



Circular Details	21-39 / 26 November 2021 / A798662
Previous Circular	19-30 Review of the <i>Impounding Act 1993</i> and Release of Discussion Paper
Who should read this	Councillors/General Managers/All council staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

The NSW Government's *Public Spaces (Unattended Property) Act 2021*

What's new or changing

- The *Public Spaces (Unattended Property) Act 2021* (the new Act) was passed by Parliament on 19 November 2021.
- The Act will repeal the *Impounding Act 1993*. It is important to note the new Act **has not commenced** and will come into effect on a date appointed by proclamation.
- Prior to commencement of the new Act, supporting regulations and guidance will be made, following public consultation.
- 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. It will:
 - 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 for special arrangements for emergencies involving animals on roads where that involves unacceptable risk
 - 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 corporates
 - provide more flexible, modern compliance and enforcement arrangements, including to enable better collaboration between councils and other authorities
 - enable further duties, standards, and offences to be prescribed by regulation and in Codes of Practice, and
 - amend road transport laws so that registered operators may be fined for parking unregistered class A cars and trailers on public roads from 15 days after the registration has lapsed, and to enable councils to issue penalty infringement notices for these offences for class A cars (in addition to trailers).

What this will mean for your council

- The Government is committed to keeping public places safe and accessible for all members of the community.

- The date of proclamation of the new Act will be determined by the Minister based on the development of supporting regulations and guidance and the readiness of councils, other authorities, industry and communities to implement the Act.
- The Office of Local Government (OLG) will continue to consult with councils, other authorities and industry to develop training, guidance and communication materials to assist with implementation.

Key points

- The new Act will continue to address the needs of communities, councils and other authorised officers across NSW when managing unattended animals and items in public places.
- Prior to commencement of the new Act, supporting regulations and guidance will be made, following public consultation.
- In December 2019, the Minister for Local Government, the Hon. Shelley Hancock, MP, launched a comprehensive review of the *Impounding Act 1993*.
- Feedback received from authorised officers and key stakeholders during the extensive consultation process was instrumental in shaping the new Act.

Where to go for further information

- The *Public Spaces (Unattended Property) Act 2021* is available at www.parliament.nsw.gov.au. Once assented to by the Governor, it will be 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](#).
- Further information about the review of the existing Impounding Act is available on the OLG website [here](#).



Brett Whitworth

Group Deputy Secretary, Planning Delivery and Local Government