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| PROCEDURE NAME: | Abandoned Shopping Trolleys Procedure |
| DATE ADOPTED: | |
| ECM NUMBER: | |
| REVIEW DATE: | December 2021 |
| RESPONSIBLE DEPARTMENT: | Environmental Health and Compliance |
| RELATED DOCUMENTS: | Managing Abandoned Shopping Trolleys Policy Compliance and Enforcement Policy |

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1. PURPOSE

This procedure is to guide Council Officers responsible for dealing with abandoned or unattended shopping trolleys in public places in a manner that is accountable and transparent, consistent and timely.

2. OBJECTIVE

Refer to the Managing Abandoned Shopping Trolleys Policy

3. SCOPE

Refer to the Managing Abandoned Shopping Trolleys Policy

4. INVESTIGATION - RANGER

The Investigating Ranger will attend the location and perform the following tasks:

- Apply trolley identification sticker (unique number).
- Contact retailer call centre by phone (record time/date and who spoken to) **ANNEXURE B**.
- Complete trolley identification docket book.
- Complete trolley identification excel spreadsheet (EH&C\Rangers).
- Complete trolley identification excel spreadsheet (referral from City Presentation).

5. NOTIFICATION – CITY PRESENTATION

If City Presentation Crews locate an unattended and or abandoned shopping trolley, they will perform the following tasks:

- Apply trolley identification sticker (unique number).
- Contact retailer call centre by phone (record time/date and who spoken to) **ANNEXURE C (1)**.
- Complete trolley identification docket book **ANNEXURE B**.
- Scan and email original trolley identification docket to Council Records (for allocation to Rangers)

6. IMPOUNDING

The Investigating Ranger is to return to the trolley location after 24 hours. If the trolley has not been removed, it is to be deemed abandoned and impounded. The Investigating Ranger will contact City Presentation – Bulk Litter crew and request the abandoned trolley be impounded as soon as possible.

Shopping Trolleys that have been observed in locations that present a safety risk to the public will be removed immediately or the location made safe by Council Officers.

The City Presentation – Bulk Litter crew will pick up the abandoned trolley and convey it to a Penrith City Council Pound. Once the abandoned trolley has been removed, the City Presentation – Bulk Litter crew will notify the Investigating Ranger by email. From this point forward, all records and associated documents will be uploaded against a unique ECM entry.

7. RECOVERY OF SHOPPING TROLLEYS FROM REMOTE LOCATIONS - SPECIALISED HANDLING

Trolleys that are abandoned or discarded in remote or inaccessible locations such as bush land escarpments, creeks, rivers, stormwater mitigation canals and other water bodies, may cause environmental harm and be deemed too hazardous for manual removal by the trolley owner or by the Investigating Ranger.

Where a risk assessment of the trolley's location is deemed unacceptable for safe manual handling/removal, the Investigating Ranger will make arrangements for the trolley's recovery through the Coordinator – City Presentation. This process will be deemed '**Specialised Handling**' recovery.

The Investigating Ranger will be present on the day of recovery to photograph the trolleys in situ and identify the trolley owner. Cost recovery for trolleys impounded by 'Special Handling' will be determined by the following rates:

1. Plant and equipment
2. Labour cost
3. Impound fee.

8. COST RECOVERY

Section 20 (3) of the Act provides that if the impounding authority knows or finds out the name and address of the owner, the authority must cause notice of the impounding to be given to the owner of an impounded item as soon as practicable after becoming aware of the name or address.

A notice under Section 20 must be in writing addressed to the person to be given the notice. In this case, the owner of the trolley is the organisation itself at its registered office. The written notice must clearly indicate that the item has been impounded and will be sold or otherwise disposed of. Investigating Rangers will:

- Prepare a written notice to the owner using the standardised template **ANNEXURE D**.
- Prepare a Sundry Debtor Notice Invoice to the owner (shopping trolley - fees and charges policy)
- Post the notice and sundry debtor invoice to the owner (registered/nominated address).
- Email a copy of the notice and sundry debtor invoice (nominated business email address).

9. TROLLEY RELEASE

Section 23 of the Act provides that an application may be made to an impounding authority for the release of an impounded item. The application may be made at any time before the item is sold or disposed of.

