



<b>Circular Details</b>	Circular Number 22-19 / 13 July 2022 / A825856
<b>Previous Circulars</b>	21-39 The NSW Government's <i>Public Spaces (Unattended Property) Act 2021</i> 19-30 Review of the <i>Impounding Act 1993</i> 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>	Feedback on regulatory proposals

## Consultation on regulatory proposals for a new *Public Spaces (Unattended Property) (PSUP) Regulation 2022* and to commence the PSUP Act

### What's new or changing

- The *Public Spaces (Unattended Property) (PSUP) Act 2021* passed Parliament on 29 November 2021.
- A Regulatory Impact Statement (RIS) has been released for consultation for 21 days on preferred options for regulations to support the new PSUP Act. An analysis of costs and benefits of the preferred option is included.

### What this will mean for your council

- The Office of Local Government (OLG) invites comment over the next 21 days on regulatory proposals in the RIS, including Penalty Infringement Notice amounts, notice periods, monetary caps under which items may be quickly disposed of, and risk-based timeframes within which those responsible for unattended property in public must collect their property or potentially face strong enforcement action.
- OLG will continue to consult with councils and others over the coming weeks to develop training, guidance and communication materials to support successful implementation of the PSUP laws.

### Key points

- The new PSUP laws will provide councils with stronger powers and penalties to rid footpaths, streets, parks and other public spaces of unattended property (including personal items, shopping trolleys, share bikes, vehicles and stock animals) by making those responsible for unattended property attend to it or face strong enforcement action.
- Following consultation on the RIS, it is anticipated that the new PSUP laws and regulations will be commenced later this year on a date determined by the Minister for Local Government, the Hon. Wendy Tuckerman MP.
- The RIS includes a detailed cost benefit analysis of the NSW Government's preferred option, which shows a net benefit to the community of \$10.1m per year or \$71 million over 10 years.
- Feedback received from councils and other key stakeholders during the extensive consultation process over the past 2.5 years was instrumental in shaping the

regulatory proposals, as flagged in the [Second Reading Speech](#) to Parliament at the time the Bill was debated.

- The proposals also incorporate feedback provided at consultation workshops held in April and May 2022 with councils, industry, community advocacy groups, peak bodies, animal welfare organisations and others on important regulatory proposals needed to commence the PSUP Act.
- The PSUP laws will replace and repeal the Impounding Act 1993 and regulations, including special provisions for declaring a 'boat trailer impounding area'.

### **Where to go for further information**

- A copy of the RIS, details about how to provide feedback by the closing date of 5pm **Wednesday 3 August 2022** and further information about the *Public Spaces (Unattended Property) Act 2021* is available on the OLG website [here](#).
- The *Public Spaces (Unattended Property) Act 2021* is available on the Legislation Register [here](#).
- Further information about the review of the Impounding Act and development of the PSUP Act is available on the OLG website [here](#).

**Liz Moore**

**Acting Deputy Secretary, Crown Lands and Local Government**