

# CONCURRENCE COPY

## NATIONAL PARKS AND WILDLIFE (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 National Parks and Wildlife Act, 1974, so as to—

- (a) empower the Director of National Parks and Wildlife (“the Director”) to dispose of vehicles or remains of vehicles abandoned in a national park, nature reserve, Aboriginal area or state recreation area, or on a historic site or certain other land, subject to his giving certain notices and observing other prescribed restrictions (Schedule 1—proposed section 161A); and
- (b) provide for the disposition of any money received by the Director for the sale of an abandoned vehicle (Schedule 1—proposed section 161B).

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

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**NATIONAL PARKS AND WILDLIFE (ABANDONED  
VEHICLES) AMENDMENT BILL, 1982**

No.           , 1982.

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**A BILL FOR**

An Act to amend Part XIV of the National Parks and Wildlife Act, 1974,  
with respect to the disposal of certain abandoned vehicles.

[MR GORDON—9 *November*, 1982.]

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*National Parks and Wildlife (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 "National Parks and Wildlife (Abandoned Vehicles) Amendment Act, 1982".

**Principal Act.**

2. The National Parks and Wildlife Act, 1974, is referred to in this Act 10 as the Principal Act.

**Amendment of Act No. 80, 1974.**

3. The Principal Act is amended in the manner set forth in Schedule 1.

**Savings and transitional provisions.**

4. (1) In this section, "Director" and "Service" have the meanings 15 respectively ascribed thereto in section 5 (1) of the Principal Act.

(2) An officer of the Service duly authorised by the Director under section 161 (1) of the Principal Act before the commencement of this Act shall, on that commencement, be deemed to be appointed as a designated officer under section 161 (3) of that Act, as amended by this Act.

20 (3) Where, before the commencement of this Act, an officer of the Service had taken any action with respect to a vehicle in accordance with section 161 of the Principal Act, that section, as in force immediately before that commencement, shall apply to and in respect of the vehicle as if this Act had not been enacted.

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1.

(Sec. 3.)

AMENDMENT TO THE PRINCIPAL ACT.

Sections 161, 161A, 161B—

5 Omit section 161, insert instead:—

**Removal of vehicles obstructing traffic.**

161. (1) In sections 161, 161A and 161B—

“designated officer” means an officer of the Service appointed under subsection (3);

10 “prescribed land” means—

(a) a national park, historic site, nature reserve, Aboriginal area or state recreation area;

(b) land, not being land referred to in paragraph (a), vested in, or surrendered to, Her Majesty under section 145;

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(c) land leased to Her Majesty under section 146; or

(d) land held by the corporation constituted by section 150;

“vehicle” includes—

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(a) a motor vehicle, as defined in section 5 (1);

(b) a trailer, including a caravan; and

(c) the remains of any vehicle.

(2) In sections 161, 161A and 161B, a reference to a vehicle includes a reference to any goods or other things upon or within the vehicle.

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(3) The Director may, by order in writing, appoint one or more of the officers of the Service to carry out the functions of a designated officer under this section and section 161A.

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

5 (4) A designated officer may seize and take charge of and remove or tow away, or cause to be removed or towed away, any vehicle on prescribed land, being a vehicle which he believes on reasonable grounds to be a danger or unreasonable obstruction to traffic.

(5) Any vehicle removed or towed away under this section—

10 (a) may be kept at such place, or a place of such a nature, as the Director considers appropriate for the purpose of keeping the vehicle in his custody; and

15 (b) except for the purpose of keeping the vehicle in accordance with paragraph (a), shall not be moved further than is reasonably necessary—

(i) to prevent the vehicle from being a danger or obstruction to traffic; and

(ii) to avoid damage to the vehicle.

20 (6) Notwithstanding anything in subsection (4), before seizure of a vehicle under this section, a designated officer acting pursuant to this section shall—

(a) if no person is in charge of the vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

25 (ii) if, upon inquiry under subparagraph (i), the owner or driver of the vehicle is located, request him to remove the vehicle, or cause it to be removed, forthwith and afford him a reasonable opportunity to comply with the request; or

30 (b) if any person is in charge of the vehicle, request him to remove the vehicle, or cause it to be removed, forthwith and afford him a reasonable opportunity to comply with the request.

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

(7) The inquiry referred to in subsection (6) (a) shall be made in the vicinity of the place where the vehicle is situated.

