Introduction of Local Government COVID 19 Regulations – Financial Relief

Date : June 19, 2020

The State Government on 17 April 2020 has made the *Local Government (General) Amendment (COVID-19) Regulations 2020* ('**COVID-19 Regulation**') to amend the *Local Government (General) Regulations 2006* ('**Local Government Regulations**'). This amendment was sparked by the strict procedural and financial provisions within the *Local Government Act 1993* ('**Local Government Act**'), limiting councils in providing financial relief for ratepayers during the COVID-19 pandemic.

These changes to the Local Government Regulations has allowed councils to waiver or reduce fees in response to the pandemic and delay payment of an instalment of rates over the next month (from date amended). Additionally, the COVID-19 Regulation has permitted councils additional time to prepare the following documents over the next month (similar from date amended):

- Budget review statement for the quarter ended 31 March 2020
- Annual reports
- Audited financial reports
- Operational plan

It also allows council to notify and provide inspection of various documents through their website rather than in newspapers or at council's officers.

Despite no general power under the Local Government Act to waive the payment of rates, it does provide some ability to provide financial relief in respect of these rates under particular circumstances.

Clause 413I of the amended Local Government Regulations provides a delay in instalment of rates that would have been payable on 31 August 2020, requiring them to be paid on 30 September 2020 instead. This includes the issuing of rates notices by council for the periods of 2020-2021 until 1 September 2020. Furthermore, the COVID-19 Regulation has permitted council to waive or reduce the payment of fees under s608 of the Local Government Act.

As the COVID-19 pandemic doesn't necessarily apply to all cases that fall under council's *hardship* category, council is able to establish a new category for cases affected by the pandemic that will waiver or reduce fees without the requirement to provide public notice of the proposed category.