

# The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



3 July 2020

Policy Team

NSW Office of Local Government

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Cc: [wendy.forrester@olg.nsw.gov.au](mailto:wendy.forrester@olg.nsw.gov.au)

## Review of the *Impounding Act 1993*

The Recreational Fishing Alliance of NSW (RFA) is the peak body representing recreational angling associations, clubs and individuals in NSW. Many fishers in NSW live within 50 km of the coast and it is estimated that more than 20 per cent of all Australians engage in some form of boating annually. The vast majority of this activity takes place in craft owned by families enjoying the outdoors in affordable, legally-registered, trailer-mounted runabouts.

Boating and fishing are a way of life for many Australian families and now, more than ever, we need to consider how to remove any impediments from activities such as boating, where individuals and families can get out in the fresh air and on the water, for a chance to exercise their mental and physical wellbeing. The award-winning marine biologist Dr Wallace J Nichols is internationally renowned for his study into the 'Blue Mind' which, through a scientific evidence-based approach, has shown how getting out on the water reduces stress and promotes wellbeing, with significant physiological and psychological benefits. He found that with our lives getting increasingly busy and stressed, boating is the perfect way to unwind and relax. Now is the time we need 'Blue Mind' more than ever.

The last thing we need is a law focusing on boats and registered boat trailers that we once parked legally in front of our homes, in our own street. The burden and impost involved in complying to such laws often increases boaters' stress levels because of a law that has been ill-advised in its design—and it needs reviewing, not strengthening.

In July 2016, the *Impounding Act 1993* was amended by the *Impounding Amendment (Unattended Boat Trailers) Act 2015* to allow councils and impounding authorities to 'opt in' to take impounding action against boat trailers parked for more than 28 days. The intention was to enable councils to manage boat trailer parking on residential streets and encourage the use of off-street storage.

This response from the RFA will only focus on **Questions Part 2 – Division 4: Boat Trailers** in the review, as this is the part most relevant to our members and the anglers of NSW who own and park trailer boats on the street.

#### **4.4 Are the boat trailer provisions still effective?**

The RFA has not seen or has been provided any evidence or data relating to the amendments to the Act in 2015, and if indeed they have had any impact or the desired effect.

No details are available on which Councils have opted in, nor, in these LGAs, how many boats/trailers have been impounded, how many move-on notices have been issued, or how many complaints have been made. With no way to gauge the effectiveness of enforcement it is difficult to judge if these changes to legislation are having the desired effects. The lack of detail on the effectiveness of the existing legislation, which should have been available as part of the consultative process, is alarming. Whilst the RFA is not sure which agency should be providing this data, the public's ability to provide sound responses to the Impounding Act Review, Strategic Directions and Operational Directions is severely limited by these omissions.

#### **4.5 If not, what is not working well?**

Once again, without the facts relating to the effectiveness of the provisions it is difficult to gauge if anything is working well. Anecdotally we are not hearing about move-on orders or impoundments via social media nor via our member associations, and without any data it would be presumptuous for us to assume if the changes to the Act are working at all.

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

Under the current regulations, in any area where the provisions are applied, boat trailers must move at least every 28 days at least as far as a different block section of the same street. This applies regardless of whether the boat and trailer are moved for general use at some time during the 28-day period and then the boat and trailer are returned to the same parking location.

Council must provide notice of at least 15 days before impounding a trailer—which will include the boat and any other article mounted on the trailer. The new measures will not apply to boat trailers where a residential parking permit has been issued by a council and is displayed on the boat trailer—the legislation does provide the council with the discretion to issue residential parking permits to residents with boat trailers. It would be worthwhile knowing how many permits have been issued and how councils are dealing with this option—however no information has been provided as part of this discussion.

Under the Act a trailer owner is not only obliged to move their boat trailer from the front of their home to a possibly less-secure location, but will also be obliged to park the boat and trailer in front of the residence of someone else—who they do not know and who might not be happy about having a boat and trailer parked outside their residence for the next 28 days. The Act should be amended to reconsider a position on the issue of trailer parking permits even if only to permit parking in front of the residence of the registered boat trailer owner as part of the trailer registration process and even go as far to permit parking within their own street.

Regrettably most councils have not been willing to take any other action to minimise the impact on the local community of boat trailer parking. The NSW government did provide a funding opportunity for councils and other organisations to develop off-street trailer parking but this option has not been pursued by councils. Given the availability of open space within the council borders that could be adapted to accommodate off-street trailer parking, councils should be urged to reconsider their position on this option. However, no data has been provided on how much new off-street trailer parking has been established since 2015.

In reality the solutions provided under the Act will do nothing to reduce the impact of boat trailer parking on the local community. The number of boat trailers parked within the council boundaries is unlikely to be reduced and all that is being achieved is a compulsory 28 day movement of all boat trailers from one place to another—akin to a “musical chairs” solution—which will cause more aggravation and friction within the community than is already the case. It is also inequitable that other forms of trailers e.g. caravans, horse floats box, storage and advertising trailers are not captured by the boat trailer parking regulations, even though all types of trailers must be registered for road use.

The RFA believes that the *Impounding Amendment (Unattended Boat Trailers) Act 2015* should be removed, or at the very least reviewed to a more meaningful and less discriminatory level that should allow boat owners to park their legally registered boat trailers in their streets and in front of their houses without fear of impoundment.

Should you require any further information about the matters raised in this letter, or any other matter relevant to this request, please do not hesitate to call me on 0407 131 714.

Thank you for the opportunity to respond to this important matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Konstantaras'.

Stan Konstantaras  
President  
Recreational Fishing Alliance of New South Wales