

**Council Resolution – Minutes 19/06/2007**

**OFFICER'S RECOMMENDATION:** That Council:

- 1 ENDORSES option 2: reducing the removal period for abandoned shopping trolleys from 24 to 3 hours and AGREES to commence the process for amending the City's Local Government and Public Property Local Law to achieve this outcome;
- 2 SUPPORTS WALGA in its lobbying for state legislation that will provide guidance and increased enforcement options for local governments in relation to the abandoned shopping trolley issue;
- 3 ENDORSES option 4: planning approval conditions for new shopping centre developments or major redevelopments, requiring the production of Shopping Trolley Management Plans as a condition of future planning approvals;
- 4 SUPPORTS a concerted campaign on abandoned shopping trolleys, including impounding all abandoned shopping trolleys which are not reclaimed following tagging of trolleys and prosecuting all offenders.

**MOVED Mayor Pickard, SECONDED Cr John that Council:**

- 1 **ENDORSES option 1 which involves removing the tagging of abandoned shopping trolleys;**
- 2 **ENDORSES option 2: reducing the removal period for abandoned shopping trolleys from 24 to 3 hours and AGREES to commence the process for amending the City's Local Government and Public Property Local Law to achieve this outcome;**
- 3 **SUPPORTS further analysis of option 3 to determine whether it is possible to amend the City's Local Government and Public Property Local Law to remove the need to notify owners before trolleys are removed and impounded;**
- 4 **ENDORSES option 4: planning approval conditions for new shopping centre developments or major redevelopments, requiring the production of Shopping Trolley Management Plans as a condition of future planning approvals; and**
- 5 **ENDORSES option 5 in relation to impoundment fees and AGREES to increase the impounding fee for abandoned shopping trolleys to the maximum possible amount based on an analysis of all costs involved. (Here it is noted that Section 3.46(1) of the Local Government Act limits impounding costs to the costs of removing, impounding and keeping the goods. While the current impounding fee reflects many of the costs associated with impounding, a comprehensive assessment of costs is expected to identify a significantly greater amount which could be charged).**
- 6 **SUPPORTS limiting correspondence with abandoned shopping trolley owners to an absolute minimum and AGREES that only notices required by legislation be provided to shopping trolley owners (these include the notice under Section 3.42 that the goods may be collected and the notice under Section 3.44 relating to a prosecution);**

- 7 **SUPPORTS** further analysis of option 6 through the examination of the potential to establish a maximum penalty of \$5,000 under the Local Government Act;
- 8 **SUPPORTS** WALGA in its lobbying for state legislation that will provide guidance and increased enforcement options for local governments in relation to the abandoned shopping trolley issue;
- 9 **SUPPORTS** a concerted campaign on abandoned shopping trolleys, including impounding all abandoned shopping trolleys which are not reclaimed following tagging of trolleys and prosecuting all offenders.

Discussion ensued.

**AMENDMENT MOVED** Cr Fishwick, **SECONDED** Cr McLean that Point 8 of the Motion be amended to read:

- “8 **SUPPORTS** WALGA in its lobbying for state legislation that will provide guidance and increase enforcement options for local governments in relation to the abandoned shopping trolley issue to seek the:
- (a) **Promulgation of legislative powers for shopping trolleys to be impounded without notice;**
  - (b) **Introduction of a uniform local law that makes removing trolleys from shopping precincts a finable offence; and**
  - (c) **Implementation of specific legislative powers at a State Government level to allow local government to manage the enforcement of abandoned shopping trolleys without the need to resort to subsidiary legislation.”**

Discussion ensued.

**The Amendment was Put and CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean

**The Original Motion as amended, being:**

**That Council:**

- 1 **ENDORSES** option 1 which involves removing the tagging of abandoned shopping trolleys;
- 2 **ENDORSES** option 2: reducing the removal period for abandoned shopping trolleys from 24 to 3 hours and **AGREES** to commence the process for amending the City’s Local Government and Public Property Local Law to achieve this outcome;
- 3 **SUPPORTS** further analysis of option 3 to determine whether it is possible to amend the City’s Local Government and Public Property Local Law to remove the need to notify owners before trolleys are removed and impounded;

- 4 **ENDORSES option 4: planning approval conditions for new shopping centre developments or major redevelopments, requiring the production of Shopping Trolley Management Plans as a condition of future planning approvals; and**
- 5 **ENDORSES option 5 in relation to impoundment fees and AGREES to increase the impounding fee for abandoned shopping trolleys to the maximum possible amount based on an analysis of all costs involved. (Here it is noted that Section 3.46(1) of the Local Government Act limits impounding costs to the costs of removing, impounding and keeping the goods. While the current impounding fee reflects many of the costs associated with impounding, a comprehensive assessment of costs is expected to identify a significantly greater amount which could be charged).**
- 6 **SUPPORTS limiting correspondence with abandoned shopping trolley owners to an absolute minimum and AGREES that only notices required by legislation be provided to shopping trolley owners (these include the notice under Section 3.42 that the goods may be collected and the notice under Section 3.44 relating to a prosecution);**
- 7 **SUPPORTS further analysis of option 6 through the examination of the potential to establish a maximum penalty of \$5,000 under the Local Government Act;**
- 8 **SUPPORTS WALGA in its lobbying for state legislation that will provide guidance and increase enforcement options for local governments in relation to the abandoned shopping trolley issue to seek the:**
  - (a) **Promulgation of legislative powers for shopping trolleys to be impounded without notice;**
  - (b) **Introduction of a uniform local law that makes removing trolleys from shopping precincts a finable offence; and**
  - (c) **Implementation of specific legislative powers at a State Government level to allow local government to manage the enforcement of abandoned shopping trolleys without the need to resort to subsidiary legislation;**
- 9 **SUPPORTS a concerted campaign on abandoned shopping trolleys, including impounding all abandoned shopping trolleys which are not reclaimed following tagging of trolleys and prosecuting all offenders.**

**was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean