

## DISPOSAL OF ABANDONED VEHICLES POLICY

|                      |                                    |
|----------------------|------------------------------------|
| Date Adopted:        |                                    |
| Adopted By:          | Council                            |
| Review Due:          | 2027                               |
| Responsible Officer: | Manager Strategy and Regulation    |
| Directorate:         | Wellbeing, Planning and Regulation |
| EDRMS No:            |                                    |

### PURPOSE

The purpose of this policy is to provide guidance for Council Authorised Officers when impounding and disposing of abandoned vehicle collected from within the Shire.

### DEFINITIONS

|             |                                       |
|-------------|---------------------------------------|
| <b>SGSC</b> | Southern Grampians Shire Council      |
| <b>DAV</b>  | Disposal of Abandoned Vehicles Policy |

### APPLICATION AND SCOPE

This Policy applies to any vehicle impounded by Council's Authorised Officers.

### GENERAL PROVISIONS

SGSC must control vehicles that have been left abandoned, unregistered or dangerously parked within the Municipality, and has the power under the provisions set out in *Local Government Act*, to implement and administer Councils Local Laws to impound vehicles and hold them until ownership can be proven for their return.

#### **Community Local Law No.1 of 2022; Section 79**

#### **Abandoned, Unregistered or Derelict vehicles in a public place.**

- (1) *A person must not, without permit, leave any derelict, abandoned or unregistered vehicle, or allow such a vehicle to remain on any public place or council land other than a road.*
- (2) *Where a vehicle left standing on a road, public place or council land is unregistered or has been left standing between 24 hours and 7 consecutive days and is derelict or abandoned, the vehicle and anything on or in the vehicle may be impounded by the Authorised Officer.*

If after three months, Council is unable to locate the owner of an impounded vehicle, via Vic Roads Victoria Police or other means, these vehicles will be put up for tender to be sold, in line with Councils general “Disposal of Assets Policy”.

The tender process is as follows:

- Once a vehicle is impounded and stored at the Council yard, all possible identification information “must” be collected, the vehicle photographed and recorded where it is located at the Hamilton Depot.
- This information is to be then transferred in the DAV register, which will enable all compliance staff to be able to track all vehicles from pick up to disposal.
- After a period of three months and once all efforts to locate the owners of the impounded vehicles, via Vic Roads or Victoria Police or contact with the owner, SGSC will advertise for sale by tender via public notice in the Hamilton Spectator.
- The price accepted must be higher than the reserve set on each individual vehicle to ensure councils costs are covered, i.e., towing and administrations fees.
- Approval of the successful tender will be decided by a Council Authorised Officer, (within the Wellbeing, Planning and Regulation directorate)
- Once the successful bidder is notified, the vehicle “must” be paid for and collected, no more than seven days after the notification.
- If the vehicle is not collected within the allotted time frame the sale will be cancelled and the second highest bidder, will then receive notification that they are now the successful tender.

### **Final disposal**

If after a period of four weeks after the vehicle has been offered for tender and has not been sold, the vehicle will be offered to the Hamilton SES for road rescue training and recorded or sold for scrap metal.

## **IMPLEMENTATION**

Following the adoption of this policy, Authorised Officers will commence its implementation for any existing vehicles and then any new vehicles impounded by SGSC.

## **CHARTER OF HUMAN RIGHTS COMPLIANCE**

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

## **GENDER EQUALITY COMPLIANCE**

It is considered that this policy is compatible with the relevant gender equality principles identified in the *Gender Equality Act 2020*.

Is a Gender Impact Assessment required?

- Yes (*legally required for all policies that have a direct and significant impact on the public*)
- No (*please provide an explanation why a Gender Impact Assessment is not required*)

## **ASSOCIATED DOCUMENTS**

*Southern Grampians Shire Council Disposal of Assets Policy.*

**REVIEW**

This Policy must be reviewed a minimum of every four years or in-line with legislative change.

**AUTHORISED**

**CEO** Tony Doyle

**Signature**

**Date**

**OR**

Adopted at Council Meeting on {INSERT DATE}.

**END**