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Introduction

This guidance information is provided by the Office of Local Government (OLG) in response to amendments relating to the Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021.

This information is in response to a range of local government enquires and is provided for guidance only.

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 contains directions on staying at home in Greater Sydney (which includes the Blue Mountains, Central Coast, Wollongong and Shellharbour LGAs), entering Greater Sydney, and additional restrictions across New South Wales.

The current Order commenced on 28 July 2021 and extended the restrictions on Greater Sydney until 28 August, unless extended or repealed earlier. The main considerations for councils include:

- Greater Sydney residents including the Central Coast, Blue Mountains, Wollongong and Shellharbour can only shop for essential items and must limit their shopping to within their Local Government Area (LGA), or, if outside their LGA, within 10km from home, unless the item is not available locally.
- Parramatta, Campbelltown, Georges River, Fairfield, Liverpool, Canterbury-Bankstown, Blacktown, Bayside, Burwood, Strathfield and Cumberland LGAs, along with the suburbs of Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair and St Marys, are designated as a 'declared area' and residents are subject to an Authorised Workers Order. Only authorised workers in these declared areas may leave their LGA/suburb for work. More information relating to authorised workers can be found [here](#).
- Residents of declared areas are subject to further restrictions in relation to exercise, masks and essential shopping:
 - Exercise, outdoor recreation and singles bubbles visits must be within 5 kms of the person's home,
 - Individuals cannot travel more than 5 kms from home for shopping, unless the goods or services are not readily available in that area, and
 - Masks must be worn at all times outside the home regardless of proximity to others.
- From 11 August 2021, all construction sites in Greater Sydney can reopen, including those located in declared areas, with significant safety measures in place.

OLG continues to support the sector through online resources and information sessions. The latest information and resources are provided as follows.

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- OLG held a webinar for councils on 28 June 2021 to provide information on the latest Order. A recording can be found [here](#). Information on restrictions, including a map of LGAs, can be accessed [here](#).
- OLG also held a webinar for councils on 15 July 2021 about QR Code requirements. A recording can be found [here](#).
- Stay up to date on the latest version of the Public Health Order [here](#).
- For more information please visit the [NSW Government](#) and [NSW Health](#) websites.

1. Council administration buildings, depots and offices

The requirements relating to [working from home](#) have been strengthened. **An employer in Greater Sydney must require a worker to work from home** unless it is not reasonably practicable. In regional NSW, other than any LGAs affected by a temporary local down, an employer must **allow** an employee to work from home unless it is not reasonably practical. The NSW Government strongly urges all councils to minimise staff that are not working from home to the maximum extent possible. Failure to do so can result in a fine of up to \$10,000.

1.1 Contractors

Councils must make a determination as to whether they consider the work being carried out as essential. Factors to consider include the nature of the work or service and contractual terms. If the work can be delayed without adverse impact on project deliverables, then councils are encouraged to do so.

Councils are reminded under the Amendment Order that a person leaving Greater Sydney or any other areas affected by a temporary lockdown (who is at least 18 years of age) is required to carry a face mask and evidence showing their address and produce that evidence if required to do so by a police officer. This includes workers travelling from Greater Sydney to perform work in regional NSW.

If councils decide that work cannot be delayed and their contractors are travelling from Greater Sydney or any other areas affected by a temporary lockdown, councils should implement strategies to minimise risk. This could include consideration of whether those contractors can complete the work without coming into close contact with local staff and generally limiting the interaction and mixing of employees. There is an expectation that such contractors will carry out their work before immediately returning home without mingling with locals.

Where practical, council decisions relating to contractors should be made with a view to minimising the requirement for travel across, from and through Greater Sydney or an affected area. If a staff member or contractor is required to enter Greater Sydney or an affected area for work that cannot be carried out from home, that person will be subject to the stay at home order upon their return.

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Infrastructure NSW has developed [seven principles](#) for dealing with the impacts of COVID-19 on community infrastructure projects.

1.2 QR codes

To facilitate contact tracing, the Order requires persons entering specified types of premises to register their contact details electronically as well as providing alternative means for persons who cannot register electronically due to age, disability or language issues, or due to internet outages.

