

Impact of COVID-19

The NSW Government is committed to supporting councils to implement achievable measures to continue to undertake regulatory functions, while recognising that compliance officers require a level of flexibility and discretion to do their job effectively based on local circumstances.

Local communities and governments at all levels have been significantly impacted by the COVID-19 pandemic. It is important that local councils and State agencies continue to work together as effectively as possible to ensure we can deliver essential services to our communities, and that we all communicate in a clear and consistent way.

The COVID-19 pandemic has caused an exceptional set of circumstances with unprecedented impacts. For regulatory authorities, this is likely to have significant impacts on staff, operations and how best to ensure the health, safety and welfare of the community and to continue to impound animals and articles as needed.

While carrying out regulatory functions at this time may be particularly challenging, local communities will continue to look to their council and other regulators to protect them from harm.

When to follow this advice

Councils should consider this as general advice when undertaking their regulatory functions during this period. However, councils should not follow this general advice if it would be contrary to the [Public Health Orders](#), advice from NSW Health or specific advice issued by a Government agency with respect to a specific regulatory function or law.

General advice on undertaking regulatory functions

Some general steps that councils and compliance and enforcement officers may consider during this period are:

- **Protect staff and volunteers** – consider how best to minimise risks to local government compliance and enforcement officers as well as other staff and volunteers. This may involve changes to operations, facilities and practices to apply social distancing as well as provision of appropriate Personal Protective Equipment (PPE).
- **Prioritise resources** – consider where to allocate limited compliance resources to target unlawful behaviour that has the greatest potential to cause harm to people, the environment, critical public infrastructure and services.
- **Take appropriate compliance action** – consider the broader context of how best to protect public health and safety during this pandemic in deciding whether to act and what action is most appropriate if unlawful behaviour has occurred. For example, compliance and enforcement officers may choose to use their discretion to implement less resource intensive regulatory options, such as advice or negotiation, for all but serious breaches of the law which may still warrant orders or prosecution.
- **Keep up to date with new advice** – approaches to regulation will need to change as priorities and risks will continue to evolve during the COVID-19 pandemic.
- **Check powers and delegations** – councils may need to identify who is available to undertake key regulatory functions if other staff become unavailable and check who can exercise powers under specific laws. Delegations may also need to be modified to ensure continuity of critical regulatory services. Councils are encouraged to share regulatory services where it is appropriate and legal to do so.

- **Prioritise complaints and requests for service** – ensure that a process is in place for triaging of requests and complaints received and those assessed as most critical are dealt with immediately while less urgent or less serious matters may be delayed.
- **If necessary, limit non-essential work** – it may be necessary to reduce the frequency of some proactive monitoring and inspection work to ensure that critical infrastructure and services are maintained (such as critical water supply and sewerage treatment, food safety checks and dog attack responses) consistent with council's business continuity plan.
- **Communicate changes** – set out clearly on council's website and through any social media or other direct advice to the community and business any new or modified general approach to compliance and enforcement in effect during the COVID-19 pandemic, including the reasons. Clear explanations for changes to regulatory functions help to provide certainty and maintain public accountability and trust.

Advice on specific regulatory functions

The Office of Local Government is working closely with other Government agencies to ensure that councils can access any further advice and support needed to respond to the direct and indirect impacts of the COVID-19 pandemic.

The Office of Local Government has a Liaison Officer in the State Emergency Operations Centre representing the local government sector and working alongside 18 other State agencies in relation to the NSW Health response to Novel Coronavirus (COVID-19).

Where to go for further guidance

Councils are encouraged to refer to the Ombudsman's [Enforcement Guidelines for Councils](#) and [Model Compliance and Enforcement Policy](#) for practical guidance about achieving consistency and applying discretion openly and fairly based on local circumstances.

If you have any questions in relation to delivery of your council's regulatory services during the COVID-19 pandemic please contact the relevant agency, particularly as this situation continues to evolve and new issues and challenges arise.

Alternatively, contact your Council Engagement Manager in the Office of Local Government on 02 4428 4100 or email olg@olg.nsw.gov.au for further advice.