



ABANDONED VEHICLES POLICY

Adopted by Council 14 May 2014, Resolution No. 2014/139
Reviewed July 2018. Adopted by Council 11 July 2018, Resolution No.
2018/151

POLICY OBJECTIVES

Ensure the efficient removal of abandoned motor vehicles from road reserves and public places within the Narromine Shire.

Ensure that impoundment of abandoned motor vehicles is undertaken in accordance with the Impounding Act 1993 and the relevant regulations.

DEFINITIONS:

Impounded - has the meaning given by section 8.

8 When is something "impounded"?

(1) Something is impounded as soon as an impounding officer or an occupier of private land takes possession of it under a power conferred by this Act. It continues to be impounded until it is released or disposed of in accordance with this Act.

(2) An item does not have to be taken to a pound for it to be "impounded" for the purposes of this Act.

Impounding officer - means a person appointed by an impounding authority to exercise the powers of an impounding officer.

Motor vehicle - means:

- (a) a motor vehicle within the meaning of the Road Transport Act 2013 and includes a caravan or trailer, and
- (b) the remains of such a vehicle, and
- (c) any article (including parts and accessories) that is secured to or in such a vehicle at the time it is impounded.

Public place - means a place (other than a place declared by the regulations not to be a public place) that is open to or frequented by the public:

- (a) whether or not payment for admission to the place is required, and
- (b) whether or not the place is usually open to or frequented by the public,

and, in particular, includes:

- (c) any place dedicated or reserved for a public purpose, and
- (d) a place which, although privately owned, is a place to which the public are permitted to have access for the purposes of business or leisure or to use as a thoroughfare.

Public pound - means a pound established as a public pound under this Act.

PROCEDURE:

1. An impounding officer must make all reasonable inquiries in an effort to find out the name and address of the owner of a motor vehicle before the officer impounds the vehicle.
2. If the impounding officer's inquiries fail to reveal the name and address of the owner, the officer may proceed to impound the vehicle.
3. If the impounding officer's inquiries do reveal the name and address of the owner, the officer is not to impound the vehicle until notice of the proposed impounding has been given to the owner and the period specified in the notice has elapsed.
4. The notice to the owner must be in writing addressed to the owner and must indicate that the vehicle may be impounded unless it is removed within a specified period (not less than 3 days) and may be destroyed if its value is less than \$500 (or such other amount as may be prescribed under section 18).
5. A motor vehicle may be impounded immediately (without following the procedures in this section) if the vehicle is in a public place and the impounding officer is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic (vehicular or pedestrian) or is likely to be a danger to the public.
6. Where motor vehicles are abandoned on main roads controlled by the RMS i.e. Mitchell Hwy and MR 89, the RMS be notified at the earliest opportunity and where directed by the RMS, the vehicle(s) be impounded and taken to the nearest depot (costs to be accounted to the RMS). Where the vehicle(s) pose a risk to the safety of motorists on RMS roads, the police are be contacted for direction.
7. If value of the abandoned motor vehicle is greater than \$500.00, the vehicle must be offered for sale by way of a public tender process as defined within this policy.

SALE OF VEHICLE:

This section of the policy is only applicable where the value of the vehicle is greater than \$500, when taking into consideration Sections 18, 24 & 25 of the Impounding Act 1993.

1. Impounding Officer is to seek approval from immediate supervisor or manager to dispose of the vehicle.
2. On receipt of approval for sale a public notice (Appendix A) must be placed in the local paper advertising the vehicle for sale.
3. All tender/quotations received are to be collated and presented to the impounding officer's immediate supervisor or manager with a recommendation.
4. On approval by the General Manager of the recommendation the vehicle can be sold to the successful tender.

References:

Impounding Act 1993

Impounding Regulations 2013

Authorisation:

Status	Committee	N/A	
	Manex	N/A	
Owner	General Manager		
Doc. ID			
Superceded Policy	Nil		
Date of Adoption/ Amendment	Revision Number	Minute Number	Resolution No.
<i>15 September 2009</i>			<i>2009/372</i>
<i>14 May 2014</i>	1	-	<i>2014/139</i>
<i>11 July 2018</i>	2	-	<i>2018/151</i>

Appendix A – Public Notice Template

Public Notice – Sale of Impounded Vehicle

In accordance with Clause 24 of the Impounding Act 1993 No. 31, Council places the following motor vehicle/s for sale by way of public tender. Clause 27 of the Impounding Act 1993 allows for Council to recover costs incurred as a result of impounding the vehicle/s.

(Make, Model, Year, Colour)

Closing date:

Please note that Council is looking at recovering the cost occurred and will therefore consider all fair and reasonable tenders. Inspection of the vehicle in question can be arranged by contacting Council's Senior Ranger on 02 6889 9999.

All tenders are to be addressed to the General Manager, Narromine Shire Council PO Box 115 Narromine NSW 2821 or emailed to mail@narromine.nsw.gov.au.