



**80JA application requesting
the Commissioner of Police to
sell or dispose an impounded vehicle**
ROAD TRAFFIC ACT 1974
S.49(1a)&49(3a,b or c), S.60, S60A and S.62A

Property Management Division
Vehicle Impound Unit
MAIL: PO Box 106,
BELMONT WA 6984
TELEPHONE: (08) 9373 2440
FACSIMILE: (08) 9373 2420
EMAIL: VIU@police.wa.gov.au

Applicant's details - interested party 1 (registered owner)

Family Name Date of Birth

All Given Names

Business Name (if applicable)

Unit/Lot/Level Street No Street Name

Suburb State Post Code

Phone Number Email

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%

Vehicle details (to which the application applies)

Registration No. Make Model Year

VI No.

Interested party 2

Name Date of Birth

OR
Business Name (if applicable)

Address

Percentage of interest in vehicle Consent to application AGREE DISAGREE

Signature of Interested party 2 Date

Interested party 3

Name Date of Birth

OR
Business Name (if applicable)

Address

Percentage of interest in vehicle Consent to application AGREE DISAGREE

Signature of Interested party 3 Date

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

Please attach a separate page for additional interested parties



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Statutory Declaration by the registered owner – interested party 1

I (name), occupation

Of (address)

Sincerely declares as follows -

1. I am the registered owner of vehicle Registration No.
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 this sale or disposal of my vehicle are insufficient to pay for expenses incurred by the Commissioner of Police for the towage, storage and sale or disposal of that vehicle, the person 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

☆ Qualification as such a witness

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



★Qualification as such a witness

***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
Post Officer Manager
Psychologist
Public Notary,
Real Estate Agent
Settlement Agent
Sheriff or Deputy Sheriff
Surveyor
Teacher
Tribunal Officer
Veterinary Surgeon

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.**