

South Australia

## **South Australian Housing Trust (Goods Left on Premises) Regulations 2008**

under the *South Australian Housing Trust Act 1995*

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### **1—Short title**

These regulations may be cited as the *South Australian Housing Trust (Goods Left on Premises) Regulations 2008*.

### **2—Commencement**

These regulations will come into operation on 1 September 2008.

### **3—Goods left on premises**

- (1) The following provisions apply if goods are left on residential premises after the end of a tenancy that has involved SAHT as landlord:
  - (a) SAHT may, when at least 2 days have passed after taking possession of the premises, remove, and destroy or dispose of, the goods if—
    - (i) they are perishable foodstuffs; or
    - (ii) they are left on residential premises that have been left in an insanitary or hazardous condition; or
    - (iii) their value is less than a fair estimate of the cost of their removal, storage and sale;
  - (b) SAHT must store the goods in a safe place and manner for at least 60 days if the goods are not liable to destruction or disposal under paragraph (a).
- (2) SAHT must, within 7 days after storing goods or having goods stored under this regulation—
  - (a) give notice of the storage of the goods to—
    - (i) if the tenant has left a forwarding address—the tenant; and
    - (ii) if another person has, to the knowledge of SAHT, an interest in the goods and the person's name and address are known to, or reasonably ascertainable by, SAHT—that person; and

- (b) publish notice of the storage of the goods in a newspaper circulating generally throughout the State.
- (3) A notice must be in the form approved by the Minister for the purposes of these regulations.
- (4) A person who is entitled to possession of goods stored under these regulations may reclaim the goods after paying to SAHT—
  - (a) the reasonable costs of their removal and storage; and
  - (b) the reasonable costs of giving notice under subregulation (2)(b); and
  - (c) any other reasonable costs incurred by SAHT as a result of the goods being left on the premises.
- (5) Unless SAHT is satisfied that there are reasonable grounds for storing the goods for a period longer than 60 days, SAHT must, if the goods are not reclaimed within that period, have the goods sold by public auction as soon as practicable after the end of that period.
- (6) On the sale of the goods by public auction, SAHT—
  - (a) may retain out of the proceeds of sale—
    - (i) the reasonable costs of removing, storing and selling the goods; and
    - (ii) the reasonable costs of giving notice under subregulation (2)(b); and
    - (iii) any other reasonable costs incurred by SAHT as a result of the goods being left on the premises; and
    - (iv) any amounts owed to SAHT under a tenancy agreement relating to the premises; and
  - (b) must pay the balance (if any) to the owner or, if the identity and address of the owner are not known to or reasonably ascertainable by SAHT, to the credit of the Consolidated Account.
- (7) If goods are sold by public auction under this regulation, the purchaser acquires a good title to the goods which defeats—
  - (a) the tenant's interest in the goods; and
  - (b) the interests of others (apart from the tenant) unless the purchaser has actual notice of the interest before purchasing the goods.
- (8) In this regulation, residential premises are in an *insanitary or hazardous condition* if—
  - (a) the condition of the premises gives rise to a risk to health or safety; or
  - (b) the premises are so filthy or neglected that there is a risk of infestation by rodents or other pests; or
  - (c) offensive or hazardous material or odours are emitted from the premises; or
  - (d) in the opinion of SAHT—the premises are for some other reason in an insanitary or hazardous condition.

## **Schedule 1—Revocation of *South Australian Housing Trust (Abandoned Goods) Regulations 1995***

The *South Australian Housing Trust (Abandoned Goods) Regulations 1995* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 7 August 2008

No 215 of 2008

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