Effective from 12 July 2021, the Order has been amended to extend these requirements to additional types of premises including retail, office, industrial, accommodation, residential care, education, child-care premises and construction sites, and for the Service NSW QR code to be used at all specified premises.

Councils are required to take reasonable steps to ensure people entering their premises (such as workplaces and depots) check-in using the Service NSW QR codes or digital sign-up sheet. This includes staff and visitors such as maintenance workers and delivery drivers. While many council premises across NSW have adopted and implemented COVID safe plans, including check-in processes, it is a timely reminder for councils check their compliance in light of this new mandate. To register to access your COVID Safe resources please visit [here](#) or to find about the changes to the QR code rules please visit [here](#).

1.3 Authorised workers –

Workers who live in declared areas can only leave their residence to go to work if:

- the business is allowed to be open.
- you are an authorised worker.

For more information, please refer to [this list of authorised workers](#) and the [rules for leaving home to go to work](#).

Of particular note to councils are the following categories who are defined to be authorised workers:

- A person employed or engaged to provide services to persons with disability or vulnerable persons.
- Early childhood education and care.
- Biosecurity and food safety personnel undertaking critical duties.
- Electricity, gas, water and waste services described as electricity services, operation of energy systems, gas services, liquid fuels, water supply, sewerage, sanitation and drainage services and waste resource recovery services (including collection, treatment and disposal services).

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- Essential services for the maintenance, safety and upkeep of public and recreational spaces.
- Click and collect services
- A person employed or engaged at a residential aged care facility
- Animal welfare, care and accommodation services
- a person who works on a construction site

Workers from Greater Sydney should be reminded of their [testing requirements](#), which may apply depending on their work and place of residence.

1.4 Carpooling in Greater Sydney

In Greater Sydney, you cannot [travel in a vehicle](#) with persons other than members of your own household, and persons over 18 must carry documentation evidence of their address when in a vehicle with another person and provide it to police on request.

This does not apply to vehicles being used:

- to provide public transport.
- for work (e.g. police, ambulance).
- to provide care and assistance to a vulnerable person.
- for an emergency or for compassionate reasons.

1.5 Extended face mask rules

If you cannot work from home and you go to your workplace, you must wear a face mask (unless an exemption applies) in all indoor areas of non-residential premises. This includes:

- When carpooling which includes in council vehicles in which more than one employee is traveling
- In non-residential indoor areas
- At a COVID-19 safe outdoor gathering
- A controlled outdoor public gathering
- If you are on public transport

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- In a major recreation facility such as a stadium
- For some situations in [outdoor areas](#)
- In airports and on commercial domestic flights
- If you are working in a hospitality venue

NSW Health also advises that, to help stop the spread of COVID-19, masks should be worn at any time that you cannot stay 1.5 metres away from other people. It is required that councils ensure that adequate [physical distancing](#) continues to be maintained. For further information relating to face mask rules please visit [here](#).

In Greater Sydney and any other areas affected by a temporary lockdown, masks are required in indoor common property areas of residence premises (e.g. lifts and lobbies of apartment blocks).

There are [additional areas where masks are required](#):

- In indoor and outdoor areas of food markets in Greater Sydney.
- In outdoor areas near food, drink or retail premises in Greater Sydney.
- In outdoor areas while working in Greater Sydney.
- By persons in a school, other than a student.

In addition, in Greater Sydney and any other areas affected by a temporary lockdown, persons [must carry a mask with them at all times](#) when away from their residence.

For persons who cannot wear a face mask because of a disability, physical or mental health illness or condition, they must carry either:

- a medical certificate or letter signed by a registered health practitioner (such as a doctor) or a registered NDIS provider or
- a statutory declaration.

Note: for residents of declared areas, masks must be worn at all times outside the home regardless of proximity to others.

1.6 Construction sites

A construction site is a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure, or at which civil works are being carried out, **but not** work carried out on residential occupied dwellings (see below for further information regarding this type of work).

