



1.

POLICY TITLE:	ABANDONED VEHICLE POLICY
POLICY NUMBER:	LC18
CATEGORY:	COUNCIL
CLASSIFICATION:	ADMINISTRATIVE
BUSINESS PLAN REFERENCE:	
CORPORATE GOVERNANCE AND PERFORMANCE :Provide systems of council governance and service delivery that are financially sustainable, accountable, equitable and efficient.	
STATUS: APPROVED	PA09/CAM/030

Date Approved:	12/08/2009	Approved By:	Council	Date for review:	01/03/2012
Date Approved:		Approved By:		Date for review:	
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2. PURPOSE:

To provide Council Officers with direction and procedures to ensure correct legal process occurs with regards to the removal of abandoned vehicles pursuant to Council's responsibility under the Local Government Act and Part 5 of the Traffic Regulations.

3. SCOPE

Council may be required or requested to remove a vehicles in various circumstances:

- a) Abandoned (Section 63 of the Traffic Regulations)
- b) At the written request of landowner of 'public' facility (ie: recreation reserve, other council land, etc – not private residence)

Council Officers will follow the process and procedures attached to this policy to ensure that necessary checks, notifications and legal process are complied with.

Collection of Abandoned Vehicles

Whilst having regard to the process and procedures attached to this policy, Council Officers will not allow an abandoned vehicle that is unregistered to be taken from its care unless that vehicle is transported on a truck, trailer, etc. Under no circumstances will a Council Officer allow an unregistered vehicle to be driven from the Council Pound as this places an unreasonable onus on Council and public safety.

Delegation:

1. Authorised Officers as appointed by Council will have the required delegation to act upon this policy.
2. Fees and costs may be waived by the Chief Executive Officer, or a delegated officer upon written application from the registered owner of the abandoned vehicle.

Form(s):

Impounding Vehicles Procedures
Impounding Vehicles Details

**4. REFERENCES:**

Policy Number:	LC18
Policy Owner:	John Delaney
Endorsed by:	CEO
Final Approval:	Council
Date Approved:	12/08/2009
Revision Date:	01/03/2012
Amendments:	
Related Policies:	
Related Publications:	

5. CONTACT PERSON:

Contact Person	John Delaney	Derrick Tranter
Position	Engineer	Governance Manager
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ABANDONED VEHICLES PROCEDURE

1. If a vehicle has been left on the side of the roadway for not less than 24 hours, a warning is to be affixed to the windscreen explaining that if the vehicle is not removed within 24 hours the vehicle will be impounded.
2. If a vehicle has been left on Council property for not less than 24 hours, follow step 1.
3. Contact contractor and request them to tow the vehicle to the Council location.
4. Complete an **Abandoned Vehicle form** and fax to NT Police to check that the vehicle has not been stolen.
5. Carry out a search through the Motor Vehicle Registry to ascertain vehicle registered owner details.
6. The registered owner of the vehicle must be given written notice as soon as practicable after removal of the vehicle. Details of written notice should have regards to Section 64 (4) and (5) the Traffic Regulations.

If the owner of a vehicle cannot be ascertained or found for the purpose of serving a notice, the Council must cause notice of the removal of the vehicle to be published:

- (a) in an advertisement appearing for 2 successive weeks in a newspaper circulating in the Territory; or
- (b) in any other manner that the competent authority determines appropriate,

having regard to the likely or presumed whereabouts of the owner.

7. The competent authority may sell by public auction an abandoned vehicle if the owner of the vehicle has not taken possession of it and paid to the competent authority all reasonable costs incurred in:

- (a) moving the vehicle;
- (b) storing the vehicle (if applicable); and
- (c) serving or publishing the notice under Traffic Regulation 65,

within 28 days after service or second publication of that notice.

Disposing of abandoned vehicle

Despite Traffic Regulation 67, if an abandoned vehicle:

- (a) is immobile and apparently cannot be repaired at a cost that does not exceed its value; or
- (b) in the opinion of the competent authority – has a value of less than \$200, the competent authority may dispose of the vehicle in a manner that it determines appropriate.



Proceeds of sale

- (1) All money received from selling or disposing of a vehicle is to be applied in paying, in the following order:
 - (a) the costs incurred by the competent authority in selling or disposing of the vehicle;
 - (b) the costs of removing and storing the vehicle;
 - (c) the costs of serving or publishing the notice.
- (2) The residue of the money, if any, is to be paid, on demand, to the owner of the vehicle immediately before its sale or disposal.
- (3) If, after 6 months after a vehicle is sold or disposed of, any money from the sale or disposal remains in the possession of the competent authority and is unclaimed by the owner of the vehicle or any person claiming through the owner, the money becomes the property of the competent authority.
- (4) A sale or disposal of a vehicle is valid against all persons

Claim against owner

- 1) The owner of a vehicle moved under Traffic Regulation 65 is liable to a competent authority for the reasonable expenses incurred by the competent authority in removing, storing, selling or attempting to sell the vehicle or disposing of the vehicle.
- 2) The competent authority may recover, as a debt due and payable to it, any of those expenses incurred by it that are not satisfied from the proceeds of the sale or disposal.



ABANDONED VEHICLE FORM

Location: _____

Request From: _____ Date Received: ___ / ___ / ___

Inspected by: _____ Date: ___ / ___ / ___

Warning Notice Affixed: Yes / No

Photograph Taken: Yes / No

In Breach Of: Part 5 of the Traffic Regulation
Abandoned 24 Hours

Vehicle Details

Registration No: _____ State: _____ Reg. Type/Code: _____

Label No: _____ Colour: _____ Make: _____

Body Type: _____ Model: _____ Engine No.: _____

Vin No.: _____ Chassis No.: _____ Est. alue: _____

Impound Details

Impounded at: _____ am/pm On: ___ / ___ / ___ By: _____

Towing Agent: _____ Order No. _____

Cost: _____

Vehicle Condition/Damage Details

(Photographs should be taken and attached to this form)

Police Use Only

Return to: Litchfield Council Fax: (08) 8983 1165

As at: ___ / ___ / ___ Vehicle Registration No/Engine No: _____

Impounded by your Council on: ___ / ___ / ___ has / has not been reported stolen.

Name

Rank

ID