

<b>Circular Details</b>	20-22 / June 2020 / A707074
<b>Previous Circular</b>	N/A
<b>Who should read this</b>	General Managers / Council public health and enforcement staff
<b>Contact</b>	Council Engagement Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Action by relevant staff

## Supporting local businesses to comply with COVID-19 restrictions

### What's new or changing

- The NSW Government recognises that councils are playing a critical role in protecting the community from the transmission of COVID-19. Central to this has been their ongoing engagement and education of the community in relation to COVID-19 restrictions in public spaces and council-owned facilities.
- As restrictions ease and the focus moves towards recovery, the NSW Government is requesting that councils build on their community safety role by engaging with local businesses that need assistance in complying with COVID-19 Public Health Orders.
- The NSW Government has developed the COVID Safe Check app, which provides a way for customers to give feedback in real time to businesses and to regulators for action where necessary.
- In some cases, feedback about businesses who may not be fully complying with the Public Health Order may be provided to councils through the Office of Local Government (OLG).
- Councils are asked to engage with identified businesses through targeted site visits, the primary purpose of which will be to guide and assist business operators towards compliance with the Public Health Orders.
- All enforcement action will remain a matter for the NSW Police Force.

### What this will mean for your council

- OLG will refer relevant COVID Safety Check app feedback to the appropriate council based on the location of the business. OLG will establish a point of contact in each council to ensure consistency in the referral process.
- Councils are asked to review the feedback and respond within available resourcing. However, site visits to businesses to provide information about restrictions and encourage compliance are likely to be the most effective approach.
- To assist councils, an information pack including a standardised site visit checklist and an online training presentation will be available on the OLG webpage in the coming days. This will include links to relevant information which councils can provide to businesses as part of the education and engagement process.

- Where a site visit is undertaken, council officers should consider:
  - (a) Alerting the business that the council has received information the business may not be in compliance with the Public Health Order.
  - (b) Explaining the importance of the Public Health Order restrictions and seek their cooperation by providing education material in the standard information pack.
  - (c) Advising that if council or the NSW Government receives information about further breaches from the business, the matter may be escalated to the NSW Police Force for enforcement.
- Councils are asked to report back to OLG on any action taken. OLG will provide a streamlined reporting tool for this purpose.
- Councils are also encouraged where possible to take proactive action by providing relevant information to local businesses even if a complaint has not been received.

### Key points

- Businesses have an obligation to comply with the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020 in relation to the COVID-19 pandemic.
- Under the Public Health Orders, businesses have been allowed to open to the public for limited purposes and subject to the conditions set out in the Public Health Orders. These conditions can include the development of and compliance with a COVID-19 Safety Plan that address the matters in the published checklist relevant to that industry or venue type.
- Councils can build on their well-established public health community engagement processes to encourage local businesses to comply with the Public Health Orders.
- An overview of the roles and responsibilities of councils and other NSW Government agencies in relation to the Public Health Orders is contained in Attachment 1.

### Where to go for further information

- OLG's Council Engagement Managers will contact councils in the coming days to develop a database of relevant officers and answer any questions councils may have about the process.
- Further information (including resources such as a standardised checklist and reporting tools) will be available on the OLG's COVID-19 webpage.



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

Office of Local Government  
 5 O'Keefe Avenue NOWRA NSW 2541  
 Locked Bag 3015 NOWRA NSW 2541  
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
 E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046

**Attachment 1 - Overview of the role and responsibilities of councils and other NSW Government agencies:**

<b>Business type</b>	<b>Council role</b>	<b>Other agency role</b>
<b>Restaurants, food courts and cafes</b>	<ul style="list-style-type: none"> <li>Follow-up any initial complaints referred from Service NSW.</li> </ul>	<p><b><u>NSW Food Authority</u></b></p> <ul style="list-style-type: none"> <li>Proactive engagement in industrial areas, Sydney Harbour Foreshore Authority (SHFA) and Unincorporated areas.</li> <li>Follow-up initial complaints referred from Service NSW in industrial areas, SHFA and Unincorporated areas.</li> </ul>
<b>Pubs, clubs, casino, microbreweries, producer/wholesaler, small bars, nightclubs, karaoke bars, vessels and racecourses</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<p><b><u>Liquor &amp; Gaming</u></b></p> <ul style="list-style-type: none"> <li>Proactive engagement and follow-up initial complaints referred from Service NSW in most metro areas.</li> </ul> <p><b><u>NSW Police Force</u></b></p> <ul style="list-style-type: none"> <li>Proactive engagement and follow-up initial complaints referred from Service NSW in most regional and some metro areas.</li> </ul>
<b>All other business (retail, gyms, beauty salon, tattoo parlours etc)</b>	<ul style="list-style-type: none"> <li>Follow-up any initial complaints referred from Service NSW.</li> </ul>	<p><b><u>NSW Health EHOs</u></b></p> <ul style="list-style-type: none"> <li>Proactive engagement in all council areas (except retail).</li> <li>Follow-up initial complaints referred from Service NSW in all council areas (including retail).</li> </ul> <p><b><u>SafeWork</u></b></p> <ul style="list-style-type: none"> <li>Will proactively promote work health and safety in retail business and will advise relevant councils when focussing on particular areas.</li> </ul>
<b>All business types</b>	<ul style="list-style-type: none"> <li>No enforcement role.</li> </ul>	<p><b><u>NSW Police Force</u></b></p> <ul style="list-style-type: none"> <li>Enforcement of all escalated incidents.</li> </ul>