



<b>Circular Details</b>	22-31 / 28 October 2022 / A836458
<b>Previous Circulars</b>	22-19 Consultation on regulatory proposals for a new Public Spaces (Unattended Property) (PSUP) Regulation 2022 and to commence the PSUP Act 21-39 The NSW Government's <i>Public Spaces (Unattended Property) Act 2021</i> 19-30 Review of the Impounding Act 1993 and Release of Discussion Paper
<b>Who should read this</b>	Councillors/General Managers/All council staff
<b>Contact</b>	Policy Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information

## Commencement of the *Public Spaces (Unattended Property) Act 2021*

### What's new or changing

- The *Public Spaces (Unattended Property) Act 2021* (the PSUP Act) commences on 1 November 2022.
- The PSUP Act repeals the *Impounding Act 1993*.
- Also commencing on 1 November 2022 are the supporting *Public Spaces (Unattended Property) Regulation 2022* (the Regulation) and *Code of Practice for Sharing Services* (the Code) for operators of shopping trolleys and other sharing services.
- The new laws and supporting guidance materials were developed by the NSW Government through comprehensive consultation with the sector and other stakeholders.
- The new Act will better address the needs of communities, councils and other authorised officers across NSW when managing unattended animals and items in public places.
- The new laws will significantly reduce costs to councils and communities by an estimated \$10.1 million per year in dealing with unattended property.

### What this will mean for your council

- Authorised officers will need to familiarise themselves with the new laws, regulations and guidelines for authorities.
- The *Public Spaces (Unattended Property) Guideline for Councils and Other Authorities*, issued under section 23A of the *Local Government Act 1993*, provides information to support councils and other public land managers to interpret and implement the new laws.
- The PSUP Act repeals the *Impounding Act 1993*. Appropriate transitional arrangements are in place to carry over important matters.
- A grace period will be applied until **1 May 2023** where warnings, rather than fines, may be issued for certain items to which new rules apply if they are left unattended in public places (e.g. personal items such as kayaks, and shopping trolleys). This provides time to enable the public and businesses to become familiar and comply with the new laws.
- Detailed guidance is under development to support the future commencement of Section 19 of the Act which sets out special arrangements for emergencies

involving stock animals to balance public safety and biosecurity considerations. This section will be commenced by the Minister for Local Government by proclamation once the supporting guidance is in place.

### Key points

- The Government is committed to keeping public places safe and accessible for all members of the community.
- The new Act is outcomes focused and puts the onus on those responsible to manage their items and animals within risk-based timeframes or face strong regulatory action. The new laws:
  - require a broader range of people to take responsibility for leaving items or animals unattended;
  - provide clearer expectations and grounds for compliance action, including by enabling specific, risk-based timeframes for action;
  - provide for the efficient and effective management of different classes of items, including shared devices (such as share bikes and shopping trolleys), unattended motor vehicles (including boat trailers) and animals;
  - provide more flexible, modern arrangements for the storage of items and places of care of animals;
  - provide for stronger regulatory action to be taken, including through higher penalties for certain offences and bodies corporate;
  - provide more flexible, modern compliance and enforcement arrangements, including to enable better collaboration between councils and other authorities;
  - prescribe further duties, standards, and offences within the Regulation and a Code of Practice for sharing service items, and
  - include amendments to road transport laws in relation to unregistered vehicles parked on public roads.
- Feedback received from authorised officers and key stakeholders during the extensive consultation process was instrumental in shaping the new Act and Regulation.

### Where to go for further information

- The *Public Spaces (Unattended Property) Act 2021* and *Public Spaces (Unattended Property) Regulation 2022* are available on the Legislation Register at <https://legislation.nsw.gov.au/>
- Further information about the *Public Spaces (Unattended Property) Act 2021* is available on the OLG website [here](#).

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