

Uncollected vehicle statutory declaration



Use this form to apply for contract details for the registered operator of an uncollected vehicle. Please complete the details and sign in the presence of an authorised witness. Print clearly in ink using BLOCK letters. Submit this form to rsearches@roads.vic.gov.au or post to Data Provisioning Unit, GPO Box 2392, Melbourne, VIC 3001. Before you complete this form and sign this Declaration, you should read and understand Part 4.2 of the Australian Consumer Law and Fair Trading Act 2012 (in this Declaration referred to as the Act). If you do not understand any of the provisions in Part 4.2 of the Act, you should seek legal advice

Individual or business requesting information

Individual Business

Surname or business name																					
Given names or ABN/ACN																					
Date of birth				D	D	M	M	Y	Y	Y	Y	Vic licence/customer no.									
Residential or business address												Postcode									
Postal address (if different from above)												Postcode									
Mobile phone no. (or other if not applicable)								Email													

Declaration

I currently have possession of the vehicle specified as follows (in this Declaration, referred to as 'the vehicle').

Registration number (if available)								Make	Model												
Vehicle identification number (VIN) or chassis number																					
Body type						Colour															

Under section 64 of the Act, I apply for a certificate setting out the details of the registered operator of the vehicle. The reason I have the vehicle in my possession is:

- The vehicle is low value (less than \$1,000) or \$1,000 or greater (delete whichever is not applicable)
- The vehicle constitutes uncollected goods within the meaning of section 54 of the Act (refer overleaf)

My intentions with regard to the vehicle are:

- To dispose of the vehicle under section 60 or 62 of the Act
- To dispose of the vehicle in accordance with a court order for which I have applied under section 68 of the Act.

In accordance with section 58 of the Act (refer overleaf), I am entitled to dispose of the vehicle.

The Department of Transport and Planning ABN 69 981 208 782 ('Department') and R&L Services Victoria Pty Ltd ABN 28 657 005 493 (as Trustee for the Victorian R&L Services Trust ABN 96 342 123 072), known as 'VicRoads' and acting on behalf of the Secretary to the Department, ('we, us') collect personal information for registration and licensing purposes. This personal information will be handled by us as permitted or required by the applicable laws. We may disclose the personal information we collect from you to various organisations and persons as permitted or required by applicable laws, particularly by the *Road Safety Act 1986*. This includes disclosing the information to third parties including our contractors and agents, law enforcement agencies, other road and traffic authorities, Austroads, the Transport Accident Commission, vehicle manufacturers (for safety recalls), toll road operators, road safety researchers, courts and other organisations or people authorised to use the personal information.

You are required to provide this personal information. Your failure to provide the information may result in this form not being processed, or your records not being properly maintained. For further information about our use of your personal information and your right of access to it, go to: dtp.vic.gov.au/privacy.

Providing false or misleading information or documents is a serious offence under the *Road Safety Act 1986* and *Marine Safety Act 2010*, as applicable, and can result in you being fined or imprisoned. Further, any authority or approval, given as a result of you providing such information/documents, may be reversed and have no effect.

By signing this form, I declare that the information in this form and related supporting documents is true, correct and complete, and I understand the privacy statement.

Signature of person making declaration

Signature											
Date				D	D	M	M	Y	Y	Y	Y

Signature of authorised witness

Signature											
Name											
Position/title											
Date				D	D	M	M	Y	Y	Y	Y

Checklist

I have provided the following information:

- a copy of intention to dispose of the motor vehicle, given or to be given to the owner, provider or any other person required to be notified under the Act
- if the vehicle value is \$1,000 or greater, a copy of a Personal Property Securities Register certificate for this motor vehicle
- if applicable, a copy of the application for an order to dispose of the vehicle under section 68 of the Act
- the applicable fee payable under the Road Safety Act 1986.

The authorised witness must print or stamp their name, address and title in accordance with section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (e.g. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist).



