

South Australia

South Australian Housing Trust (Abandoned Goods) Regulations 1995

under the *South Australian Housing Trust Act 1995*

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Legislative history

1—Short title

These regulations may be cited as the *South Australian Housing Trust (Abandoned Goods) Regulations 1995*.

2—Commencement

These regulations will come into operation on the day on which the *South Australian Housing Trust Act 1995* comes into operation.

3—Abandoned goods

- (1) If goods are left on residential premises after the end of a tenancy that has involved SAHT as landlord, then—
 - (a) SAHT may, when at least two days have passed since SAHT took possession of the premises, remove, and destroy or dispose of, goods—
 - (i) if they are perishable foodstuffs; or
 - (ii) if their value is less than a fair estimate of the cost of their removal, storage and sale; but
 - (b) if the goods are not liable to destruction or disposal under paragraph (a), SAHT must store the goods in a safe place and manner for at least 60 days.
- (2) SAHT must, within seven days after storing goods or having goods stored under these regulations—
 - (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 by paying to SAHT the reasonable costs of their removal and storage.
- (5) If the goods are not reclaimed within the 60 day period, SAHT must, as soon as practicable after the end of that period, have the goods sold by public auction.
- (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 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 these regulations, 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.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *South Australian Housing Trust (Abandoned Goods) Regulations 1995* were revoked by Sch 1 of the *South Australian Housing Trust (Goods Left on Premises) Regulations 2008* on 1.9.2008.

Principal regulations

Year	No	Reference	Commencement
1995	236	<i>Gazette 21.12.1995 p1806</i> (erratum <i>Gazette 18.1.1996 p382</i>)	1.1.1996: r 2