

# CONCURRENCE COPY

## MARITIME SERVICES (ABANDONED VEHICLES) AMENDMENT BILL, 1982

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Local Government (Abandoned Vehicles) Amendment Bill, 1982.

The object of this Bill is to amend the Maritime Services Act, 1935, so as to—

- (a) empower the Maritime Services Board of New South Wales ("the Board") to dispose of vehicles or remains of vehicles abandoned on land vested in or controlled by the Board, subject to its giving certain notices and observing other prescribed restrictions (Schedule 1—proposed section 13UA); and
- (b) provide for the disposition of any money received by the Board for the sale of an abandoned vehicle (Schedule 1—proposed section 13UB).

The Bill also contains other provisions of a minor or ancillary nature.

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CONGRUENCE COLX

**MARITIME SERVICES (ABANDONED VEHICLES)  
AMENDMENT BILL, 1982**

No. , 1982.

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**A BILL FOR**

An Act to amend Division 3C of Part III of the Maritime Services Act, 1935, with respect to the disposal of certain abandoned vehicles.

[MR GORDON—9 November, 1982.]

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*Maritime Services (Abandoned Vehicles) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

**1.** This Act may be cited as the “Maritime Services (Abandoned Vehicles) Amendment Act, 1982”.

**Amendment of Act No. 47, 1935.**

**2.** The Maritime Services Act, 1935, is amended in the manner set forth 10 in Schedule 1.

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**SCHEDULE 1.**

(Sec. 2.)

**AMENDMENT TO THE MARITIME SERVICES ACT, 1935.**

Sections 13UA, 13UB—

15 After section 13U, insert:—

**Removal of abandoned vehicles from certain land.**

13UA. (1) In sections 13UA and 13UB—

“business day” means any day except—

- 20 (a) a Saturday or Sunday; or  
(b) any other day the whole or any part of which is observed as a public or bank holiday throughout New South Wales;

“designated officer” means an officer or employee of the Board appointed under subsection (3);

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

5 “owner”, in relation to a vehicle, means any person having the right to immediate possession of the vehicle, in the absence of any right to custody of the vehicle which may be vested pursuant to this section in the Board;

“prescribed amount” means—

- 10 (a) except as provided by paragraph (b)—\$250; or  
(b) where a different amount is prescribed—the different amount;

“vehicle” includes—

- (a) a motor vehicle, within the meaning of the Motor Traffic Act, 1909; and  
(b) the remains of any vehicle.

15 (2) In sections 13UA and 13UB, a reference to a vehicle includes a reference to any goods or other things upon or within the vehicle.

20 (3) The Board may, by resolution, appoint one or more of its officers or employees to carry out the functions of a designated officer under this section and may, by resolution, revoke any such appointment.

(4) Where it appears on reasonable grounds to a designated officer that any vehicle standing upon land vested in or controlled by the Board has been abandoned, the officer may—

25 (a) seize and take custody of the vehicle on behalf of the Board and, subject to subsection (5)—

- (i) remove the vehicle or tow it away; or  
(ii) cause the vehicle to be removed or towed away;  
and

30 (b) subject to subsections (6) and (9), cause the vehicle to be destroyed or otherwise disposed of in accordance with the directions of the Board, if the vehicle is not required to be released from custody by subsection (10).

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

5 (5) A designated officer may, under subsection (4) (a),  
remove a vehicle or tow it away or cause a vehicle to be removed or  
towed away—

- 10 (a) only if he has examined the vehicle and made an assess-  
ment of its value;
- (b) where he has reasonable grounds to believe that the value  
of the vehicle exceeds the prescribed amount, only if the  
vehicle is removed or towed away to such place, or a place  
of such a nature, as the Board considers appropriate for  
the purpose of keeping the vehicle in its custody; and
- 15 (c) where he does not have reasonable grounds to believe that  
the vehicle is a danger or obstruction to traffic, only if at  
least 3 business days have expired after the Board has, in  
accordance with subsection (7), served a notice relating to  
the vehicle which complies with that subsection.

