Impounding Guidelines

Introduction

These guidelines provide information for Authorised Officers administering duties relating to impoundment, pursuant to Council's *Activities and General Amenities Local Law 2018* (Local Law).

The guidelines do not provide legal advice and are not intended to be an exhaustive statement of impounding law. These guidelines are not a substitute for reading the provisions of the Local Law.

Requirements

- An Authorised Officer must make all reasonable enquiries to find the name and address of the owner of an item before it is impounded.
- If the Authorised Officer's enquiries fail to reveal the name and address of the owner, they may proceed to impound the item.
- If the Authorised Officer's enquiries do reveal the name and address of the owner, they are not to impound the item until notice of the proposed impoundment has been given to the owner and the period specified in the notice has lapsed.
- A motor vehicle may be impounded immediately (without following the procedures outlined in this section) if the vehicle is in a public place and the Authorised Officer is satisfied on reasonable grounds that its immediate removal is justified, as it is causing an obstruction to traffic (vehicular or pedestrian) or is likely to be a danger to the public.
- In addition to making appropriate efforts to contact the owner of an item, it is recommended that an Authorised Officer affix a visible notification to the item, declaring the intention to impound.
Impounding fees

Council is authorised to set its own fees. The applicable fee to release a vehicle or item will generally comprise the following components:

- an impoundment fee;
- a towing fee;
- a storage fee (calculated on a daily basis); and
- a release fee.

Any such fees levied by Council are maintained in a fair and transparent way. The Local Government Act 1989 requires Council to set fees and charges through its annual budgeting process, which includes a mandatory public notification period.

Enforcement principles

While not limiting the discretion of Authorised Officers when enforcing the Activities and General Amenities Local Law 2018, the following principles should guide enforcement action taken by Authorised Officers:

Enforcement action should be prioritised in situations where the item or vehicle poses a specific amenity, safety or visual pollution issue.