owner is known or 90 days if address not known

{This template applies to boats valued between \$200 and \$4,999 and should be sent by registered mail. If boats of a higher value then refer to the Act for specific requirements}