20 (6) A designated officer may, under subsection (4) (b),  
cause a vehicle to be destroyed or otherwise disposed of—

- 25 (a) only if he has examined the vehicle and made an assess-  
ment of its value;
- (b) where he has reasonable grounds to believe that the value  
of the vehicle—
- (i) does not exceed the prescribed amount—only if at  
least 3 business days have expired; or
- (ii) exceeds the prescribed amount—only if at least  
4 weeks have expired,

30 after the Board has, in accordance with subsection (7),  
served a notice relating to the vehicle which complies with  
that subsection; and

- (c) where he has reasonable grounds to believe that the value  
of the vehicle exceeds the prescribed amount—only if at  
least 14 days have expired after the date of publication,

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

5 in a newspaper circulating in the locality in which the vehicle was seized, of a notice relating to the vehicle which complies with subsection (7).

(7) A notice relating to a vehicle—

(a) is served in accordance with this subsection, if it is—

- 10 (i) addressed to the officer in charge of a police station; and  
(ii) left at that police station with a member of the police force; and

(b) complies with this subsection, if it—

- 15 (i) contains a description of the vehicle to which it relates, which description shall include the particulars on any registration label and number-plate attached to the vehicle and any identification number stamped on or otherwise affixed to the engine, if any, of the vehicle in a reasonably conspicuous position;  
20 (ii) specifies the location of the vehicle; and  
(iii) states that the Board intends to exercise its powers under this section with respect to the vehicle.

25 (8) Where a notice relating to a vehicle is left at a police station in accordance with subsection (7), the officer in charge of the police station shall—

- (a) forthwith cause inquiries to be made as to the ownership of the vehicle; and  
30 (b) within 3 business days after the day on which the notice is left at the police station, send to the Board a written statement of the result of those inquiries which, if the vehicle is or has been registered under the regulations made

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

5 under the Motor Traffic Act, 1909, may consist of particulars of the name and address of the last registered owner of the vehicle according to the records kept by the Commissioner for Motor Transport.

10 (9) Where, before a vehicle seized under subsection (4) (a) has been destroyed or otherwise disposed of in accordance with subsection (4) (b) or released from custody under subsection (10), the Board has reasonable grounds to believe that a person whose name and address are in its possession is the owner of the vehicle, it shall forthwith cause notice to be served by post on that person requesting him to have the vehicle released from the custody of the Board within 14 days after the day on which the notice is posted, and  
15 a designated officer shall not cause the vehicle to be destroyed or otherwise disposed of before the expiration of that period of 14 days.

(10) Where a vehicle is kept at any place referred to in subsection (5) (b)—

20 (a) application for its release may be made by the owner of the vehicle or by a person acting for or on behalf of that owner to the person in charge of the place at which the vehicle is kept; and

(b) the vehicle shall be released from custody if—

25 (i) the applicant has furnished evidence as to the ownership of the vehicle to the satisfaction of the person in charge;

(ii) the person in charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for or on behalf of the owner;

30 (iii) all reasonable expenses incurred in connection with the seizure, taking custody, removal, towing away, keeping or releasing of the vehicle have been paid to the person in charge; and

35 (iv) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the person in charge.



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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

5 (11) Any matter or thing done by the Board, a designated officer or any other officer or employee of the Board shall not, if the matter or thing was done bona fide in pursuance of, and for the purpose of, executing this section, subject it or him to any action, liability, claim or demand.

10 (12) The provisions of this section shall be in addition to and not in derogation of any of the provisions of section 13U and nothing in this section affects the application of that section to and in respect of vehicles.

**Disposition of certain money.**

15 13UB. (1) The residue, if any, of any money paid to the Board in connection with the disposal of a vehicle under section 13UA (4) (b) after deduction of all reasonable expenses incurred in connection with the seizure, taking custody, removal, towing away, keeping or disposal of the vehicle shall—

(a) where a person—

20 (i) within the period of 12 months commencing with the day on which the vehicle was disposed of, makes application to the Board for the payment of that residue to him; and

(ii) satisfies the Board that he was, when the vehicle was disposed of, the owner of the vehicle,

25 be paid by the Board to that person; or

(b) where no such application has been so made within that period or, if such an application has been so made, the application has been unsuccessful—be paid by the Board to the Treasurer and deposited to the credit of the Consolidated Fund.