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

161A. (1) In this section—

“business day” means any day except—

- 10           (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;

“prescribed amount” means—

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

(2) Where it appears on reasonable grounds to a designated officer that any vehicle standing on prescribed land has been abandoned, the officer may—

- 20           (a) seize and take custody of the vehicle on behalf of the Director and, subject to subsection (3)—  
                    (i) remove the vehicle or tow it away; or  
                    (ii) cause the vehicle to be removed or towed away; and  
25           (b) subject to subsections (4) and (7), cause the vehicle to be destroyed or otherwise disposed of in accordance with the directions of the Director, if the vehicle is not required to be released from custody by subsection (8).

(3) A designated officer may, under subsection (2) (a), remove a vehicle or tow it away or cause a vehicle to be removed or towed away—

- 30           (a) only if he has examined the vehicle and made an assessment of its value;

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

5 (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 Director considers appropriate for the purpose of keeping the vehicle in his custody; and

10 (c) where the officer 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 Director has, in accordance with subsection (5), served a notice relating to the vehicle which complies with that subsection.

15 (4) A designated officer may, under subsection (2) (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;

20 (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,

25 after the Director has, in accordance with subsection (5), served a notice relating to the vehicle which complies with that subsection; and

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



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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

## (5) A notice relating to a vehicle—

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

5 (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—

10 (i) contains a description of the vehicle to which it  
relates, which description shall include the particu-  
lars on any registration label and number-plate  
attached to the vehicle and any identification  
15 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

20 (iii) states that the Director intends to exercise his  
powers under this section with respect to the  
vehicle.

(6) Where a notice relating to a vehicle is left at a police  
station in accordance with subsection (5), the officer in charge of  
the police station shall—

25 (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 Director a written  
statement of the result of those inquiries which, if the  
vehicle is or has been registered under regulations made

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*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 (7) Where, before a vehicle seized under subsection (2) (a) has been destroyed or otherwise disposed of in accordance with subsection (2) (b) or released from custody under subsection (8), the Director has reasonable grounds to believe that a person whose name and address are in the Director's possession is the owner of the vehicle, the Director shall forthwith cause notice to be served by post on that person requesting him to have the vehicle released from the custody of the Director 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.

(8) Where a vehicle is kept at any place referred to in subsection (3) (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

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

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

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

**Disposition of certain money.**

15 161B. (1) The residue, if any, of any money paid to the Director in connection with the disposal of a vehicle under section 161A (2) (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 Director for the payment of that residue to him; and

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

be paid by the Director to that person; or

25 (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 Director to the Treasurer and deposited to the credit of the Consolidated Fund.

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

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENT TO THE PRINCIPAL ACT—*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

(50c)

**NATIONAL PARKS AND WILDLIFE (ABANDONED  
VEHICLES) AMENDMENT ACT, 1982, No. 156**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 156, 1982.**

An Act to amend Part XIV of the National Parks and Wildlife Act, 1974,  
with respect to the disposal of certain abandoned vehicles. [Assented  
to, 21st December, 1982.]

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*National Parks and Wildlife (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 "National Parks and Wildlife (Abandoned Vehicles) Amendment Act, 1982".

**Principal Act.**

2. The National Parks and Wildlife Act, 1974, is referred to in this Act as the Principal Act.

**Amendment of Act No. 80, 1974.**

3. The Principal Act is amended in the manner set forth in Schedule 1.

**Savings and transitional provisions.**

4. (1) In this section, "Director" and "Service" have the meanings respectively ascribed thereto in section 5 (1) of the Principal Act.

(2) An officer of the Service duly authorised by the Director under section 161 (1) of the Principal Act before the commencement of this Act shall, on that commencement, be deemed to be appointed as a designated officer under section 161 (3) of that Act, as amended by this Act.

(3) Where, before the commencement of this Act, an officer of the Service had taken any action with respect to a vehicle in accordance with section 161 of the Principal Act, that section, as in force immediately before that commencement, shall apply to and in respect of the vehicle as if this Act had not been enacted.

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1.

(Sec. 3.)

AMENDMENT TO THE PRINCIPAL ACT.

