

1996
THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

**UNCOLLECTED GOODS (CONSEQUENTIAL
PROVISIONS) BILL 1996**

EXPLANATORY MEMORANDUM

**Circulated by the authority of
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ACT GOVERNMENT

UNCOLLECTED GOODS (CONSEQUENTIAL AMENDMENTS) BILL 1996

OUTLINE

The objectives of this Bill are to amend certain Acts and deal with the immediate issues consequent upon the introduction of the *Uncollected Goods Bill 1996*. This Bill amends the *Auctioneers Act 1959*, the *Mercantile Law Act 1962*, the *Protection of Lands Act 1937* and the *Public Baths and Public Bathing Act 1956*.

Details of the Bill are as follows.

PART I—PRELIMINARY

Short title and Commencement

Clauses 1 & 2 Clauses 1 and 2 are formal requirements. Clause 1 refers to the short title of the Bill, and clause 2 sets the date of commencement of the Bill as being the date the Act is notified *in the Gazette*.

PART II - CONSEQUENTIAL PROVISIONS

Amendment of the *Auctioneers Act 1959*

Clause 3 This clause amends section 4 of the *Auctioneers Act 1959* by removing the provision deeming the sale of uncollected goods as not being the business of an auctioneer.

Interpretation

Clause 4 Section 22 of the *Mercantile Act 1962* is amended by requiring that a warehouseman must issue a notice to sell. Sections 23, 24, 25, 26 and 27 of that Act are also repealed.

Amendment of the *Protection of Lands Act 1937*

Clause 5 This clause repeals sections 9, 10, 11, 12, 13, 14, 15 and 16 of the *Protection of Lands Act 1937* which relates to the declaration of a retention area, the granting of power to remove items from Territory land and place those items in a retention area. Those sections also gave the Territory the power to hold items in a retention area and publish a notice relating to items held and have an application for the return of those items. These powers are now provided in Part II, Division 4 of the *Uncollected Goods Bill 1996*.

Amendment of the *Public Baths and Public Bathing Act 1956*.

Clause 6 This clause repeals Part IV of the *Public Baths and Public Bathing Act 1956*. Provisions relating to goods found at public baths are found within Part II, Division 3 of the *Uncollected Goods Bill 1996*.

PART III - TRANSITIONAL PROVISIONS**Interpretation**

- Clause 7 This clause defines terms that are to be used in Part III
- “Commencement date” is the date on which the *Uncollected Goods Bill 1996* commences operation
- “Old scheme Act” means Finance Regulations and the *Mercantile Law Act 1962* as in force before the *Uncollected Goods Bill 1996* commences operation, the *Protection of Lands Act 1937* and the *Public Baths and Public Bathing Act 1956*

Goods held by possessors before commencement

- Clause 8 This clause permits a person who is in possession of goods before the commencement of the *Uncollected Goods Bill 1996* of the option of taking action either under that Act or the old scheme Act which covered the field and was applicable before the commencement of *Uncollected Goods Bill 1996*

Goods lost or abandoned at public baths

- Clause 9 This clause ensures that a declaration of a retention area that was made under section 9 of *Protection of Lands Act 1937* will continue in effect under clause 14 of the *Uncollected Goods Bill 1996*

Lost property register

- Clause 10 This clause ensures that the Lost Property Register that was kept under section 24 of the *Public Baths and Public Bathing Act 1956* will continue to be the lost property register under the *Uncollected Goods Bill 1996*