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To whom it may concern

Thank you for the opportunity to provide feedback on *the Public Spaces (Unattended Property) Act 2021* (NSW) ('the Act'). The NSW Small Business Commissioner ('the Commission') is an independent statutory office of the NSW Government that provides strategic advice, advocacy and affordable dispute resolution services across NSW.

This submission presents a small business perspective on the issue of unattended property in public spaces. Drawing on survey feedback collected by the Commission in May 2025, it highlights the operational and amenity impacts commonly experienced by businesses, particularly in high-density areas. It also explores current gaps in awareness and understanding of the *Public Spaces (Unattended Property) Act 2021*, and identifies opportunities to improve implementation and support for affected businesses.

### **Maintaining appealing, accessible and orderly precincts**

Feedback to the Commission suggests small businesses are generally supportive of regulatory arrangements that enable precincts to be appealing, accessible and orderly. Small businesses have raised concerns relating to unattended property including:

- safety hazards for staff and customers
- obstructed access to premises
- reputational damage for individual businesses and local precincts
- increased cleaning and maintenance costs.

As part of a recent survey conducted by the Commission in May 2025, small businesses across NSW were asked about their experiences with unattended property (shopping trolleys, ride-share bicycles, animals) and the familiarity with the Act.<sup>1</sup> Two in five respondents (40 per cent) reported observing unattended property near their premises within the past 12 months. Of these, more than a third (35 per cent) encountered such property daily, while a similar proportion (39 per cent) saw it weekly. The issue was most acute for businesses located in CBD or urban centres, with 51 per cent in these areas observing unattended property on a daily basis.

Respondents most frequently identified unattended shopping trolleys, ride-share bikes and scooters, abandoned vehicles, and household goods as common issues. Many noted a lack of infrastructure, such as dedicated parking bays or designated collection areas, as a contributing factor. Businesses also expressed frustration about items being left in footpaths, laneways, or near shopfronts, where they can obstruct access or detract from visual appeal.

Responses also highlighted further recurring concerns such as accumulation of waste and the presence of personal belongings associated with broader social challenges such as homelessness. While the

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<sup>1</sup> Survey conducted between 5 May 2025 to 2 June with 502 respondents. The Survey is conducted through an online survey platform.

Commission acknowledges the complexity of these issues, feedback suggests they nonetheless contribute to a noticeable decline in operating conditions and the overall amenity of local commercial precincts.

### **Awareness of the Act and confidence in enforcement**

The Commission notes that despite the Act being in force since 2021, awareness among small business respondents remains low. Seven in ten (71 per cent) of businesses surveyed indicated they were not at all familiar with the legislation, and only 21 per cent reported any familiarity. Among those who reported unattended property to a local council or other authority, fewer than two in five (39 per cent) were satisfied with the response or resolution.

Further, understanding and perceptions of enforcement were limited. Just 10 per cent of businesses considered the current penalties under the Act to be effective, and only one respondent reported their business had received a fine. Several respondents expressed concern about the perceived excessiveness of fines, with one describing a \$500 penalty as “ridiculous for something that’s not even our fault,” highlighting a view that the current system may not adequately consider the context or culpability of business owners or bystanders. Ninety-nine per cent of all respondents were unaware of any fines being issued under the Act, suggesting limited visibility of compliance activity.

While small businesses often find themselves managing the day-to-day impacts of unattended property, whether it’s blocked footpaths, cluttered storefronts or increased cleaning costs, they are often unclear about what the law requires or how to respond. Feedback from the Commission’s survey point to a misalignment between the intended outcomes of the *Public Spaces (Unattended Property) Act* and the experiences of businesses on the ground.

Based on these findings, the Commission recommends consideration of administrative, procedural and operational improvements to strengthen compliance with the Act.

### **Small business obligations under the Act**

While the Act is intended to improve the management of public spaces, it can also impose compliance and administrative responsibilities on small businesses that own or supply items likely to be left unattended. While the Commission is unaware of any specific concerns relating to the operation of the Act other than the equity and proportionality of fines or penalties. There is wider frustration with implementation and resourcing, however care is needed to ensure regulatory requirements appropriately balance the operational needs of small businesses as well as broader policy objectives. Should any changes to the Act be considered, the further consultation with impacted stakeholders on those changes should be undertaken.

Thank you for the opportunity to provide feedback. If you require further information, please contact my Executive Officer Megan Bennett, via [commission@smallbusiness.nsw.gov.au](mailto:commission@smallbusiness.nsw.gov.au) or (02) 9372 8767.

Yours sincerely

Mark Frost  
**Acting Commissioner**  
**NSW Small Business Commission**

Date: 13 June 2025