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Greater Sydney

From 11 August, construction sites (this includes civil works) in declared areas of Greater Sydney can reopen, in addition to sites located throughout the rest of Greater Sydney which were reopened on 31 July. Importantly, for occupiers of construction sites in these declared areas, or who have employees whose place of residence is in a declared area, [further rules apply in order to operate](#):

- comply with the capacity limits for construction sites – the lesser of:
 - 1 person per 4 square metres of space at the construction site; or
 - 50% of the maximum daily workforce. The maximum daily workforce is the maximum number of workers on site on any day from the start to the end of the project. The maximum daily workforce must be derived from the current resourcing plan for the construction site.
- ensure their workers [comply with the COVID-19 vaccination requirements](#) before the worker enters the site;
- have a COVID-19 safety plan.

Any worker whose place of residence is in one of the declared areas must carry the required evidence of compliance with the vaccination requirements when on a construction site and produce it on request to their employer, the occupier, a police officer or authorised officer. There is an obligation on the occupier (including councils) to ensure that the person has the required evidence.

The required evidence is:

- Proof of address, and
- All of the following which apply:
 - Evidence from the Australian Immunisation Register that the person has had 1 or 2 doses of the vaccine
 - Evidence that the person has been tested for COVID
 - Medical certificate showing the medical contraindication

Note: the capacity limits for construction sites introduced from 11 August apply to **all** construction sites in Greater Sydney, not just those sites located in declared areas.

Construction workers have been added to the authorised worker list.

Residential occupied dwellings

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All work, including *prescribed work*, in residential occupied dwellings in Greater Sydney is permitted (outside of declared areas) and is limited to two workers on site for indoor works and five workers for outside works. There must be no contact between workers and occupants. *Prescribed work* is renovation (alterations or additions), repair, maintenance or cleaning work. This includes maintenance services such as gardening, swimming pool, and pest control services. Prescribed work does not include renovations at unoccupied homes. The rules for construction applies to renovations at unoccupied homes.

For declared areas, work in residential occupied dwellings is only permitted where the work is *prescribed work that is necessary*. Prescribed work will be necessary if it is:

- urgent to ensure the health, safety, or security of the premises or household
- an emergency
- for the installation, maintenance and repairs of essential utilities, including a water, gas, electricity, internet, television or telecommunications service
- for fire protection and safety.

Prescribed work is necessary if it is repairs, maintenance or cleaning (but not renovations) to prepare an unoccupied place of residence for sale or lease.

For further information on work permitted in residential occupied dwellings, visit the NSW Government website [here](#).

Regional and Rural NSW

Only workers from regional and rural NSW (including workers from affected areas of regional NSW) or Greater Sydney but excluding those living in or staying in a declared area can work at construction sites in regional and rural NSW.

Greater Sydney workers who are authorised to travel to work at construction sites more than 50km outside of Greater Sydney must adhere to testing requirements.

Workers from a declared area cannot work at a construction site in regional and rural NSW.

A COVID-19 Safety Plan, while mandatory in Greater Sydney, is still strongly recommended for all construction sites in NSW.

To mitigate delays incurred due to COVID-19, worksites in Greater Sydney will be able to operate on Sundays and public holidays for the remainder of the year, up until Christmas.

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For further information relating to the COVID-19 Safety Plan please visit [here](#) and for changes to surveillance testing please visit [here](#).

Infrastructure NSW have a comprehensive list of FAQs [here](#).

1.7 Construction supply chain businesses

Businesses which are critical to the construction supply chain that are located in a declared area are permitted to continue operations. Workers for the construction supply chain have been added to the authorised worker list. This includes workers engaged in manufacturing of construction materials, plant and components. This means that if they live in a declared area, they may leave home to attend work. Please note that COVID-19 testing requirements may apply. More information relating to authorised workers can be found [here](#).

2. Council meetings and public forums

The NSW Government is ensuring local councils can continue to function during COVID-19 restrictions with existing laws enabling them to hold meetings electronically instead of physically. Virtual meetings will help councils continue to make important decisions on behalf of the community while complying with Public Health Orders and minimising the risk of COVID-19 transmission.

For **councils in areas subject to the stay at home order**, all councillors and staff may attend and participate in meetings by audio-visual link.