The impounding authority must release the item to the applicant if:

- (a) The authority is satisfied on reasonable grounds that the applicant is the owner of the item, is authorised to claim the item on the owner's behalf or is otherwise entitled to lawful possession of the item.
- (b) All fees and charges payable in respect of the impounding and holding of the item are paid to the impounding authority.
- (c) The authority is satisfied that all penalties imposed in connection with the event that gave rise to the impounding (including any collection or recovery costs) have been paid.

(d) The applicant signs a receipt for the release of the item.

Payment of fees can be made by any of the methods stipulated on the Sundry Debtor Invoice prior to release/collection of the impounded trolley. Receipt of payment must be sighted by the Works Depot representative before releasing the trolley. The Works Depot representative will inform the Investigating Ranger by email if a trolley has been released. The Investigating Ranger will then update the excel trolley identification spreadsheet and relevant ECM entry.

10. UNCOLLECTED TROLLEYS - DISPOSAL

Section 24 (1) of the Act provides that an impounding authority must cause an impounded item to be offered for sale if the item is not released. The sale is to be by public auction or public tender.

Section 24 (2) also provides the item may be disposed of otherwise than by sale if the impounding authority believes on reasonable grounds that the item has no monetary value or that the proceeds of sale would be unlikely to exceed the costs of sale.

If an impounded item offered for sale is not sold, the impounding authority may dispose of the item otherwise than by sale.

Section 27(1) of the Act provides that an impounding authority may recover the fees and charges payable in respect of the impounding, holding and disposing of the item as a debt from the person responsible for the impounded item.

Amounts recoverable under Section 27 can be recovered only if they have not already been paid or deducted from proceeds of sale. Such amount may be recovered from the owner or persons responsible as a debt in a court of competent jurisdiction.

In the event of a trolley is not collected by the owner within the required time period and is to be disposed of, the Investigating Ranger will:

- Update the excel trolley identification spreadsheet.
- Update the relevant ECM entry.
- Inform finance for consideration of debt recovery from the owner.

Trolleys not collected by the owner may be disposed by Council Works Depot in accordance with routine practise. If trolleys are disposed of in this fashion, the Investigating Ranger is to be informed and records updated accordingly.

11. TROLLEYS CONSIDERED TO BE WASTE - DISPOSAL

Where shopping trolleys are found damaged beyond serviceable use, they may fall into the category of waste. Provisions are available under the *Protection of the Environment Operations Act 1997* (POEO) in situations where a dumped shopping trolley is, or is likely to cause an adverse effect on the environment, for the taking of clean-up action by a public authority (Council) without prior notification:

Section 92 (2) of the Act provides that if a public authority reasonably suspects that a pollution incident has occurred or is occurring, the public authority may take such clean-up action as it considers necessary and recover costs from the responsible party.

Section 105 allows the regulatory authority or public authority (Council) to recover any unpaid amounts specified in a compliance cost notice as a debt in a court of competent jurisdiction.

In determining recovery costs for the recovery of trolleys as waste, refer to the process for Special Handling recovery (section 5).

12. WORK HEALTH & SAFETY REQUIREMENTS

In accordance with Council's WH&S Policy all officers will adhere to WH&S requirements.

In addition to the above, investigating officer is to observe the following:

- i) Park their vehicle in a safe location and in a manner that does not obstruct pedestrians and/or other motorists.
- ii) Activate vehicle hazard and roof warning lights so to be visible to both pedestrians and motorists.
- iii) If alone and in an isolated off-road location, contact base station or alternatively another officer and inform them of location and your movements.
- iv) Always consider the safety of officers a priority. In the event of an imminent hostile threat, the officer is to remove themselves/s from the situation and **MUST report** the incident to the Coordinator or Senior Ranger immediately thereafter and Police (if required).
- v) Utilise safe manual handling techniques when handling trolleys.
- vi) Wear a safety vest when working at roadside locations.

WH&S equipment to be used includes:

- Safety Vest.
- Gloves.
- Hat.
- Wet Weather Gear.
- Mobile Phone.
- First Aid Kit.

13. RESPONSIBILITY

RANGER

- to effectively participate in procedure training.
- to follow procedures outlined.
- to report any barriers or concerns relating to procedure implementation to the Coordinator without undue delay.
- to effectively participate in document review.

