



Irvine Moving Pty Ltd T/A Irvine Moving Trust

**Submission to the DEPARTMENT OF
JUSTICE AND REGULATIONS**

**Draft for Comments regarding Review of the
Warehousemen's Liens Act 1958 VIC**

February 2016

Prepared by Kim Cachia

CONTACT

Kim Cachia

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1 WHO ARE WE?

We are a small family business based in Deer Park VIC. We have approximately 150 storage units. We have been in business since 1998. My father was a removalist and diversified into storage as he was getting older. He is currently 65 and not able to complete removals. Last year we changed from a sole trader to a trust/company for secession planning. I am his daughter and run the office. I have been here since 2005. There are currently 3 staff in the office. We mainly service the rental market, people in between houses and some people storing while building and living with relatives. If we were forced to hold non-paying storers for 365 days we would be running at less than 50% and unable to meet loan repayments. Possibly losing jobs and our business.

Dear Dr. Elizabeth Lanyon,

I Kim Cachia have read both the Department of Regulation and Justice's review of the *Warehousemen's Liens Act 1958 Vic* and the Self Storage Association of Australasia's submissions pertaining to the review of the *Warehousemen's Liens Act 1958 (Vic)*. I am full and complete agreement with the Self Storage Association of Australasia's submission the summary of which is seen below.

SUMMARY

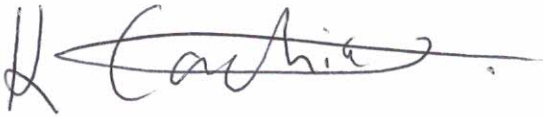
The SSAA believes that the following changes to the *Warehousemen's Liens Act 1958 Vic* are advisable:

1. The Act should be amended to address the distinction between traditional Self Storage which is a license agreement and all other storage scenarios including warehousing which are an example of a bailment. The legislation should make it clear that traditional Self Storage is not caught by the Act. Only Self Storage where the Facility has keys and access to the Space, and thus is in a bailment relationship, should fall under the scope of the Act.
2. The general notice provisions in the Act should be amended to distinguish between storage where third party goods are permitted to be stored by the primary Storer. Where Storers are not permitted to store third party goods it should be a requirement that there is signed written agreement of this prohibition between the Storer and the Storage Facility. Where such an agreement is made neither party should be required to undertake these notice requirements given their redundant nature.
3. The Act should be amended to provide parameters for sending notices when dealing with Storers who have broken into the storage Facility and stored Goods, trespassed or otherwise engaged in unauthorised use of the Space which has resulted in the Facility having no contact details for a Storer. For example, the Act should allow for notice to be placed on the front door of the Space, advertised in a local newspaper or both.
4. Where the Act applies the Act should be amended so that Facilities wait three months prior to selling a non-paying Storers goods, not twelve.
5. Where the Act applies the Act should be amended so that public auction is not the only method of sale available to sell goods. Rather than the Act prescribing the method of sale the Act should prescribe a general duty for Facilities to 'take steps to obtain the best reasonably obtainable price'.
6. The default notice provisions in the Act should be amended to distinguish between storage that allows for third party goods to be stored and those that do not. This would mean that where no third party goods are stored,

only the notice requirements that apply to the Storer should be required and all other notices including to third parties and in newspaper advertisements should not be required.

I wish to place my support behind those changes requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Cachia". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kim Cachia