

<b>Circular Details</b>	22-14 / 30 October 2023 / A872350
<b>Previous Circulars</b>	23-01 Public Spaces (Unattended Property) Act 2021 – Conclusion of the Grace Period and updated guidance 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 Public Spaces (Unattended Property) Act 2021 19-30 Review of the Impounding Act 1993 and Release of Discussion Paper
<b>Who should read this</b>	Councillors/General Managers/Regulatory and Public Space management 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

**Public Spaces (Unattended Property) Act 2021 – Commencement of Special arrangements for stock animals in emergencies**

**What’s new or changing**

***Stock animal emergency provisions***

- Section 19 of the PSUP Act was not commenced in late 2022 with the rest of the Act to enable time for detailed guidance to be developed to help authorities work together and with farming communities when dealing with emergencies involving stock.
- Guidance has now been developed with input from the Department of Primary Industries, NSW Police and key stakeholders, to help authorised officers balance public safety, animal welfare and biosecurity considerations. This guidance is included as a new Appendix B in the *Public Spaces (Unattended Property) Guideline for Councils and Other Authorities (PSUP Guidelines)*.
- With guidance now in place, section 19 of the PSUP Act has now been commenced by Ministerial Proclamation, effective **1 November 2023**.

***Feedback and Guidance Updates***

- Since the commencement of the PSUP Act the Office of Local Government (OLG) has been in regular contact with councils, members of the public and other stakeholders 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 November 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 commencement of the stock emergency provisions.

## What this will mean for your council

- Following the proclamation of Section 19 of the PSUP Act, authorised officers may now use section 19 to help manage stock in emergencies.
- Authorised officers should ensure they are familiar with the PSUP laws, regulations and updated *PSUP Guidelines* for authorities.
- Councils in regional and rural areas are urged to work collaboratively with their local NSW Police and other agencies such as the Department of Primary Industries (DPI) and Local Land Services (LLS) to establish agreed arrangements for dealing with emergencies involving stock animals in accordance with section 19 of the PSUP Act and Appendix B of the *PSUP Guidelines*.
- Councils are encouraged to develop appropriate policy, in consultation with their local community, and procedures 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.
- Councils should also use the resources available on the PSUP website to educate local communities about the PSUP laws.

## Key points

- 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.
- Section 19 of the PSUP Act empowers authorised officers of council to place one or more unattended stock animals on any practicable premises in the vicinity, without taking possession of the animal, in certain emergency situations, if the authorised officer has made a reasonable attempt to obtain the relevant landowner or occupier's consent.
- These provisions recognise that in certain emergency situations involving stock animals it may not be possible for an authorised officer to immediately take an unattended stock animal to a place of care but failure to quickly move the animal poses an unacceptable risk to the health or safety of persons.

## 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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