Sections 161, 161A, 161B—

Omit section 161, insert instead:—

**Removal of vehicles obstructing traffic.**

161. (1) In sections 161, 161A and 161B—

“designated officer” means an officer of the Service appointed under subsection (3);

“prescribed land” means—

- (a) a national park, historic site, nature reserve, Aboriginal area or state recreation area;
- (b) land, not being land referred to in paragraph (a), vested in, or surrendered to, Her Majesty under section 145;
- (c) land leased to Her Majesty under section 146; or
- (d) land held by the corporation constituted by section 150;

“vehicle” includes—

- (a) a motor vehicle, as defined in section 5 (1);
- (b) a trailer, including a caravan; and
- (c) the remains of any vehicle.

(2) In sections 161, 161A and 161B, a reference to a vehicle includes a reference to any goods or other things upon or within the vehicle.

(3) The Director may, by order in writing, appoint one or more of the officers of the Service to carry out the functions of a designated officer under this section and section 161A.

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

(4) A designated officer may seize and take charge of and remove or tow away, or cause to be removed or towed away, any vehicle on prescribed land, being a vehicle which he believes on reasonable grounds to be a danger or unreasonable obstruction to traffic.

(5) Any vehicle removed or towed away under this section—

- (a) may be kept at such place, or a place of such a nature as the Director considers appropriate for the purpose of keeping the vehicle in his custody; and
- (b) except for the purpose of keeping the vehicle in accordance with paragraph (a), shall not be moved further than is reasonably necessary—
  - (i) to prevent the vehicle from being a danger or obstruction to traffic; and
  - (ii) to avoid damage to the vehicle.

(6) Notwithstanding anything in subsection (4), before seizure of a vehicle under this section, a designated officer acting pursuant to this section shall—

- (a) if no person is in charge of the vehicle—
  - (i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and
  - (ii) if, upon inquiry under subparagraph (i), the owner or driver of the vehicle is located, request him to remove the vehicle, or cause it to be removed, forthwith and afford him a reasonable opportunity to comply with the request; or
- (b) if any person is in charge of the vehicle, request him to remove the vehicle, or cause it to be removed, forthwith and afford him a reasonable opportunity to comply with the request.



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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

(7) The inquiry referred to in subsection (6) (a) shall be made in the vicinity of the place where the vehicle is situated.

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

161A. (1) In this section—

“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;

“prescribed amount” means—

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

(2) Where it appears on reasonable grounds to a designated officer that any vehicle standing on prescribed land has been abandoned, the officer may—

- (a) seize and take custody of the vehicle on behalf of the Director and, subject to subsection (3)—
  - (i) remove the vehicle or tow it away; or
  - (ii) cause the vehicle to be removed or towed away; and
- (b) subject to subsections (4) and (7), cause the vehicle to be destroyed or otherwise disposed of in accordance with the directions of the Director, if the vehicle is not required to be released from custody by subsection (8).

(3) A designated officer may, under subsection (2) (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;

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

- (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 Director considers appropriate for the purpose of keeping the vehicle in his custody; and
- (c) where the officer 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 Director has, in accordance with subsection (5), served a notice relating to the vehicle which complies with that subsection.

(4) A designated officer may, under subsection (2) (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 Director has, in accordance with subsection (5), served a notice relating to the vehicle which complies with that subsection; and

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

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

## (5) 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 particu-  
lars 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 Director intends to exercise his  
powers under this section with respect to the  
vehicle.

(6) Where a notice relating to a vehicle is left at a police  
station in accordance with subsection (5), 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 Director a written  
statement of the result of those inquiries which, if the  
vehicle is or has been registered under regulations made

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*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.

(7) Where, before a vehicle seized under subsection (2) (a) has been destroyed or otherwise disposed of in accordance with subsection (2) (b) or released from custody under subsection (8), the Director has reasonable grounds to believe that a person whose name and address are in the Director's possession is the owner of the vehicle, the Director shall forthwith cause notice to be served by post on that person requesting him to have the vehicle released from the custody of the Director 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.

(8) Where a vehicle is kept at any place referred to in subsection (3) (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

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*continued.*

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

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

**Disposition of certain money.**

161B. (1) The residue, if any, of any money paid to the Director in connection with the disposal of a vehicle under section 161A (2) (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 Director for the payment of that residue to him; and

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

be paid by the Director 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 Director to the Treasurer and deposited to the credit of the Consolidated Fund.

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

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*National Parks and Wildlife (Abandoned Vehicles) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENT TO THE PRINCIPAL ACT—*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.*