SUPERVISOR

- to effectively train guide and monitor staff in procedure implementation.
- to effectively respond to reported concerns or barriers to procedure implementation.
- be an active advocate for procedure implementation.

- to effectively participate in procedure review.

COORDINATOR

- to effectively train, guide and monitor staff in procedure implementation.
- to effectively respond to reported concern or barriers to procedure implementation.
- effectively coordinate and participate in procedure review.
- ensure procedure requirements remain consistent with Council Policy and Organisational Objectives.

MANAGER

- to effectively respond to reported concern or barriers to policy implementation.
- be an active advocate for policy implementation.
- effectively coordinate and participate in any policy review to ensure requirements remain consistent with Council Policy and Organisational objectives.

14. TRAINING AND COMPETENCE

Council is committed to staff receiving training relevant to the tasks/activities undertaken in this policy. Training requirements will be reviewed annually and recorded. All training will be evaluated to ensure continuous improvement.

Competence of employees, including any contractors, labour hire employees or volunteers, will be assessed prior to being expected to carry out the tasks associated with this policy.

ANNEXURE A

LEGISLATIVE REQUIREMENTS

[Impounding Act 1993](#)

Council's powers to impound trolleys are derived from the Impounding Act 1993 (the Act). The Act provides that an impounding officer may impound an article deemed to be abandoned or left unattended and must;

IMPOUNDING AUTHORITY TO NOTIFY OWNER

- (a) An impounding authority must make all reasonable inquiries in an effort to find out the name and address of the owner of an impounded item and;

The inquiries and search must be made as soon as practicable after the item is delivered to the authority's pound or (in the case of an article that is impounded without being delivered to a pound) as soon as practicable after the article is impounded.

- (b) If the impounding authority knows or finds out the name and address of the owner, the authority must cause notice of the impounding to be given to the owner of an impounded item as soon as practicable after becoming aware of the name or address.

IMPOUNDED ITEM TO BE SOLD IF NOT CLAIMED

- (a) An impounding authority must cause an impounded item to be offered for sale if the item is not released before the deadline for release (subsection (5)). The sale is to be by public auction or public tender.
- (b) The item may be disposed of otherwise than by sale if the impounding authority believes on reasonable grounds that the item has no monetary value or that the proceeds of sale would be unlikely to exceed the costs of sale.

GENERAL RIGHT TO RECOVER IMPOUNDING FEES AND CHARGES AND DAMAGES

- (a) An impounding authority may recover the following amounts as a debt from the person responsible for an impounded item:
- the fees and charges payable in respect of the impounding, holding and disposing of the item.

<https://www.legislation.nsw.gov.au/#/view/act/1993/31>

Note: The [Local Government Act 1993](#) gives a council power to order the removal of an object or matter that is causing or likely to cause an obstruction

ANNEXURE B

DEFINITIONS

Abandoned means having been deserted or left.

Unattended means not notices or dealt with.

Public authority means a public or local authority constituted by or under an Act and includes:

- a) A government department
- b) A statutory body representing the Crown, a state owner corporation or a local Council
- c) A member of staff or other person who exercises functions on behalf of a public authority.

ABANDONED SHOPPING TROLLEY IDENTIFICATION

Time

Date

Operator

Ranger

Depot

Location

Suburb

Landmark

Serviceable

 Yes No

Owner

Notified

Time

Date

Comments

Scanned/Sent

Time

Date

Impounded

 Yes No

PENRITH
CITY COUNCIL




CONTACT US

Penrith City Council
601 High Street
PENRITH NSW 2750

PO Box 60
PENRITH NSW 2751

PHONE: (02) 4732 7777
FAX: (02) 4732 7958
EMAIL: council@penrith.city
WEB: penrith.city

