

CONTROLLED GOODS AGREEMENT

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WHO CAN IT BE BETWEEN

- ✓ DEBTOR
- ✓ PERSON OVER 18 AUTHORISED TO ENTER IN CGA
- ✓ PERSON WITH APPARENT AUTHORITY ON PREMISES

CONTENT

- ✓ NAME & ADDRESS OF DEBTOR
- ✓ REF NO/S
- ✓ NAMES OF PERSONS ENTERING INTO CGA
- ✓ CONTACT DETAILS
- ✓ LIST OF GOODS SEIZED AND RELEVANT DESCRIPTIONS
- ✓ TERMS OF THE CONTROLLED GOODS AGREEMENT

ADDITIONAL REQUIREMENTS

- ✓ COPY MUST BE GIVEN TO PERSON WHO SIGNED AGREEMENT
- ✓ APPARENT AUTHORITY SIGNER – MUST PROVIDE DEBTOR WITH COPY OF SIGNED CGA
- ✓ DEBTOR IS PERMITTED TO RETAIN CUSTODY OF THE GOODS.

RE-ENTRY

AFTER CONTROLLED GOODS AGREEMENT

NOTICE

REQUIRE TWO CLEAR DAYS NOTICE OF IMPENDING RE-ENTRY

FORM AND CONTENT

- ✓ IN WRITING FROM ENFORCEMENT AGENT & SIGNED
- ✓ DEBTOR DETAILS
- ✓ DEBT DETAILS
- ✓ DATE OF NOTICE
- ✓ DETAILS OF DEBT
- ✓ CONTACT DETAILS FOR ENFORCEMENT AGENT

RE-ENTRY MUST BE BETWEEN **6AM & 9PM** UNLESS BUSINESS
OPEN FOR TRADE DURING OTHER HOURS (ANY DAY)

USE OF FORCE NOT
PERMITTED WITHOUT COURT

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KEY POINTS AND CHANGES:

- The new Act replaces “walking possession” with “controlled goods agreements” (CG). This ultimately allows the debtor to remain in custody of his goods.
- A CG would state that the enforcement agent is in control of the goods and that the debtor cannot dispose or remove of the goods without the agent’s authority.
- In order to re-enter the premises, at least 2 clear days notice of re-entry must be provided
- The notice of re-entry must be given by the enforcement agent.
- Use of force when re-entering the premises is not permitted under the new Act. Permission to use force must be obtained through the court.
- Re-entry must occur between 6am and 9pm. However it is permissible to enter

INTERVENING CLAIMS AND OFFENCES

- ✓ 3rd party claim – new procedure: application to court and payment into court
- ✓ Breach procedure- claim damages and/ or return goods (but EA not a trespasser due to any defect warrant)

CRIMINAL LIABILITY

- ✓ If the debtor/third person intentionally obstruct Enforcement Officer/Agent
- ✓ If the debtor/third person intentionally interfere with controlled goods