

<b>Policy Reference Number:</b>	1.52
<b>Classification:</b>	General
<b>First Issued/Approved:</b>	12 August 2020 (Res 48/2021)
<b>Review Frequency:</b>	Every Four Months
<b>Last Reviewed:</b>	
<b>Next Review Date:</b>	December 2020
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	Local Government Act 1999, Section 182

### 1. Objective

To provide rent relief for “*affected lessees*” of council land, buildings or marina berths due to the COVID-19 pandemic.

### 2. Scope

This policy outlines the options for tenants who are determined as “*affected lessees*” seeking relief to financial hardship as a result of the COVID-19 pandemic.

Council will be required to determine if the lessee is an “*affected lessee*” for their eligibility as per the COVID-19 Emergency Response (Commercial Leases No 2) Regulations 2020(SA) (**Second COVID Response Regulations**) and if deemed an “*affected lessee*” provide hardship provisions. As at the time of the establishment of this policy it is unknown when the COVID-19 Emergency will end and therefore the COVID Response Regulations may change at anytime.

### 3. Legislation and References

National Cabinet Mandatory Code of Conduct (**Commonwealth Code**)  
 COVID-19 Emergency Response Act 2020(SA) (**COVID Response Act**)  
 COVID-19 Emergency Response (Further Measures) Amendment Act 2020(SA) (**Amendment Act**)  
 COVID-19 Emergency Response (Commercial Leases No 2) Regulations 2020(SA) (**Second COVID Response Regulations**)

### 4. Definitions

**Council** is the local government entity known as District Council of Robe.

**Lessee means** a person, tenant or entity who has a commercial lease or residential Tenancy Period Agreement with council who has rent payable to the council.

**COVID-19 Pandemic** is the announcement from the Federal Government of Australia and South Australian Government of the outbreak of the COVID-19 disease.

**Financial Hardship** means a circumstance of experiencing a lack of financial means, but does not include circumstances where a person chooses not to meet a liability for an unpaid debt.

**Policy** means this Pandemic COVID-19 Rent Relief Policy.

## 5. “ Affected lessees”

A tenant under a commercial lease or Residential Tenancy Agreement is an “affected lessee” where the tenant:

5.1 is suffering from financial hardship as a result of the COVID-19 pandemic (which is deemed to be met if the tenant is eligible for, or receiving, a JobKeeper payment in respect of the tenants business (either in their capacity as an employer or on their own behalf)); and

5.2 had a turnover of less than \$50 million in the 2018/2019 financial year.

## 6. Hardship Provision

If the lessee is an “affected lessee”:

6.1 Interest will not be charged on unpaid rent for the period from 30 March 2020 to 31 December 2020.

6.2 Council and the lessee to negotiate in good faith rent payable under the lease for the period from 30 March to 31 December 2020.

6.3 Freeze on rent increases for the period from 30 March to 31 December 2020

If lessees wish to negotiate and apply for a waiver or deferral of rent, they will need to provide information to council so that council understand the lessee’s financial position and impact from the COVID-19 pandemic.

Applicants will to need to provide the following information:

### Commercial Leases

- a) Turnover sales information to provide evidence of sales/revenue decline for same period as last year;
- b) JobKeeper Information
- c) BAS Statements that provide turnover information; for same period as last year
- d) Information regarding any business insurance held by the lessee
- e) Are unemployed, e.g. letter from employer, final payslip;

### Residential Tenancy Agreements

- a) JobKeeper or JobSeeker Information
- b) Are unemployed, e.g. letter from employer, final payslip;

Lessees or tenants that satisfy the requirements for relief due to financial hardship or extenuating circumstances during the Pandemic Health Event – COVID-19 the Council may:

1. Offer the lessee or tenant a proportionate reduction in rent of at least 50% based on lessee's or tenants reduction in trade or loss of income; for the period from 30 March 2020 to 31 December 2020
2. Offer a postponement of rent of up to 12 months from 30 March 2020

## 7. Relevance to Action Plan

THEME 1: COMMUNITY

Goal: A vibrant, engaged, inclusive, diverse community providing a healthy, quality lifestyle

THEME 4 GOVERNANCE AND FINANCIAL SUSTAINABILITY

Goal: Provide leadership, good governance, efficient, effective and responsive Council services

## 8. Accessibility

Applications for lessee relief can be made by phone, email or letter. Please contact council via the following methods:

Email: [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Phone: 08 8768 2003 and request to speak to the Manager Corporate Services & Finance

Post: District Council of Robe  
 Manager Corporate Services & Finance  
 PO Box 1  
 Robe SA 5276

## 9. Feedback

We invite your feedback on this policy which can be directed to the Manager Corporate Services and Finance at [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

## 10. Approval and Change History

Version	Approval Date	Approval By
New Policy	12 August 2020	Council Resolution 48/2021

## 11. FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

3 Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

## **12. POLICY REVIEW**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).