

Passed by both Houses



New South Wales

Impounding Amendment (Unattended Boat Trailers) Bill 2015

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2015



New South Wales

Impounding Amendment (Unattended Boat Trailers) Bill 2015

Act No , 2015

An Act to amend the *Impounding Act 1993* to make further provision for the impounding of boat trailers left unattended for extended periods.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Impounding Amendment (Unattended Boat Trailers) Act 2015*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Impounding Act 1993 No 31

[1] Section 15A

Insert after section 15:

15A Impounding boat trailers

- (1) In this section:
declared area in relation to an impounding officer's area of operations, means the whole or any part of that area that is declared by the impounding authority that has appointed the officer, by order published in the Gazette, to be a declared area for the purposes of this section in relation to the officer.
road means a road within the meaning of the *Road Transport Act 2013* and includes a road related area within the meaning of that Act.
Note. The definition of *motor vehicle* in the Dictionary includes a boat trailer.
- (2) An impounding officer may impound a boat trailer in the officer's area of operations if the officer believes on reasonable grounds that the boat trailer is in a declared area and has not been moved for at least 28 days (or such other period as is specified by the regulations).
- (3) A boat trailer that is on a road is not moved for the purposes of this section if it is only moved along the same road and without passing an intersection with another road. An intersection with a road related area is to be disregarded for the purposes of this subsection unless it is related to a different road.
- (4) This section does not apply to a boat trailer that is parked on a road in accordance with an official resident's parking permit that applies to the boat trailer and is displayed on the boat trailer.
- (5) The power of an impounding officer to impound a boat trailer under this section is in addition to any power to impound the boat trailer under section 15.
- (6) Section 16 applies to the impounding of a boat trailer under this section and in such a case, the notice to the owner under section 16 (4) is to specify a period of not less than 15 days in which the boat trailer may be moved to avoid the impounding.
- (7) A boat trailer that may be impounded under this section is taken to have been left unattended for the purposes of this Act.

[2] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

any other Act that amends this Act

[3] Schedule 1, clause 8

Insert after clause 7:

8 Impounding boat trailers—2015 amendments

In determining the period for which a boat trailer has not been moved for the purposes of section 15A (2), no regard is to be had to any period before the commencement of that subsection.

[4] Dictionary

Insert in alphabetical order:

boat trailer means a trailer constructed for, or used for, the conveyance of a boat and includes any boat (including any article that is secured to or in such a boat) or other article mounted on such a trailer at the time it is impounded.

[5] Dictionary, definition of “motor vehicle”

Omit paragraph (a). Insert instead:

- (a) a motor vehicle within the meaning of the *Road Transport Act 2013*, and includes a caravan, boat trailer or other trailer (whether or not attached to such a vehicle), and

[6] Notes

Omit “at least 3 days’ notice must be given to owner before vehicle impounded. s. 16 (1)–(4)” from the diagram relating to Impounding of motor vehicles in the notes at the end of the Act.

Insert instead “notice must be given to owner before vehicle impounded. s. 16 (1)–(4A)”.