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(2) The Board shall not be liable in respect of any money paid to the Treasurer in accordance with subsection (1) (b).

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

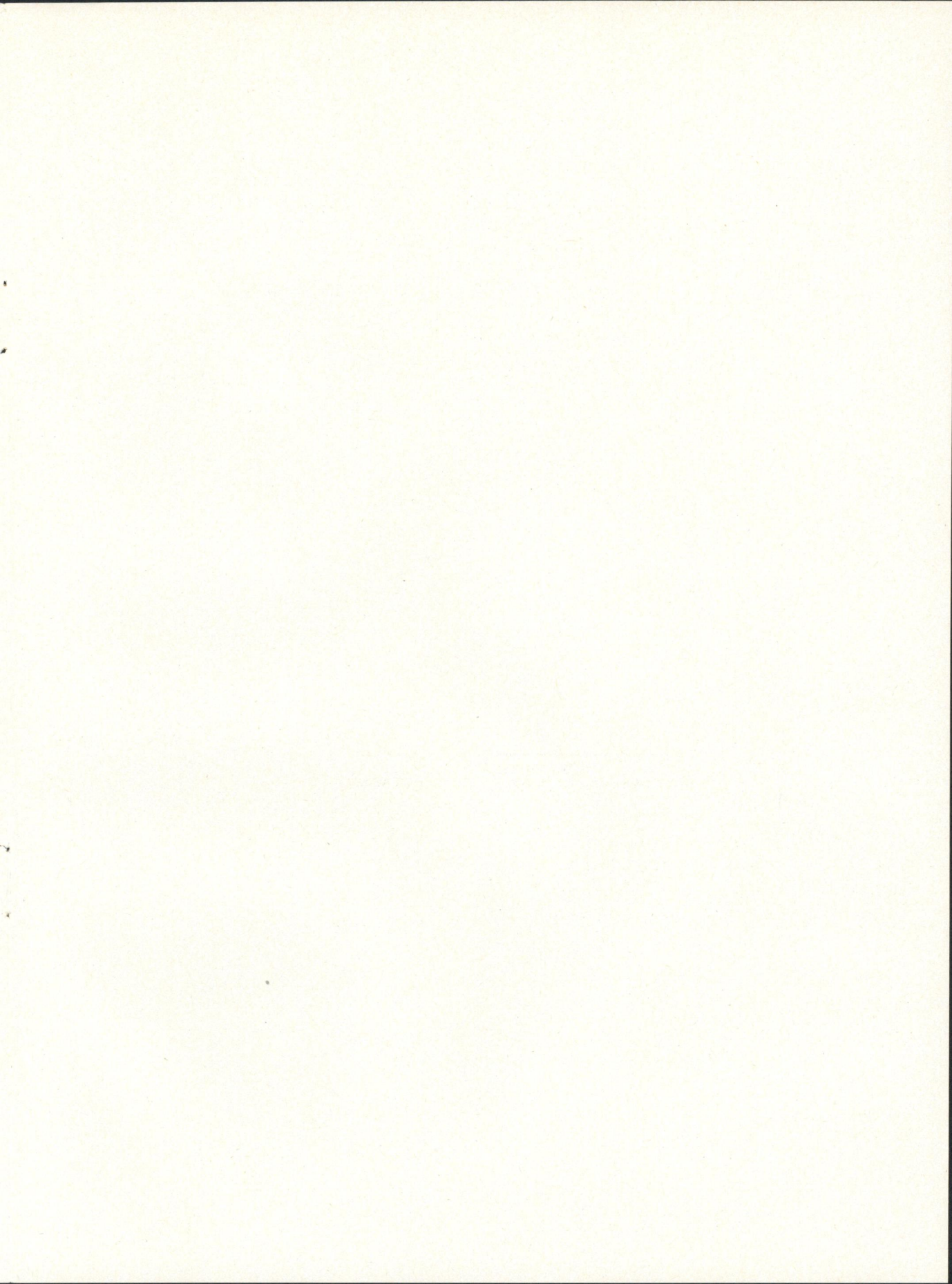
- 5 (3) Where money has been paid to the Treasurer in accordance with subsection (1) (b) in connection with the disposal of a vehicle, a person may recover that money from the Treasurer if he satisfies the Treasurer that he was, when the vehicle was disposed of, the owner of the vehicle.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

