

NORTHERN TERRITORY OF AUSTRALIA  
ALICE SPRINGS (ABANDONED VEHICLES) BY-LAWS 1984

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NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1984, No. 30\*

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By-laws under the *Local Government Act*

The Alice Springs Town Council, in pursuance of the powers conferred upon it by the *Local Government Act* and in accordance with section 350(3) of the Act, at a meeting held on thirtieth January, 1984, hereby makes the following By-laws.

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ALICE SPRINGS (ABANDONED VEHICLES) BY-LAWS 1984

1. CITATION

These By-laws may be cited as the Alice Springs (Abandoned Vehicles) By-laws 1984.

2. DEFINITIONS

In these By-laws, unless the contrary intention appears -

"approved" means approved by the council;

"authorized officer" means a person authorized by the council for the purposes of these By-laws and includes a member of the Police Force;

"vehicle pound" means a yard or other place under the control of the council that it declares, by resolution, to be a vehicle pound for the purposes of these By-laws.

3. DELEGATION

(1) The council may, by resolution, delegate to a person any of its powers and functions under these By-laws, other than -

(a) this power of delegation; and

(b) the power to grant a dispensation under by-law 4.

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\* Notified in the *Northern Territory Government Gazette* on 6 June, 1984.

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(2) A power or function delegated under this section when exercised or performed by the delegate shall, for the purposes of these by-laws, be deemed to have been exercised or performed by the council.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the council.

4. DISPENSATIONS

The council may, at a meeting at which not less than two-thirds of the members are present, by resolution carried by a majority of members then in office, dispense with compliance by a person with these By-laws or any part of them and these By-laws shall apply accordingly.

5. CLERK TO KEEP REGISTER

The clerk shall cause to be kept a register of -

- (a) delegations made under by-law 3(1); and
- (b) dispensations granted under by-law 4; and
- (c) notices of impounding given under by-law 7(1).

6. IMPOUNDING OF VEHICLE

Where he is of the opinion that a vehicle has been abandoned, an authorized officer may remove or cause to be removed to a vehicle pound a vehicle which is left without the authority of the council for a period of not less than 24 hours on a road or public place or on land owned by, or under the care, control and management of, the council.

7. NOTICE OF IMPOUNDING

(1) As soon as practicable after the removal of a vehicle to a vehicle pound, an authorized officer shall give to the owner of the vehicle written notice of the removal stating the vehicle pound to which the vehicle was removed.

(2) A notice under clause (1) shall, where practicable, be served on the owner personally, but if the notice cannot be served within 7 days after the removal of the vehicle by reason of the fact that -

- (a) the name of the owner cannot be ascertained; or
- (b) the owner, if known, cannot be found,

the authorized officer shall -

- (c) furnish to the clerk a certificate of the reason the notice was not served; and

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(d) on the expiration of a period of 7 days after the removal of the vehicle to a vehicle pound, cause notice of the removal to be given in a newspaper circulating in the municipality.

(3) A certificate under clause (2) shall be prima facie evidence of the facts contained therein.

(4) Notice of the removal of the vehicle referred to in clause (2)(d) shall be given on 2 separate occasions in accordance with that clause.

8. VEHICLE MAY BE SOLD OR DISPOSED OF

(1) Where the owner of a vehicle does not, within 28 days after -

(a) the service on him of a notice under by-law 7(1); or

(b) the date of publication of the second of the notices referred to in by-law 7(4),

whichever is the later, pay to the council all expenses incurred by the council in connection with the removal, custody and reasonable maintenance of the vehicle and of service or advertisement of the notice, and taking possession of the vehicle, the council may, subject to these By-laws, advertise for sale and sell the vehicle.

(2) Where, in the opinion of the council, it is not practical or convenient to sell a vehicle impounded by it, it may dispose of the vehicle in any manner it thinks fit.

9. DISPOSAL OF PROCEEDS OF SALE

(1) All moneys received in respect of the sale of a vehicle under these By-laws shall be applied in the payment of -

(a) costs incurred by the council in the sale of the vehicle;

(b) the cost of removal, custody and reasonable maintenance of the vehicle and of the notice served or advertised under by-law 7; and

(c) the residue, if any, shall be paid to the person who owned the vehicle immediately prior to its removal and impounding.

(2) Where, after the expiration of 6 months after the sale of an impounded vehicle, any moneys remain in the possession of the council in respect of the sale and are unclaimed by the owner of the vehicle or a person claiming on his behalf, such moneys shall be paid into the council's trust fund.

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10. LIABILITY OF OWNER

The owner of a vehicle shall be liable to the council for expenses incurred by the council in the removal, custody, reasonable maintenance, sale or attempted sale or otherwise in the disposal of the vehicle under these By-laws and the council may recover as a debt due and payable to it such of those expenses as have not been satisfied by the proceeds from the sale of the vehicle.

11. PROTECTION OF COUNCIL, &c.

No action, civil or criminal, shall lie against the council, an employee of the council or a person acting with the authority of the council in respect of a thing done or suffered to be done by it or him, in good faith, in the exercise or purported exercise of its or his powers under, or for the purposes of, this by-law.

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The common seal of the Alice Springs Town Council was affixed hereto on 6th February, 1984, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on 30th January, 1984, in the presence of

Leslie I. Oldfield  
Mayor

R. Mitchell  
Town Clerk

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