

**80J. Sale of confiscated and uncollected vehicles and items**

(1) In this section —

***confiscated vehicle*** means a vehicle that is confiscated under section 80A, as in force at any time, 80C(1) or 80CB(1);

***expenses*** means the reasonable expenses of the Commissioner;

***item*** means an item that was in or on a confiscated vehicle or an uncollected vehicle at the time when —

(a) the vehicle was impounded under Subdivision 2; or

(b) the vehicle was surrendered; or

(c) under section 78C, the vehicle was conveyed to a place for storage, as is relevant to the case;

***uncollected vehicle*** means a vehicle that was impounded under Subdivision 2 or on an impounding order and not collected within 7 days after the end of the impounding period.

(2) The Commissioner may sell or otherwise dispose of a confiscated vehicle, an uncollected vehicle or an item.

(3) The Commissioner is not to sell or otherwise dispose of a confiscated vehicle or an item unless any appeal against an impounding or confiscation order in respect of the vehicle is determined.

(4) The Commissioner is not to sell or otherwise dispose of an uncollected vehicle or an item unless —

(a) each responsible person is given at least 14 days' written notice of the Commissioner's intention to sell or dispose of the vehicle or item; and

*[(b) deleted]*

(c) in the case of an item, reasonable steps have been taken to return the item to its owner; and

(d) any proceedings under subsection (5) or (6) in relation to the vehicle or item and any appeal in respect of those proceedings are determined.

(5) The owner of an uncollected vehicle may apply to the Magistrates Court for an order that the sale or disposal of the vehicle under subsection (2) not take place until after such time as is specified in the order but no later than 3 months after the day of the order.

(6) The owner of an item may apply to the Magistrates Court for an order that the item be returned.

(7) Proceeds of the sale or disposal under subsection (2) of a vehicle or item are to be paid in the following order of priority —

(a) for expenses incurred in selling the vehicle or item;

(b) in the case of a confiscated vehicle, for expenses incurred consequent on the confiscation of the vehicle;

(c) in satisfaction of an unpaid amount for which a person is liable under section 79E;

- (d) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 79E;
  - (e) in satisfaction of an unpaid amount for which a person is liable under section 80H;
  - (f) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 80H;
  - (g) in satisfaction of an unpaid amount for which a person is liable under section 80I;
  - (ga) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 80I;
  - (h) in the case of an uncollected vehicle, in satisfaction of any unpaid amount known to the Commissioner for which the vehicle is nominated in writing as security for the payment of that amount;
  - (i) in the case of a confiscated vehicle, in satisfaction of any unpaid amount known to the Commissioner —
    - (i) for which the vehicle was nominated in writing as security for the payment of that amount; and
    - (ii) that, but for the confiscation of the vehicle, would have been payable to a person other than the person convicted of the offence in respect of which the vehicle was confiscated;
  - (j) the balance, in the case of a confiscated vehicle —
    - (i) if the vehicle was confiscated under section 80A, as in force at any time, or 80C(1), to the credit of the Road Trauma Trust Account established in accordance with the *Road Safety Council Act 2002* section 12;
    - (ii) if the vehicle was confiscated under section 80CB(1), to the credit of the Confiscation Proceeds Account established in accordance with the *Criminal Property Confiscation Act 2000* section 130;
  - (k) the balance, in the case of an uncollected vehicle or an item, to the Treasurer of the State to be dealt with under the *Unclaimed Money Act 1990* as prescribed retained money.
- (8) A person who acquires an uncollected vehicle or an item on a sale or disposal under subsection (2) of the vehicle or item obtains a good title to the vehicle or item if the person acquires it in good faith and without notice of any failure to comply with subsection (4) in relation to the sale or disposal.