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**MARITIME SERVICES (ABANDONED VEHICLES)  
AMENDMENT ACT, 1982, No. 155**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 155, 1982.**

An Act to amend Division 3c of Part III of the Maritime Services Act, 1935, with respect to the disposal of certain abandoned vehicles.  
[Assented to, 21st December, 1982.]

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*Maritime Services (Abandoned Vehicles) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Maritime Services (Abandoned Vehicles) Amendment Act, 1982".

**Amendment of Act No. 47, 1935.**

2. The Maritime Services Act, 1935, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 2.)

AMENDMENT TO THE MARITIME SERVICES ACT, 1935.

Sections 13UA, 13UB—

After section 13U, insert:—

**Removal of abandoned vehicles from certain land.**

13UA. (1) In sections 13UA and 13UB—

"business day" means any day except—

- (a) a Saturday or Sunday; or
- (b) any other day the whole or any part of which is observed as a public or bank holiday throughout New South Wales;

"designated officer" means an officer or employee of the Board appointed under subsection (3);

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

“owner”, in relation to a vehicle, means any person having the right to immediate possession of the vehicle, in the absence of any right to custody of the vehicle which may be vested pursuant to this section in the Board;

“prescribed amount” means—

- (a) except as provided by paragraph (b)—\$250; or
- (b) where a different amount is prescribed—the different amount;

“vehicle” includes—

- (a) a motor vehicle, within the meaning of the Motor Traffic Act, 1909; and
- (b) the remains of any vehicle.

(2) In sections 13UA and 13UB, a reference to a vehicle includes a reference to any goods or other things upon or within the vehicle.

(3) The Board may, by resolution, appoint one or more of its officers or employees to carry out the functions of a designated officer under this section and may, by resolution, revoke any such appointment.

(4) Where it appears on reasonable grounds to a designated officer that any vehicle standing upon land vested in or controlled by the Board has been abandoned, the officer may—

- (a) seize and take custody of the vehicle on behalf of the Board and, subject to subsection (5)—
  - (i) remove the vehicle or tow it away; or
  - (ii) cause the vehicle to be removed or towed away;and
- (b) subject to subsections (6) and (9), cause the vehicle to be destroyed or otherwise disposed of in accordance with the directions of the Board, if the vehicle is not required to be released from custody by subsection (10).

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

(5) A designated officer may, under subsection (4) (a), remove a vehicle or tow it away or cause a vehicle to be removed or towed away—

- (a) only if he has examined the vehicle and made an assessment of its value;
- (b) where he has reasonable grounds to believe that the value of the vehicle exceeds the prescribed amount, only if the vehicle is removed or towed away to such place, or a place of such a nature, as the Board considers appropriate for the purpose of keeping the vehicle in its custody; and
- (c) where he does not have reasonable grounds to believe that the vehicle is a danger or obstruction to traffic, only if at least 3 business days have expired after the Board has, in accordance with subsection (7), served a notice relating to the vehicle which complies with that subsection.

(6) A designated officer may, under subsection (4) (b), cause a vehicle to be destroyed or otherwise disposed of—

- (a) only if he has examined the vehicle and made an assessment of its value;
- (b) where he has reasonable grounds to believe that the value of the vehicle—
  - (i) does not exceed the prescribed amount—only if at least 3 business days have expired; or
  - (ii) exceeds the prescribed amount—only if at least 4 weeks have expired,after the Board has, in accordance with subsection (7), served a notice relating to the vehicle which complies with that subsection; and
- (c) where he has reasonable grounds to believe that the value of the vehicle exceeds the prescribed amount—only if at least 14 days have expired after the date of publication,



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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

in a newspaper circulating in the locality in which the vehicle was seized, of a notice relating to the vehicle which complies with subsection (7).