For **councils in other parts of NSW**, council meetings can be conducted in person but there is nothing to prevent councils meeting by audio-visual link if they choose to do so. **However**, if councils meet in person, the restrictions under the Public Health Order will affect how meetings are conducted. Councils should continue to ensure appropriate social distancing is practiced at meetings.

The Office of Local Government issued a circular on 28 June 2021 to provide technical advice on the conduct of council meetings in compliance with the Public Health Order. The circular can be accessed by clicking [here](#).

3. Libraries and community centres

Libraries

For councils in the Greater Sydney area, libraries must remain closed, unless the Order is extended or repealed earlier.

For the rest of NSW, libraries can remain open, provided the 4 square metre rule and mask requirements are observed.

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The State Library has advised that contactless click and collect delivery can be provided, however councils will need to establish whether the need for these services outweighs the risk, especially considering the restrictions in the Greater Sydney area and any other areas affected by a temporary lockdown.

In making these decisions, councils need to consider that click and collect (pick up from a library site) will attract people to that location, and also necessitates staff travelling to the library to provide the service, in line with restrictions in the Public Health Order.

The State Library has also advised that isolated residents may benefit from home library services or home delivery and that these services could prove to pose less risk, provided the service is contactless.

Please see the State Library's Public Library Services website for further information.

Community centres

The Public Health Order does not mandate the closure of community centres and halls. As councils usually control these places, it may exercise a discretion to close the space, but that is a matter for councils. If councils decide to keep them open it is important a COVID Safe plan is in place. This includes making sure the COVID-19 Safety Plan is relevant to the building's use. For example, you may need a community hall Safety Plan, as well as a places of worship Safety Plan to cover the different buildings on the site.

Furthermore, multiple buildings on the same site can all have unique QR codes. To get different QR codes for each building, you need to register each building as COVID Safe.

4. Community sport

The Order states no community sport (whether training or a match) should proceed in Greater Sydney including the Blue Mountains, Central Coast, Wollongong and Shellharbour and other areas affected by a temporary lockdown.

However, undertaking exercise and outdoor recreation activities is a reasonable excuse to leave your home. You can take part in exercising or outdoor recreational activities that comply with the gathering rules (no more than 2 people outdoors, excluding members of the same household) and must stay in their Local Government Area or within 10 kilometres of their home. However, people should limit their movement in Greater Sydney and try and undertake exercise and outdoor recreation in their local neighbourhood.

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Note: For residents of declared areas and affected areas of regional NSW, exercise and outdoor recreation must be done within 5kms of the person's home.

Exemptions from the 2 person outdoor gathering limit is available on the NSW Government [website](#).

For the rest of NSW, the following restrictions relating to sport and active recreation now apply:

Indoors

- See below for information about gyms and indoor recreation facilities.

Outdoors

Outdoor gatherings are capped at the lesser of:

- 1 person per four square metres; or
- 5,000 persons

For non-controlled outdoor public gatherings (up to 200) these events are restricted to 200 people (unless the gathering is a COVID-19 safe outdoor gathering with a COVID-19 Safety Plan).

COVID-19 safe outdoor gathering (up to 5,000) events can have the lesser of 1 person per 2 Square metres of space or 5,000 persons and do not need to be seated or enclosed by fencing and do not have a time limit. The organiser must have and comply with the relevant COVID-19 Safety Plan.

Controlled outdoor public gatherings (up to 10,000). A ticketed and seated COVID-19 safe outdoor gathering can have the maximum of the lesser 1 person per 2 square metres of space or 10,000 persons. The event must be enclosed by fencing or another barrier. The organiser must have and comply with the relevant COVID-19 Safety Plan.

For all activities taking place at indoor recreation facilities, gyms and COVID-safe outdoor community sport activities a face mask must be worn. Please note some exemptions do apply relating to mandatory face coverings and can be located [here](#). All indoor facilities such as change rooms, canteens, clubhouses are to adhere to the 1 person per 4 square metre rule. Club BBQs and canteens can still take place in line with COVID Safety Plan requirements. As the BBQ/canteen is taking place at community sport, face masks must be worn at all times by staff and volunteers.

Organisations must continue to have a COVID-19 Safety Plan.

