

Unattended boat trailer Impounding Amendment Act Enforcement principles for pilot councils – July 2016

The Office of Local Government will work with pilot councils to ensure that a consistent and even handed approach to enforcement is taken through the pilot period.

While not limiting the discretion of impounding officers when enforcing the legislation, the following principles should guide enforcement action taken during the pilot period:

- Enforcement action should be prioritised in the case of boat trailers that:
 - pose a specific amenity, safety or visual pollution issue; or
 - are a source of legitimate complaint from residents (either before or after the commencement of the pilot).

- When undertaking enforcement action involving the potential impounding of a boat that is attached to a boat trailer, pilot councils will take into consideration:
 - That the owner of the vessel may differ to the owner of the boat trailer, and make appropriate efforts to identify the owner of both the trailer and the vessel before impounding action is taken; and
 - the need for the appropriate handling and care of the boat by impounding officers or their contracted impounding agents.

- Pilot councils will appropriately communicate their powers to boat owners and residents throughout the pilot period (e.g. through the distribution of communications material produced by the Office of Local Government, and through other measures such as temporary signage in high boat trailer usage areas).

- As the pilot process commences in the non-boating season, pilot councils will take into consideration the potential impact this may have on the ability of boat trailer/boat owners to be informed of impending enforcement action and take appropriate measures to address this (e.g. by making exhaustive efforts to contact the owner of the trailer and/or boat in question, and by placing notice of intention to impound stickers on a vessel as early as possible in the enforcement process).

- By 1 October 2016, all pilot councils will have in place a publicly available draft boat trailer impounding policy outlining their powers, declared areas and enforcement priorities.

The Office of Local Government will review the pilot process in conjunction with pilot councils, and in consultation with industry groups, and issue guidelines for councils and impounding authorities to inform the future implementation of the powers.