

Circular Details	22-43 / 19 April 2023 / A856940
Previous Circulars	22-31 Commencement of Public Spaces (Unattended Property) Act 2021 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
Who should read this	Councillors/General Managers/Regulatory and Public Space management staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Public Spaces (Unattended Property) Act 2021 – Conclusion of the Grace Period and updated guidance

What's new or changing

Grace Period Ending

- A grace period has been in place since the *Public Spaces (Unattended Property) Act 2021* (the PSUP Act) commenced on 1 November 2022 to provide 6 months for:
 - the community to become familiar and comply with the new laws
 - items such as shopping trolleys and share bikes to be safe to use and clearly branded with the operator's contact details
 - owners of personal items, such as kayaks, to understand that these should not generally be stored in public unless under an arrangement with the relevant public land manager.
- Only warnings, rather than fines, have been able to be issued for these Class 1 and Class 2 items during the grace period, which concludes on **30 April 2023**.
- From **1 May 2023** fines for all offences under the Act may be issued.

Feedback and Guidance Updates

- Staff from the Office of Local Government (OLG) have been in regular contact with council staff, members of the public and other stakeholders in recent months to answer policy queries and monitor implementation of the new laws.
- The *PSUP Guidelines* have been updated with new information to reflect the upcoming changes to the law from 1 May 2023 and to provide additional information to support councils to feel confident in implementing the new laws locally.

Communication materials for local communities

- OLG has also updated and published relevant fact sheets, infographics and social tiles for use in communicating the PSUP laws, to reflect the end of the grace period.

What this will mean for your council

- From 1 May 2023, authorised officers may issue fines for all offences under the PSUP Act.
- Authorised officers should ensure they are familiar with the PSUP laws, regulations and updated *PSUP Guidelines* for authorities.

- Councils should also use the resources available on the PSUP website to educate local communities about the PSUP laws, including the key changes coming into effect on 1 May 2023.
- Councils are encouraged to develop appropriate policy and procedures, in consultation with their local community, in relation to local enforcement action under the PSUP laws. Additionally, councils should communicate and implement any such policies fairly and consistently to ensure there is a common understanding by the community of how the council will apply the PSUP laws within its local government area.

Key points

- The NSW Government is committed to keeping public places safe and accessible for all members of the community.
- The PSUP Act puts the onus on those responsible to manage their items and animals within risk-based timeframes or face strong regulatory action.
- The PSUP Act empowers authorised officers of council to take regulatory action when they reasonably believe property to be unattended, and that the property is causing a safety risk, or access issue, or amenity issue, or has been left in the same place, or substantially the same place, for too long.

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, including the PSUP Guidelines and resources for councils to use to educate and update local communities, is available at: <https://www.dpie.nsw.gov.au/unattendedproperty>.

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