Evaluating the Public Spaces (Unattended Property) Laws Submission

**Information of privacy and confidentiality**

When you submit this survey, the Office of Local Government (OLG) will be collecting some personal information about you, in particular:

* your name
* your email address
* any personal information you decide to put in the additional comment field.

All input received through this consultation process may be made publicly available. Please let us know below if you do not want your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). There is a privacy policy located on OLG’s website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG’s website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

**How to submit this form**

Once completed, you may:

1. Paste responses into the survey online at <https://www.olg.nsw.gov.au/public/about-councils/laws-and-regulations/public-spaces-unattended-property-act-2021/> and click ‘submit’ **(preferred)**; OR
2. Attach this document to an email and send to unattendedproperty@olg.nsw.gov.au

**Evaluation questions**

The *Public Spaces (Unattended Property) Act 2021* (PSUP Act) and Regulation (Unattended Property Laws) commenced in November 2022 to provide councils, other public land managers and police with strong powers and penalties to manage property left abandoned or unattended in public. This includes:

* Small personal items such as kayaks and bicycles
* Shared devices such as shopping trolleys and e-bikes
* Motor vehicles including trailers, caravans and boat trailers
* Animals

Following a review of the previous *Impounding Act 1993* these laws aim to encourage owners of unattended property to remove or collect them within certain timeframes, after which enforcement action may be taken.

The enforcement powers under the Act are discretionary and authorities are encouraged by OLG to develop policies in consultation with their communities for prioritising how they will exercise their enforcement functions to deal with unattended property. The laws provide for this flexibility as communities across NSW all have diverse concerns and needs.

**Infographics and guidelines are available on the** [**OLG website**](https://www.olg.nsw.gov.au/public/about-councils/laws-and-regulations/public-spaces-unattended-property-act-2021/) **to assist authorities, operators and owners understand and implement the Unattended Property laws. This includes information on** [**penalties (fines)**](https://www.olg.nsw.gov.au/wp-content/uploads/2024/04/Table_of_offences_referencing_Public_Spaces__Unattended_Property__Act_against_former_Impounding_Act.pdf)**.**

This evaluation seeks your feedback as to how effective the implementation of these laws has been.

When answering the questions below, please consider:

* powers available to authorised officers
* timeframes for enforcement action
* councils’ and other authorities’ approach to using the Unattended Property Laws
* definitions and key concepts under the PSUP Act
* types of items, land, and circumstances in which Unattended Property Laws apply
* interactions with other legislation (e.g. environmental laws or parking laws)
* guidance materials for authorities and community regarding the Unattended Property Laws

**Provide your feedback below**

|  |
| --- |
| Your Details |
| Question | **Response** |
| Please tick if you would like your name and personal contact details to remain confidential | [ ] Yes – please keep my details confidential[ ]  I consent to my details being shared |
| Name  |  |
| Organisation/council name (if applicable) |  |
| Role title (if applicable) |  |
| Email address |  |
| Type of organisation | [ ]  Council[ ]  Industry (e.g. Retailer or shared device operator)[ ]  Advocacy body or general public[ ]  NSW Government public land management authority |

|  |
| --- |
| Feedback on the Public Spaces (Unattended Property) Laws |
| Question | **Response** |
| 1 | How familiar are you with the NSW laws dealing with unattended items in public spaces?  | [ ] Very familiar [ ]  Somewhat familiar[ ]  Not familiar at all |
| 2 | How effective are the Unattended Property Laws in addressing unattended property in your area? *(Further questions will provide an opportunity for feedback on your response.)*  | [ ]  Very effective[ ]  Effective[ ] Neutral[ ] Ineffective[ ]  Very ineffective[ ]  Not Sure |
| 3 | Which types of property do the Unattended Property Laws effectively address? (select all that apply) | [ ]  Animals[ ]  Vehicles[ ]  **S**hared e-bikes/scooters[ ]  Shopping trolleys[ ]  Signs and other small items[ ]  None of the above[ ]  Not Sure |
| 4a | Does your council take appropriate enforcement action for unattended property?  | [ ] Yes[ ]  No[ ]  Not applicable to me |
| 4b | Please explain your answer to the previous question: |  |
| 5 | For the following types of unattended property how effectively does your council address these? (select one per property type)

|  |  |
| --- | --- |
| Animals | [ ] Effective [ ] Neutral[ ] Ineffective [ ] Not sure |
| Vehicles | [ ] Effective [ ] Neutral[ ] Ineffective [ ] Not sure |
| **S**hared e-bikes/scooters | [ ] Effective [ ] Neutral[ ] Ineffective [ ] Not sure |
| Shopping trolleys | [ ] Effective [ ] Neutral[ ] Ineffective [ ] Not sure |
| Signs and other small items | [ ] Effective [ ] Neutral[ ] Ineffective [ ] Not sure |

 |
| 6 | What challenges, if any, are you aware of with compliance or enforcement of the Unattended Property Laws? |   |
| 7a | Are the [penalties (fines)](https://www.olg.nsw.gov.au/wp-content/uploads/2024/04/Table_of_offences_referencing_Public_Spaces__Unattended_Property__Act_against_former_Impounding_Act.pdf) for unattended property under the Unattended Property Laws appropriate?  | ☐ Too low☐ Too high ☐ About right☐ Not sure what the penalties are |
| 7b | If you answered “too high” or “too low” in the previous question, please describe which penalties you are referring to and any changes you would suggest to make the penalties appropriate. |  |
| 8 | Authorised officers must notify operators of unattended shopping trolleys and allow them to collect the trolley(s) within the following timeframes before taking enforcement action:

|  |  |
| --- | --- |
| If trolley is obstructing access or posing a safety risk | **3 hours** |
| If trolley is interfering with public amenity | **4 days** |
| If trolley has been unattended in the same place *(trolley must be unattended for 7 days total prior to any enforcement action)* | **4 days** |

 |
| 8a | Are these timeframes: | ☐ Too short☐ Too long ☐ Effective as is |
| 8b | Please explain your answer to the previous question:  |  |
| 9a | Would additional reforms help improve problems with unattended shopping trolleys, e.g. mandatory management strategies such as wheel locks or coin-deposits to prevent trolleys from being taken off retailer premises? | [ ] Yes [ ]  No |
| 9b | Please explain your answer to the previous question: |  |
| 10a | As private vehicle use has increased and parking space has become more contested, Unattended Property Laws give authorised officers powers to take enforcement action (e.g. fines, or impounding) for unattended, registered vehicles (including caravans, cars and boat trailers). This includes vehicles that are parked safely on the street in areas without parking restrictions, where the officer reasonably believes they have been unattended for 28 days or more. Do you support these powers? | [ ] Yes [ ]  No |
| 10b | Please explain your answer to the previous question:  |  |
| 11 | What changes would you suggest to the Unattended Property Laws to make them more effective?  |  |
| 12 | Are there other types of support that OLG could provide to councils, industry, or community for managing unattended property that would make the Unattended Property Laws more effective? |  |
| 13 | Do you have any other comments about the Unattended Property Laws? |  |