

No. 9.] *Metropolitan (Perth) Passenger Transport Trust.* [1961.]

**METROPOLITAN (PERTH)
PASSENGER TRANSPORT
TRUST.**

10° Elizabeth II., No. IX.

No. 9 of 1961.

AN ACT to amend the Metropolitan (Perth) Passenger Transport Trust Act, 1957-1960.

[Assented to 10th October, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Metropolitan (Perth) Passenger Transport Trust Act Amendment Act, 1961.*

(2) In this Act the Metropolitan (Perth) Passenger Transport Trust Act, 1957-1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Metropolitan (Perth) Passenger Transport Trust Act, 1957-1961.

2. The principal Act is amended by adding after section seventy-five a section as follows:—

S. 75A
added.

75A. (1) If any thing is left in or on any property of the Trust and the owner of the thing is not known, the Trust may give notice published in the *Government Gazette* that the thing will be sold on a day, being not less than twenty-one days from the publication of the notice, unless the owner before that day removes the thing and pays all charges payable in respect of it.

Goods left
by unknown
owner may
be sold.

(2) If the owner of the thing does not so remove it and so pay those charges, the Trust may cause it to be sold.

(3) Where the thing so left is perishable the Trust may cause it to be sold or where the thing causes offence or creates a nuisance, the Trust may cause it to be destroyed at the expense of the owner, and may cause either to be done without notice to the owner.

(4) The Trust shall apply the proceeds of a sale made pursuant to this section—

- (a) firstly, in paying the costs of and incidental to the sale, including all charges and expenses incidental to the storage and handling of the thing;
- (b) secondly, in paying the amount of the balance to the person entitled thereto upon his establishing his claim to that amount within thirty days after the sale.

(5) Where a claim referred to in paragraph (b) of subsection (4) of this section is not so established the amount of the balance so referred to shall be paid by the Trust to the credit of the Metropolitan (Perth) Passenger Transport Trust's General Fund Account.

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(6) The amount expended in the exercise of the powers conferred upon the Trust by the provisions of subsection (3) of this section to the extent to which it is not recovered on sale pursuant to those provisions is recoverable by the Trust in a court of competent jurisdiction as a debt due by the owner of the thing destroyed or sold under those provisions.
