

# REGIONAL COUNCIL OF GOYDER

	<b>ABANDONED VEHICLE POLICY</b>	Department	F&A
		Version No:	2.0
		Adopted:	Jan 2019
		Reviewed:	Jun 2021
		Next Review:	Jun 2023
		Minutes Ref:	073/21
		Responsibility:	DOF

## 1. PURPOSE

This policy aims to ensure Council keeps the streets/roads clear of vehicles that present a danger due to being either unregistered, unsafe or are deemed to be abandoned.

## 2. BACKGROUND

Councils have the authority to impound vehicles considered to be derelict or abandoned under the *Local Government Act 1999*.

## 3. SCOPE

This policy applies to all the public streets/roads within the Regional Council of Goyder.

## 4. DEFINITIONS

*Vehicle*: According to the *Road Traffic Act 1961* a vehicle includes-

- a) A motor vehicle, trailer and a tram; and
- b) A bicycle; and
- c) An animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- d) A combination; and
- e) A motorised wheelchair that can travel at over 10 kilometers per hour (on level ground)

But does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

*Abandoned Vehicle* is not defined in the legislation, however factors suggesting that a vehicle may be abandoned include: a vehicle left unattended on a public road, a public place or on local government land for at least 24 hours, the absence of registration plates and / or a damaged or burnt out vehicle.

## 5. PRINCIPLES

Council is committed to ensuring our streets are maintained in a safe manner by the removal of all abandoned vehicles which come to the attention of Council. These vehicles are removed from the streets/roads in accordance with the *Local Government Act 1999*.

Council applies the principles of social justice, accountability, transparent process and good customer service when undertaking the removal of any abandoned vehicle using this policy.

If a vehicle is left on a public road, a public place or on local government land for at least 24 hours an authorised person may place a prescribed warning notice on the vehicle.

After 24 hours has expired since the placement of a prescribed warning notice, an authorised person may have the vehicle removed to an appropriate place.

Although it is not mandated by Section 237 of the *Local Government Act 1999*, council's authorised person should place a prescribed warning notice on a vehicle prior to removing the vehicle.

A prescribed warning notice should -

## REGIONAL COUNCIL OF GOYDER ABANDONED VEHICLE POLICY V2.0

- Record the date and time.
- Identify the vehicle.
- Identify the vehicle's location as precisely as circumstances permit.
- State that there is reason to believe that the vehicle has been abandoned.
- Warn that if the vehicle is not moved within 24 hours of the date and time of the prescribed warning notice, it may be removed to an appropriate place under Section 237 of the *Local Government Act 1999*.
- Warn that release of a removed vehicle would need to be sought, and costs would have to be paid. Warn that, if this is not done, Section 237 of the *Local Government Act 1999* permits a sale.
- Include a statement that it is an offence under the Motor Vehicles Act 1959 to cause an unregistered motor vehicle to be standing on a road as defined in that Act, and an offence against Section 236 of the *Local Government Act 1999* to abandon a vehicle in a public place.
- Identify the authorised officer who issues the prescribed warning notice, and provide a telephone contact.

Council must ensure that the owner of the vehicle is notified of the removal of the vehicle by written notice in the prescribed form personally; or by the use of person-to-person registered post. If the owner is unknown or cannot be found, a public notice must be published in a newspaper circulating generally in the State (The Advertiser) within 14 days after the removal of the vehicle.

If the owner of the vehicle does not, within 1 month after service or publication of the notice relating to the removal of the vehicle, take possession of the vehicle and pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice, the council must, subject to subsection (6)(b) of the *Local Government Act 1999*, offer the vehicle for sale by public auction or public tender.

If the vehicle is offered for sale but is not sold, or the council reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined, the council may dispose of the vehicle in such manner as the council thinks fit.

Council must apply any proceeds of sale of the vehicle as follows;

- (i) Firstly – in payment of the costs of and incidental to the sale;
- (ii) Secondly – in payment of the cost of and incidental to the removal, custody and maintenance of the vehicle, and of the notice served posted or published
- (iii) Thirdly – in payment of the balance to the owner of the vehicle.

If after reasonable inquiry following the sale of the vehicle the owner of the vehicle cannot be found, the balance of the proceeds of the sale is to be paid to the council.

If after taking reasonable steps the council cannot return property found in the vehicle, the goods will be taken to be unclaimed goods for the purposes of the *Unclaimed Goods Act 1987* and the council will be taken to be a Bailee of the goods under that Act.

### 6. RECORDS

All records should be kept confidential and be treated in accordance with Local Government GDS40.

## REGIONAL COUNCIL OF GOYDER ABANDONED VEHICLE POLICY V2.0

### 7. REVIEW

This document shall be reviewed by Council within two (2) years (or on significant change to legislation or aspects included in this policy that could affect the health and safety of workers).

### 8. REVIEW HISTORY

Document History	Version No:	Issue Date:	Description of Change:
	1.0	22.01.2019	Adopted refer minute 4/19
	2.0	15.06.2021	Adopted refer minute 073/21