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Outdoor seated events will be limited to 50% seated capacity.

For further information, visit the Office of Sport's [COVID19 information page](#).

5. Gyms and indoor recreation facilities

For Greater Sydney and any other areas affected by a temporary lockdown, indoor recreation facilities such as gyms are to remain closed.

For the rest of NSW, a 20-person limit applies to classes or activities at a gym. Dance classes, or any other classes such as yoga also have a limit of 20 people. All gyms and indoor recreation facilities need to comply with the requirement to wear face masks (unless an exemption applies) in all indoor areas of non-residential premises.

Councils are reminded of the Service NSW QR code mandate from Monday 12 July. To register to access your COVID Safe resources please visit [here](#) or to find about the changes to the QR code rules please visit [here](#).

6. Parks, reserves and beaches

The current Public Health Order states that in Greater Sydney including the Blue Mountains, Central Coast, Wollongong and Shellharbour and any other areas affected by a temporary lockdown a reasonable excuse for a person to be away from their residential premises or temporary accommodation, is for outdoor recreation and exercise. Councils are urged to keep playgrounds and parks, reserves and beaches open and accessible where possible. Ultimately, however, this is a matter for councils to decide.

Furthermore, the Order states if you are in the Greater Sydney including the Blue Mountains, Central Coast, Wollongong and Shellharbour, you must not participate in any outdoor public gathering of more than 2 people (excluding members of the same household) and must stay in their Local Government Area or within 10 kilometres of their home. Councils should consider how they can support good social distancing and health and hygiene practices by users, such as by installing signage and notices to communicate the rules that apply.

For all areas of public space, it is a matter for each individual council to decide whether it should be open, any conditions that should be applied and how best to communicate with users. In making this decision, councils should consider how large the area is and how many users are able to use the space at once to allow each person 4m² of space. In situations where this is not possible or there is overcrowding councils-should work with their NSW Police Local Area Command to implement any restrictions.

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Councils are also reminded the resources from the COVID Safe Summer are still available which has useful tools and guidance. To access these resources please visit [here](#).

7. Swimming Pools

The Order states the following places in Greater Sydney including the Blue Mountains, Central Coast, Wollongong and Shellharbour, are directed to be closed to the public.

- Indoor recreation facilities such as squash courts, indoor swimming pools, gyms, table tennis centres, health studios, bowling alleys and ice rinks.
- Public swimming pools (except natural swimming pools, which may open)

8. Caravan parks and camping grounds

The Public Health Order allows caravan parks and camping grounds in Greater Sydney including the Blue Mountains, Central Coast, Wollongong and Shellharbour to be open to local workers and overnight travellers as well as residents of the caravan park or camping ground. The Order allows visitors to visit permanent residents of the caravan park or camping ground.

9. Waste

The NSW Environment Protection Authority (NSW EPA) has advised that workers in the waste industry have now been declared exempt as authorised workers, under the latest Public Health Order.

- Workers in the waste industry are now authorised to travel outside an affected local government area if required for work purposes, but only for the provision of critical waste work
- The exemption covers waste resource recovery services, including collection, treatment and disposal services
- Details can be found about [authorised workers](#) on the Service NSW website
- You can leave home to go to work if you are an authorised worker living in the Fairfield, Liverpool, Canterbury-Bankstown, Blacktown, Cumberland, Campbelltown, Parramatta, and Georges River local government areas i.e. working in resource recovery including collection, treatment and disposal services

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- This exemption allows waste workers to enter common property on a residence under the direction of ensuring the health, safety or security of residents, i.e. waste disposal work can be carried out on common property of residential premises.
- This exemption also allows authorised workers to undertake critical sanitation works, such as the cleaning of parks, amenity blocks and streets.
- People living in or staying in an affected local government area (such as Fairfield) but working outside this area, must have a COVID-19 test once every 72 hours (3 days) in order to be allowed to go to work as an authorised worker.
- NSW EPA has advised that all licensees and operators need to carefully assess which activities and services are critical and should continue, and which should pause during this lockdown period.
- It is important that the waste and recycling industry and councils continue to provide critical waste services to the public. This includes keeping waste and recycling centres open so that people can easily dispose of their waste.