(7) A notice relating to a vehicle—

- (a) is served in accordance with this subsection, if it is—
  - (i) addressed to the officer in charge of a police station;  
and
  - (ii) left at that police station with a member of the police force; and
- (b) complies with this subsection, if it—
  - (i) contains a description of the vehicle to which it relates, which description shall include the particulars on any registration label and number-plate attached to the vehicle and any identification number stamped on or otherwise affixed to the engine, if any, of the vehicle in a reasonably conspicuous position;
  - (ii) specifies the location of the vehicle; and
  - (iii) states that the Board intends to exercise its powers under this section with respect to the vehicle.

(8) Where a notice relating to a vehicle is left at a police station in accordance with subsection (7), the officer in charge of the police station shall—

- (a) forthwith cause inquiries to be made as to the ownership of the vehicle; and
- (b) within 3 business days after the day on which the notice is left at the police station, send to the Board a written statement of the result of those inquiries which, if the vehicle is or has been registered under the regulations made

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

under the Motor Traffic Act, 1909, may consist of particulars of the name and address of the last registered owner of the vehicle according to the records kept by the Commissioner for Motor Transport.

(9) Where, before a vehicle seized under subsection (4) (a) has been destroyed or otherwise disposed of in accordance with subsection (4) (b) or released from custody under subsection (10), the Board has reasonable grounds to believe that a person whose name and address are in its possession is the owner of the vehicle, it shall forthwith cause notice to be served by post on that person requesting him to have the vehicle released from the custody of the Board within 14 days after the day on which the notice is posted, and a designated officer shall not cause the vehicle to be destroyed or otherwise disposed of before the expiration of that period of 14 days.

(10) Where a vehicle is kept at any place referred to in subsection (5) (b)—

- (a) application for its release may be made by the owner of the vehicle or by a person acting for or on behalf of that owner to the person in charge of the place at which the vehicle is kept; and
- (b) the vehicle shall be released from custody if—
  - (i) the applicant has furnished evidence as to the ownership of the vehicle to the satisfaction of the person in charge;
  - (ii) the person in charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for or on behalf of the owner;
  - (iii) all reasonable expenses incurred in connection with the seizure, taking custody, removal, towing away, keeping or releasing of the vehicle have been paid to the person in charge; and
  - (iv) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the person in charge.

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

(11) Any matter or thing done by the Board, a designated officer or any other officer or employee of the Board shall not, if the matter or thing was done bona fide in pursuance of, and for the purpose of, executing this section, subject it or him to any action, liability, claim or demand.

(12) The provisions of this section shall be in addition to and not in derogation of any of the provisions of section 13U and nothing in this section affects the application of that section to and in respect of vehicles.

**Disposition of certain money.**

13UB. (1) The residue, if any, of any money paid to the Board in connection with the disposal of a vehicle under section 13UA (4) (b) after deduction of all reasonable expenses incurred in connection with the seizure, taking custody, removal, towing away, keeping or disposal of the vehicle shall—

(a) where a person—

(i) within the period of 12 months commencing with the day on which the vehicle was disposed of, makes application to the Board for the payment of that residue to him; and

(ii) satisfies the Board that he was, when the vehicle was disposed of, the owner of the vehicle,

be paid by the Board to that person; or

(b) where no such application has been so made within that period or, if such an application has been so made, the application has been unsuccessful—be paid by the Board to the Treasurer and deposited to the credit of the Consolidated Fund.

(2) The Board shall not be liable in respect of any money paid to the Treasurer in accordance with subsection (1) (b).

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*Maritime Services (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE MARITIME SERVICES ACT, 1935—*continued.*

(3) Where money has been paid to the Treasurer in accordance with subsection (1) (b) in connection with the disposal of a vehicle, a person may recover that money from the Treasurer if he satisfies the Treasurer that he was, when the vehicle was disposed of, the owner of the vehicle.

*In the name and on behalf of Her Majesty I assent to this Act.*

L. W. STREET,  
*By Deputation from  
His Excellency the Governor.*

*Government House,  
Sydney, 21st December, 1982.*