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These Frequently Asked Questions (FAQs) provide responses to a range of local council questions regarding the Government's request that NSW councils engage with businesses that need assistance in complying with [COVID-19 Public Health Orders](#).

The role of councils in assisting businesses to be COVID Safe	
What are councils being asked to do?	<p>Councils play a critical role in protecting their local community from the transmission of COVID-19 through ongoing engagement and education of the community.</p> <p>The NSW Government is requesting that councils build on this by engaging with businesses that need assistance in complying with COVID-19 Public Health Orders.</p> <p>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. Office of Local Government (OLG) will refer feedback to the appropriate council based on the location of the business.</p> <p>Councils are asked to review the feedback and respond within available resourcing. Site visits to businesses are likely to be the most effective approach.</p> <p>Where possible, councils are asked to take proactive action by providing information to local businesses even if a complaint has not been received.</p>
Which local business are councils being asked to visit?	<p>Councils are being asked to visit a range of local businesses, if complaints are received. However, councils are not being asked to visit licenced premises (ie. pubs, clubs, casino, microbreweries, alcohol producer/wholesalers, small bars, nightclubs, karaoke bars, vessels and racecourses) which will be a matter for NSW Police or NSW Liquor and Gaming.</p>
Will other enforcement agencies be participating in this process?	<p>Yes.</p> <ul style="list-style-type: none">- <u>NSW Food Authority</u> will undertake proactive engagement with food and drink premises in industrial areas, Sydney Harbour Foreshore Authority (SHFA) and Unincorporated areas, and will also follow-up initial complaints referred from Service NSW in those areas.

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	<ul style="list-style-type: none">- <u>NSW Liquor & Gaming</u> will undertake proactive engagement and follow-up initial complaints about licences premises referred from Service NSW in most metro areas- <u>NSW Police</u> will undertake proactive engagement and follow-up initial complaints about licenced premises referred from Service NSW in most regional and some metro areas.- <u>NSW Public Health Units</u> will undertake proactive engagement in all council areas (except in the case of retail stores), and will follow-up initial complaints referred from Service NSW in all council areas.- <u>SafeWork NSW</u> - will proactively promote work health and safety in retail business and will advise relevant councils when focussing on particular areas.- The role of councils is to raise awareness of requirements and assist businesses. Where a serious or ongoing breach of the restrictions is observed, enforcement action will remain a matter for <u>NSW Police</u>.
What timeframe is the Government expecting councils to undertake these visits?	<p>The NSW Government recognises that councils must prioritise this role within available resources. No timeframe or urgency has been articulated at this stage. The timeframe will likely depend on compliance (with the Orders) and infection rates.</p> <p>However, it is important that awareness and understanding is raised within businesses as a matter of priority to help prevent outbreaks which may necessitate a return to harsher restrictions.</p>
Aren't councils being asked to inspect premises for compliance with the Public Health Orders?	<p>These are not compliance inspections. They are site visits to businesses to provide information about COVID-19 restrictions and to encourage compliance.</p> <p>All enforcement action remains a matter for NSW Police and individual matters should be escalated accordingly.</p>
What should council officers be doing at site visits?	<p>Where a site visit is undertaken, council officers should:</p> <ul style="list-style-type: none">a) Alert the business that the council has observed or received information the business may not be in compliance with the Public Health Order.b) Explain the importance of the Public Health Order restrictions and seek their cooperation by providing education material in the standard information pack.

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	c) Advise that further breaches from the business may be escalated to the NSW Police for enforcement.
Will councils be provided with clear workplace health and safety advice on conducting these inspections?	Any concerns about workplace health and safety should be raised internally at your council. There is a great deal of information about workplace safety on the SafeWork NSW website.
Why was there no consultation with councils over their ability to carry out COVID-19 inspections before the orders were put in place?	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 Order. There is no Government direction for councils to undertake this role.
Does this role affect a council officer's ability to undertake regular enforcement activities?	<p>No. COVID Safe site visits should be undertaken separately to other enforcement inspections wherever possible (eg: food inspections for the purposes of the Food Act 2003).</p> <p>If not feasible, council officers must fully complete one function and then clearly articulate to the owner/operator the new function will begin (or words to that effect).</p>
Can councils charge inspection fees for these site visits?	As councils are not undertaking a regulatory function during COVID Safe visits (ie: no enforcement action is undertaken) they cannot charge an inspection fee under section 608(3) of the <i>Local Government Act 1993</i> .
If complaints are being directed to councils who do not have the power to enforce the Public Health Orders and instead have	<p>The NSW Government is requesting that councils engage with businesses that need assistance in complying with COVID-19 Public Health Orders.</p> <p>Councils have appropriate authority to engage with business for this purpose and can determine their own level of involvement.</p>

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to refer them to Police, why are councils involved at all?	
Resources to assist councils	
What resources are available to councils?	<p>The OLG has produced a number of resources for councils including:</p> <ul style="list-style-type: none">- a site visit checklist*- a detailed council officer training presentation (outlining the current COVID requirements for businesses, how can councils assist, and where to find further information), and- these FAQs. <p>Service NSW and SafeWork also have extensive information on their websites about COVID-19, workplace safety and business requirements.</p> <p>* For restaurants, food court and café visits, councils are being asked to use the separate Food Authority checklist and resources available on the Food Regulation Partnership Portal</p>
Why is there a separate checklist for restaurants and cafes?	<p>The resources available on the Food Regulation Partnership Portal have been specifically developed to recognise the role that council Environmental Health Officers play in enforcing the Food Act and clarify the expectations of these officers participating in COVID Safe inspections.</p>
Can the checklist be made available in hard copy for council officers that cannot access the internet or devices during site visits?	<p>The easiest option will be for council officers to use the electronic version, accessible on any device including mobile phones. However, hard copies of the checklist may be printed and used in site visits.</p>

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What translations are available for this material?	Translations of COVID-19 Safety Plan guidance are now available in a large number of community languages on the NSW Government website.
COVID requirements	
Where can councils find information about the requirements for business in the Public Health Orders?	For more information please visit the NSW Government and NSW Health websites. The latest Public Health Orders can be accessed here .
The Public Health Orders do not specify what is contained in the COVID-19 Safety Plans, is there any likelihood that these will be changed?	The Order requires a COVID 19 Safety Plan to address the matters required by the COVID-19 checklist. The checklists are on the Service NSW website and can be downloaded by the business. We are not aware of any expected changes to the Safety Plans as they are a mechanism for businesses to work through how they will meet the principle outcomes required to limit the spread of COVID 19.
When should businesses have completed and implemented their COVID-19 Safety Plan?	The Order came into force 1 June 2020. The obligation to comply was introduced then.