ANNEXURE C (1) - Shopping Trolley Contacts/Section 20 Notices

| | |
|---|---|
| Bunnings | 1300 554 777 |
|  | Bunnings Operations Level 8, No.5 Rider Boulevard Rhodes, NSW, 2138 customerfeedback@bunnings.com.au |
| Officeworks | 1300 633 423 |
|  | National Facilities Manager 87 – 93 Main North Road Prospect, SA, 5082 mchamberlain@officeworks.com.au |
| Aldi | 13 25 34 |
|  | Aldi Stores Locked Bag 56 St Mary's, NSW, 2760 customerservice@aldi.com.au |
| Target | 1800 163 900 |
|  | Target Pty Ltd 2 Kendall Street Williams Landing, VIC, 3027 customersupport@target.com.au |
| Woolworths & Big W | 1800 641 497 (Trolley Tracker) |
|  | Services Specialist Trolleys Facilities Management Format Development Woolworths Food Group PO Box 8000 Baulkham Hills, NSW, 2153 lmcnish@woolworths.com.au |
| Coles | 1800 876 553 (UTC) |
|  | Coles Group Ltd Level 6, M1, 800 Toorak Road Hawthorn East, VIC, 3123 compliance.support@coles.com.au |
| Kmart | 1800 876 553 (UTC) |
|  | Kmart Nepean Village 144 Station Street Penrith, NSW, 2750 K1097LM01@kmart.com.au |
| Trim's Fresh | 0427 169 169 (Trolley Solutions Australia) |
|  | Trolley Solutions Australia 1 Mozart Place Cranebrook, NSW 2749 info@trimsfresh.com.au |
| Local Contractors | |
| Contractor (Coles) | 0405 301 296 (St Marys only) |
| Contractor (Woolworths) | 0421 034 078 (Penrith only) |
| Contractor (Big W) | 0406 103 984 |

ANNEXURE C (2) Sundry Debtor/Registered Business Address

| Bunnings | |
|---|---|
|  | Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 info@wesfarmers.com.au |
| Officeworks | |
|  | Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 info@wesfarmers.com.au |
| Aldi | |
|  | Aldi Stores Locked Bag 56 St Mary's, NSW, 2760 customerservice@aldi.com.au |
| Target | |
|  | Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 info@wesfarmers.com.au |
| Woolworths & Big W | |
|  | Woolworths Group Ltd PO Box 800 Baulkham Hills, NSW 2153 legalnotices@woolworths.com.au |
| Coles | |
|  | Coles Group Ltd 800 Toorak Road Hawthorn East, VIC, 3123 compliance.support@coles.com.au |
| Kmart | |
|  | Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 info@wesfarmers.com.au |
| Trim's Fresh | |
|  | Trolley Solutions Australia 1 Mozart Place Cranebrook, NSW 2749 info@trimsfresh.com.au |

ANNEXURE D SHOPPING TROLLEY NOTICE

Our reference: Insert ECM

Contact: Insert Name

Telephone: 4732 Insert Ext

Insert date

Insert Name

Insert House & Street

Insert Suburb & Postcode

Dear Insert Name

Impounded Shopping Trolley – NOTICE TO OWNER

On Insert date Penrith City Council identified an apparent abandoned or unattended shopping trolley belonging to your organisation.

Council notified your call centre on Insert Date of the shopping trolley's location and requested it be removed within 48 hours or the shopping trolley could be impounded in accordance with Section 15 of the *Impounding Act 1993*.

By Insert Time on Insert date your shopping trolley had not been removed and as a result was impounded. In accordance with section 17 of the *Impounding Act 1993*, your shopping trolley will now be held at a council pound for a period of not less than 28 days. That period expires on the Insert date.

The fixed fee that is to be paid in respect of the impounding and holding your abandoned/unattended shopping trolley is \$103.00.

Attached is an invoice for costs incurred by Council for impounding and holding your shopping trolley. This invoice must be paid before the shopping trolley can be released. Methods of payment are detailed on this document.

Once payment is made, you will be directed to the relevant Council pound where Council will retrieve your shopping trolley upon proof of payment. Penrith City Council takes no responsibility for the condition of the shopping trolley upon release.

If the shopping trolley is not claimed before the expiry date and the appropriate impounding fees and charges not paid, Penrith City Council are entitled to sell or dispose of the shopping trolley.

If the fixed fee is not paid and the shopping trolley subsequently disposed of, Council may act to recover impounding fees and charges in line with our Cost Recovery Policy and Section 27 of the *Impounding Act 1993*.

If you require any further information about the process, don't hesitate to contact Council on (02) 4732 7777.

Yours faithfully

Insert Name

Ranger