Further information, including FAQ's are available on the EPA's website [here](#).

Concerns about operations can be raised by contacting the Environment Line on 131 555 or info@epa.nsw.gov.au.

10. Council pounds

Statutory Duties

Councils are reminded of their statutory obligations under the *Companion Animals Act 1998* and in particular the welfare of animals in their care. It is recommended that local government compliance and enforcement officers take care in undertaking their roles to consider how best to protect public health and safety in all circumstances, including in choosing how to exercise discretion. It is important that council pounds and shelters are able to continue to care for animals, while managing risks to staff, volunteers and the general public.

Councils are encouraged to continue to work with rehoming organisations and volunteers to care for animals, where that can be undertaken consistent with NSW Health advice.

Council compliance and enforcement teams may wish to consider:

- How best to ensure an appropriate response can be made to dog attacks as well as maintaining controls for restricted and dangerous dogs

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- Using social media and websites to provide up to date information to pet owners
- Modifying impounding and lost and found procedures, where possible, to ensure continuity of these services together with the safety and welfare of animals, staff and volunteers, and
- Suspending face to face community outreach and education programs.

Rehoming Operations

As people look for companionship during this pandemic, there has been a spike in interest in pet dogs and cats. To meet this need, the Government encourages councils to maintain their rehoming efforts throughout the current temporary restrictions where they can do so in a COVID-safe manner.

- Prospective new owners should still be encouraged to “adopt not shop”.
- It is important to highlight that there are no provisions in the current Public Health Orders that stipulate that council pounds must be closed to the public. This includes for pound staff who live in one of the eight locked down LGAs, as they work in the area of “animal welfare, care and accommodation services” and are therefore defined as “authorised workers”.
- Councils are encouraged to consider the implementation of modified, COVID-safe procedures to their rehoming activities so that this crucial service can continue for their community. Councils may wish to consider:
 - Allowing prospective owners to inspect an animal via video call
 - Adoptions by appointment, either at the shelter or at a local park or other location conducive to social distancing requirements
 - Home delivery via ranger services

Ultimately it is a council’s decision as to whether they believe they can keep their pound facility open consistent with COVID-19 safety guidelines and the Public Health Orders.

If councils do decide to temporarily suspend rehoming operations, consideration must be given to the potential impact this may have on the numbers of animals being held in the facility for a prolonged period of time. In this light, councils are reminded of their duty under section 64(5) of *the Companion Animals Act 1998* that before destroying a seized or surrendered animal they must consider whether there is an alternative action and (if practicable) to adopt any such alternative.

Councils are encouraged to plan early with rehoming organisations and volunteer foster carers in order to be adequately prepared for a potential temporary increase in the number of animals that require care and accommodation. These arrangements would need to remain in place until such a time that the council feels they are in a position to safely recommence their rehoming efforts.

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During uncertain times it is important that animal owners and carers, including council pounds and shelters, take appropriate steps to ensure the continued welfare of their animals. All councils should by now have developed business continuity plans ready to deploy during times of tightened restrictions such as those in place currently.

RSPCA NSW has implemented a “Click & Collect” system for animal adoption, allowing animal adoptions to continue in a COVID-safe manner. Applications, house inspections and meeting the pet are facilitated online. The pet owner is able to book an appointment to go to the animal shelter or pound, make a contactless payment and take their new best friend home.

11. Providing financial assistance

The Government is aware that some councils may wish to provide rates relief or other forms of financial assistance to residents impacted by restrictions imposed by the Public Health Orders.

Councils that are considering this are reminded that under the *Local Government Act 1993* (the Act), it cannot use restricted funds, which includes monies collected from levying a charge for water, sewer or domestic waste management services, for a reason other than the purpose for which it was levied. Any financial assistance provided must be sourced from general funds as per section 356 of the Act.

Such assistance should be included in Council’s adopted hardship policy, or it will need to be placed on exhibition for 28 days.

To assist councils, the Office of Local Government publishes the *Debt Management and Hardship Guidelines* which includes practical, easy-to-understand information about good debt management and hardship. The guidelines are available [here](#).