



**Section 80JA**

**Application requesting the Commissioner of Police to sell an impounded vehicle**

Pursuant to the *Road Traffic Act 1974 (RTA)*, this application is made by each person with an interest in an impounded vehicle

Vehicle Identification Number

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**Impounded vehicle to which the application applies**

Registration \_\_\_\_\_  
 Make and model \_\_\_\_\_

**Offence**

- S. 49(1)(a) and 49(3)(a), (b) or (c) RTA  
 Unauthorised driving
- S. 77(1)(a) RTA  
 Unauthorised driving – contravening an extraordinary licence

Date of impoundment      /      /

- A Section 80JA application can only be made for a vehicle impounded under Section 79A of the *Road Traffic Act 1974*.
- A minimum of 48 hours after the vehicle is impounded must lapse before consent can be given for the Commissioner to sell the impounded vehicle

**Interested parties**

An interested party includes any person or agency with a legal or equitable interest, right or title in or to the ownership or possession of the vehicle. An interested party may include a person that financially contributes towards the registration, insurance or maintenance of the vehicle. Each party with an interest in the vehicle will need to complete this section of the form. If an interested party does not agree to the sale of this vehicle, they should advise accordingly. *The percentage of interest in the vehicle by each interested party must equal 100%.*

**Interested Party 1 (Registered Owner)**

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Percentage of interest in the vehicle \_\_\_\_\_ %  
 Signature of Interested Party 1 \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Interested Party 2**

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Percentage of interest in the vehicle \_\_\_\_\_ %  
 Consent to application  Agree  Disagree  
 Signature of Interested Party 2 \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Interested Party 3**

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Percentage of interest in the vehicle \_\_\_\_\_ %  
 Consent to application  Agree  Disagree  
 Signature of Interested Party 3 \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Interested Party 4**

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Percentage of interest in the vehicle \_\_\_\_\_ %  
 Consent to application  Agree  Disagree  
 Signature of Interested Party 4 \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Please attach a separate page for additional interested parties



## Section 80JA

# Application requesting the Commissioner of Police to sell an impounded vehicle

Pursuant the *Road Traffic Act 1974*, this application is made by each person with an interest in an impounded vehicle

### Statutory declaration by the registered owner

I, \_\_\_\_\_ sincerely declares as follows –  
*[name, address and occupation of person making the declaration]*

1. I am the registered owner for vehicle \_\_\_\_\_.  
*[plate number]*
2. All interested parties *[if any]* have been listed in this application and have been notified of this application.
3. I am aware that if proceeds from the sale or disposal of my vehicle are insufficient to pay for expenses incurred by the Commissioner for the sale of that vehicle, the person because of whose conviction the vehicle was impounded, is liable to pay to the Commissioner the difference between the amount of those expenses and the proceeds of the sale.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at

\_\_\_\_\_ *[place]*

on

\_\_\_\_\_ *[date]*

by

\_\_\_\_\_ *[Signature of person making the declaration]*

In the presence of -

\_\_\_\_\_ *[Signature of authorised witness]*

\_\_\_\_\_ *[Name of authorised witness and qualification as such a witness]*

#### Important information for the interested parties and driver

##### What does this application mean?

If the Commissioner is satisfied that all interested parties consent to this application, he may sell or otherwise dispose of the vehicle in this application:

- Even if the impounding period has not lapsed;
- Whether or not the offence for which the vehicle was impounded has been heard or determined by a court; and
- Whether or not any appeal against the conviction of an offence for which the vehicle was impounded or confiscated has been concluded.

##### Liabilities imposed on the Commissioner S.80JA(9)

If an impounded vehicle is sold or otherwise disposed and:

- No charge is laid for the offence for which the vehicle was impounded within 3 months after the date of the offence; or
- The charge for that offence is withdrawn or dismissed for want of prosecution; or
- The person charged with that offence is acquitted,

the Commissioner must pay to the interested person/s, in accordance with the proportion of interest in the vehicle, the amount equal to the amounts paid for the costs and expenses incurred by the Commissioner under Section 80JA(8)(a)(b) & (c).

**IF YOU ARE UNSURE OF THE EFFECT OF SELLING AN IMPOUNDED VEHICLE, YOU SHOULD SEEK LEGAL ADVICE PRIOR TO COMPLETING THIS FORM**

##### Liabilities imposed on interested persons for the costs and expenses incurred by the Commissioner S.80JA(8)

The proceeds of the sale and disposal of a vehicle are to be paid in the following order of priority:

- For expenses incurred in selling the vehicle;
- For the expenses specified by the Commissioner as being equivalent to all expenses reasonably incurred by the Commissioner in impounding the vehicle;
- If the sale or disposal occurs after the impounding period ends, for expenses (if any) incurred in storing the vehicle after that period ends; and
- The balance to be distributed amongst the interested parties in accordance with the proportion of interest in the vehicle.

The Commissioner will determine the method of disposal i.e. whether the vehicle will be sold licensed, unlicensed or for scrap metal, depending on the value of the vehicle.

##### Liabilities imposed on driver of the originating impounding offence for the costs and expenses incurred by the Commissioner

If a vehicle is sold under Section 80JA(2) but the proceeds of the sale are insufficient to pay the expenses incurred in selling it, the person because of whose conviction the vehicle was impounded is liable to pay to the Commissioner the difference between the amount of those expenses and the proceeds of the sale.

# WESTERN AUSTRALIA POLICE

Road Traffic Act 1974



**\*Important:** Pursuant to Schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005*, this Statutory Declaration must be witnessed by any of the following persons:-

Academic {post-secondary institution}  
Accountant  
Architect  
Australian Consular Officer  
Australian Diplomatic Officer  
Bailiff  
Bank Manager  
Chartered secretary  
Chemist  
Chiropractor  
Company auditor or liquidator  
Court officer {Judge, magistrate, registrar or clerk}  
Defence Force officer {Commissioned, Warrant or NCO {with 5 years continuous service}}  
Dentist  
Doctor  
Electorate Officer {State – WA only}  
Engineer  
Industrial organisation secretary  
Insurance broker  
Justice of the Peace {any State}  
Lawyer  
Local government CEO or deputy CEO  
Local government councillor  
Loss adjuster  
Marriage Celebrant  
Member of Parliament {State or Commonwealth}  
Minister of religion  
Nurse  
Optometrist  
Patent Attorney  
Physiotherapist  
Podiatrist  
**\* Police officer**  
Post Officer manager  
Psychologist  
Public Notary,  
**\* Public Servant {State or Commonwealth}**  
Real Estate agent  
Settlement agent  
Sheriff or deputy Sheriff  
Surveyor  
Teacher  
Tribunal officer  
Veterinary surgeon

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## **IMPORTANT INFORMATION:**

AS OF 1 JANUARY 2006 THERE IS NO PROVISION FOR COMMISSIONERS FOR DECLARATIONS IN THE STATE OF WESTERN AUSTRALIA

**\* ALTHOUGH POLICE OFFICERS AND PUBLIC SERVICE STAFF WORKING FOR WA POLICE ARE ORDINARILY AUTHORISED TO WITNESS A STATUTORY DECLARATION, IT IS WA POLICE POLICY THAT NEITHER POLICE OFFICERS NOR POLICE STAFF WILL WITNESS A STATUTORY DECLARATION FOR APPLICATIONS UNDER SECTION 80JA OF THE ROAD TRAFFIC ACT 1974, REQUESTING THE COMMISSIONER OF POLICE TO SELL A VEHICLE IMPOUNDED WITH CONSENT OF OWNER/S.**