



# The Boat Owners Association of NSW Inc

## *Consumer Action in Boating*

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Dear Ms Forrester,

### **Review of the Impounding Act 1993**

The Boat Owners Association NSW (BOA) is a non-profit organisation representing the interests of boat owners across the state since 1987. Many of our members are trailer boat owners and few issues matter more to them than the 2015 Amendment to the Impounding Act allowing for local councils to impound trailers parked for more than 28 days.

Based on feedback from our members, too often this Act is used to harass law-abiding trailer boat owners for doing nothing more than parking their boats outside their homes.

The BOA is on the public record supporting the removal of problem boats from congested streets. All too often, however, impounding officers, armed with nothing more than a single complaint, target trailer boats that pose no such problems. Further, the Act as it stands often forces boat owners to park in streets away from their homes, in front of other people's residences, creating another problem where none otherwise would have existed.

Trailer boats are not pests to be eradicated. They are well-used and much-loved by working and middle-class families who just want to enjoy our waterways, to teach our children how to fish and respect the environment, and to enable healthy, outdoor lifestyles. Trailer boats allow everyone to enjoy such activities on the water, not just the wealthy few.

In response to the questions raised in the relevant part of the review:

#### ***“Are the boat trailer provisions still effective?”***

There is very little data to be able to determine whether the trailer provisions have been, are, or were ever effective at all. Anecdotal evidence suggests that they have created a great deal of angst and confusion.

***“If not, what is not working well?”***

- By forcing owners to park boats far from their homes outside other people’s residences, in some ways it has created problems where none existed before and exacerbated community frustration with “problem” trailers which only became “problems” because the Act made them so.
- It is manifestly unfair for councils to restrict trailer boat parking but not box trailers, advertising trailers and all other types of trailers. If the intention is to free up parking, all trailers should be targeted. Box trailers used for storage should be targeted before boat trailers given the ample availability of alternative storage facilities for things like unwanted furniture and clothing.
- Councils must be required to demonstrate genuine cause for restricting boat trailers and not be allowed to ban them on streets where there is plenty of available parking simply because some residents don't like the look of them. This is one direct consequence of North Sydney Council’s proposed new trailer complaints policy, as acknowledged by the council in writing to the BOA.
- Councils should not be allowed to issue "unattended boat notices" without proper evidence that the boats are unattended. Complaints from a single anonymous resident without proper on-the-spot verification by council rangers should not be grounds for issuing such notices.
- Councils should use the Impounding Act to remove problem trailers and *ONLY* problem trailers, and leave responsible, law-abiding trailer boat owners alone.

***“What are some suggestions for strengthening or expanding the legislation to better regulate the issue of boat trailer parking?”***

The obvious solution to these problems is parking permits to allow trailer boat owners to park their trailers outside their own residences, however very few councils in areas where such permits are most needed seem to be willing to issue them. By ensuring their trailers are registered at their place of residence councils would have clear access to stop nuisance parking.

The Act as it stands has failed to achieve its objectives, has instead created angst in the community, and should be repealed or at least amended to allow trailer boat owners to park their boats in front of their residences without fear of impoundment.

Thank you for your consideration.

Sincerely,



**ANDREW MCKINNON**

President