

**Impounding Amendment (Unattended Boat Trailers) Bill 2015 (Proof)****Impounding Amendment (Unattended Boat Trailers) Bill 2015**

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IMPOUNDING AMENDMENT (UNATTENDED BOAT TRAILERS) BILL 2015

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Second Reading

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council [9.53 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. I acknowledge the constructive contributions of members of the other place to debate on the bill and will address some of these issues directly through Government amendments which have been circulated.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members who wish to conduct a conversation will do so outside the Chamber.

The Hon. DUNCAN GAY: The object of the bill is to enable impounding authorities, including local councils, to improve the management of boat trailer parking on residential streets. The bill complements other reforms the Government has already implemented in response to the work of the Boat Trailer Working Group. The bill is a simple one. It effectively provides, as a last resort, the impoundment of boat trailers and boats that have not been moved for a reasonable period of time, but only after a minimum of 15 days notice has been given to the owner. Clearly, notifying boat owners gives them the opportunity to move the boat trailer and to avoid it being impounded. In this way, this bill should not have an effect on the vast majority of responsible boaters who do the right thing and store their boats and trailers in a way that does not significantly impact on others in their local community or cause complaints and frustration.

This Government is a great friend of boaters and the boating industry and a strong advocate of safe and responsible boating. We are investing record funding to deliver boating infrastructure across the State. So far, under the NSW Boating Now program the Government has allocated \$33.7 million to deliver upgrades and new infrastructure, including boat ramps, jetties, pontoons, car parks and sewage pump-out facilities. Indeed, my objective as Minister for Roads, Maritime and Freight is not to see boats parked endlessly on streets but rather to see them out on the State's vast waterways, as often as the weather, work, family and other commitments will allow.

The good news is that we are seeing increasing numbers of families across New South Wales enjoying the pleasures that come from a day on the water. However, as more families are taking up this pastime, there is increasing pressure on the storage of boats, especially in higher density metropolitan areas. Increasingly, we have seen some boat owners using on-street parking as a long-term parking solution for their boats. This, in turn, has led to legitimate concerns about the loss of access to already scarce parking space and amenity and in some cases safety issues.

About 204,000 boat trailers in New South Wales are registered with the Roads and Maritime Services, with growth at around 2.9 per cent per annum forecast over the next decade. Consequently, the concerns of the 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 are 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 respond effectively 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. The offences that currently apply under the Impounding Act where a vehicle is abandoned will not apply to owners of boat trailers that are parked for more than the prescribed period. I am happy to acknowledge the good suggestions and opportunities to improve the bill, including those made by members with a deep history in local government.

While we have experts in the Office of Local Government and Transport for NSW, we should not forget that this is an issue in which local members are also very much experts—with years of experience of listening to and responding to concerns. The Government will be moving amendments to the bill introduced in the other place. We have continued to consult with councils, residents and other stakeholders to determine what will work best. I also acknowledge what the member for Heffron has said about the bill and confirm we have taken on board his suggestion that the bill allow local government to declare areas subject to the new powers and will be moving amendments to this effect.

In summary, first, councils and other impounding authorities can opt in to the new measures for all or part of their area of operations, improving local flexibility; second, boat trailers must be moved within a period of 28 days rather than three months; third, trailer owners must move at least as far as a different section of the road, past the next intersection; and, fourth, where councils and other impounding authorities opt in, the strengthened impoundment powers will not apply in the case of a boat trailer that is parked on a road in accordance with an official residential parking permit. These measures will provide council and other enforcement officers with a clear power to direct that boat trailers be moved on or impounded after being parked in the same place for 28 days, but only in declared areas and only after a further 15 days notice has been given to the owner.

These measures are designed to better target the new powers, balance the rights of boat owners to park their trailers on the street legally 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. In addition to our investments in boating infrastructure, up to \$5 million has been made available to support development of off-street boat trailer parking as part of this bill. Transport for NSW will initiate a further call for registrations of interest in development of off-street boat trailer parking facilities, in connection with the implementation of the bill, and it is pleasing to see some councils, such as Sutherland, have commenced already. Priority will be given to proposals that support implementation of declared areas and involve collaboration between councils, public land managers, boating and self-storage industries to provide least-cost but viable storage options.

The moorings review has been completed. I anticipate providing further detail in the near future on the improvements we intend to deliver. These will make more efficient use of existing mooring capacity to improve mooring administration. We implemented changes to the Road Transport Regulations in December 2014 to make it illegal for an unregistered trailer to be parked on a road and enable council officers to issue penalty notices. Similarly, changes to the Roads and Maritime Services Permit Parking Policy to provide councils with discretion to issue residential parking permits to residents with boat trailers were made in March 2015. If councils want to allow boat trailer parking in their own areas for their own people, they can. Finally, I can confirm that it is the Government's intention to coordinate commencement of the Act with local government action to implement declared areas and to give boat owners sufficient lead time to move their boat trailers. I commend the bill to the House.