

IMPOUNDING AMENDMENT (UNATTENDED BOAT TRAILERS) BILL 2015

Bill introduced on motion by Mr Paul Toole, read a first time and printed.

Second Reading

Mr PAUL TOOLE (Bathurst—Minister for Local Government) [12.21 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Impounding Amendment (Unattended Boat Trailers) Bill 2015. The object of the bill is to introduce a number of measures to improve the management of boat trailer parking. Increasing numbers of families across New South Wales are enjoying the pleasures and enjoyment that come from a day on the water. One of the great treasures that New South Wales has to offer is its vast and diverse recreational waterways—whether that is the beauty and majesty of Sydney Harbour or the simple pleasures of boating on Lake Oberon, in my electorate. However, as more families are taking up this pastime there is increasing pressure on storage of boats, especially in higher density areas. Increasingly, boat owners are using on-street parking as a long-term parking solution for their boats. This has led to legitimate concerns about loss of amenity and increased road safety risk.

Currently, there are 204,000 boat trailers in New South Wales registered with Roads and Maritime Services. This number is forecast to increase by around 2.9 per cent per annum over the next decade. Consequently, the concerns of residents are likely to be exacerbated if the problem remains unchecked. The Impounding Act 1993 confers powers on enforcement officers to impound a vehicle or a trailer where the enforcement officer believes on reasonable grounds that the vehicle or trailer has been abandoned or left unattended. While these powers allow enforcement officers to impound clearly abandoned or unattended boat trailers, the officers cannot direct that legally parked boat trailers be moved by their owners, however long they have been parked. Enforcement authorities, in particular local councils, the NSW Police Force and Roads and Maritime Services, are finding that the exercise of current powers is proving insufficient to effectively respond to residents' concerns about the negative impacts of boat trailer parking.

This bill seeks to amend the Impounding Act 1993 by conferring on enforcement officers enhanced powers specifically relating to the parking of boat trailers. It proposes to do this in the following ways: making parked boat trailers, whether parked legally or otherwise, subject to impounding by an enforcement officer if unmoved for a period of three months; allowing the three-month period to be altered by regulation; and providing that, once a boat trailer becomes subject to impounding because the three-month period has elapsed, the owner must be given a minimum of 15 days' notice before impounding occurs. These measures will provide council and other enforcement officers with a clear power to direct that boat trailers, although legally parked, be moved on or impounded after being parked in the same place for three months after a further 15 days notice has been given to the owner.

The further 15-day notice period is provided as a matter of fairness to boat trailer owners, having regard to the length of time the trailer has been parked and the fact that in most cases trailers are registered and legally parked. These measures are designed to balance the rights of boat owners to legally park their trailers on the street and the interests and amenity of residents and the broader community in the use and sharing of an increasingly scarce resource—namely, on-street parking. It is also important to note that this bill is part of a broader package of legislative and complementary policy measures that seeks to increase long-term and on-water boat storage capacity.

The amendments will not affect the power enforcement officers currently have under the Act to immediately impound, without notice, a boat trailer that is obstructing traffic or that is likely to be a danger to the public. Nor will the amendments affect the general power that enforcement officers currently have to impound a boat trailer where they believe, on reasonable grounds, that the trailer has been abandoned or left

unattended. Further, the offences that currently apply under the Impounding Act where a vehicle is abandoned or left unattended will not apply to owners of boat trailers that are parked for more than the prescribed period. I take this opportunity to acknowledge the work of the Hon. Duncan Gay, Minister for Roads, Maritime and Freight, on this important bill. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.