Department of Transport and Planning



Post: Data Provisioning Unit, GPO Box 2392 Melbourne, Victoria 3001
Call: 13 11 71 (TTY 13 36 77, Speak and Listen 1300 555 727) Web: transport.vic.gov.au

Extract of information from the *Australian Consumer Law and Fair Trading Act 2012*

Section 54 Uncollected goods

- (1) Goods under bailment are uncollected goods if –
 - (a) the goods are ready for delivery to the provider in accordance with the terms of the bailment, but the provider has not taken delivery of the goods and has not given directions as to their delivery; or
 - (b) the receiver is required to give notice to the provider when the goods are ready for delivery but cannot locate or communicate with the provider; or
 - (c) the receiver can reasonably expect to be relieved of any duty to safeguard the goods on giving notice to the provider but cannot locate or communicate with the provider; or
 - (d) the provider has not paid the relevant charge payable to the receiver in relation to the goods within a reasonable time after being informed by the receiver that the goods are ready for delivery.
- (2) Goods are not uncollected goods for the purposes of subsection (1)(a) if the provider's failure to take delivery arises from –
 - (a) the receiver refusing to make delivery; or
 - (b) the receiver preventing the provider from taking delivery.

Section 58 Receiver may dispose of uncollected goods

- (1) Subject to subsection (2), a receiver may dispose of uncollected goods under this Division.
- (2) A receiver must not dispose of uncollected goods if –
 - (a) a dispute exists between the provider and receiver regarding the relevant charge, including such a dispute about the condition of the goods or the nature or quality of any repairs or other work done in connection with the goods; and
 - (b) an application has been made to the court under section 69.
- (3) Subsection (2) does not prevent the receiver from giving notice under this Division of the receiver's intention to dispose of the uncollected goods.
- (4) A receiver who disposes of uncollected goods in accordance with this Division is not liable in relation to the goods by reason of the disposal.

Section 60 Low value uncollected goods

- (1) A receiver may dispose of low value uncollected goods if –
 - (a) the receiver has given the provider written notice of the receiver's intention to dispose of the goods; and
 - (b) 28 days have elapsed since the giving of the notice and the provider has not taken delivery of the goods or given directions as to their delivery.
- (2) A receiver may dispose of low value uncollected goods if –
 - (a) the receiver cannot locate or communicate with the provider in order to provide written advice under subsection (1) after making reasonable attempts to do so; and
 - (b) 60 days have elapsed since the goods became uncollected goods.
- (3) Goods may be disposed of under this section by sale, destruction, appropriation or any other means.

Section 62 High value uncollected goods

- (1) A receiver may dispose of high value uncollected goods if –
 - (a) the receiver has given written notice of the receiver's intention to dispose of the goods to the following –
 - (i) the provider; and
 - (ii) in a case where the provider and the owner are different people and the receiver is aware of that fact, the owner of the goods; and
 - (iii) any person who has a publicly registered interest in the goods; and
 - (iv) any other person having or claiming an interest in the goods of which the receiver is aware; and
 - (b) 28 days have elapsed since giving the notice and neither of the following persons have taken delivery of the goods or given directions as to their delivery –
 - (i) the provider; or
 - (ii) the owner of the goods.
- (2) A receiver may dispose of high value uncollected goods if –
 - (a) the receiver cannot locate or communicate with the provider or the owner of the goods in order to provide written notice under subsection (1) after making reasonable attempts to do so; and
 - (b) 180 days have elapsed since the goods became uncollected goods.
- (3) Goods must not be disposed of under this section otherwise than –
 - (a) by way of public auction that is either –
 - (i) advertised at least 7 days in advance; or
 - (ii) held over a period of at least 7 days; or
 - (b) subject to subsection (4), by way of private sale.
- (4) Goods may only be disposed of under subsection (3)(b) if –
 - (a) notice has been given in accordance with subsection (1); and
 - (b) the receiver has a reasonable belief that the best price could only be achieved by private sale; and
 - (c) the receiver takes reasonable care to ensure that the goods are sold for the best price that can reasonably be obtained, having regard to the circumstances at the time the goods are sold.

Section 68 Application to court for disposal order

- (1) A receiver may apply to a court for an order to dispose of uncollected goods.
- (2) The application must –
 - (a) state fully the grounds on which it is made;
 - (b) include the information in section 66(a) to (d);
 - (c) in the case of the disposal of a motor vehicle, include the written search result required under section 63 and any certificate obtained under section 64.
- (3) The receiver must give a copy of the application to –
 - (a) the provider, if the provider can be located after reasonable enquiries have been made;
 - (b) the owner of the goods, if the owner can be located after reasonable enquiries have been made;
 - (c) any person with a publicly registered interest in the goods;
 - (d) any other person known by the receiver to have or to be claiming an interest in the goods.