

THE
CONDUIT

20
AUTUMN

Special Covid19 Edition

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CALENDAR DATES

April
Monday 6th Wills Express Night
Friday 10th Good Friday
Sunday 12th Easter Sunday – Public Holiday
Monday 13th Easter Monday
Saturday 25th Anzac Day

May
Monday 4th Wills Express Night
Sunday 10th Mothers Day



A SPECIAL MESSAGE FROM ADRIANA

We have all had our lives turned upside down by COVID-19. In my case, it's trying to juggle the role of managing partner and ensure my team are okay and being a wife and mother together with my many board commitments as well as concern about my immediate family in Australia and extended family in Italy.

I love the role I play on the boards and especially my firm. The people I work with are great people whose passion has come through at such a prevalent time, the new world has made us a united team forging even stronger bonds as we work through this difficult time. I also want to say I have an amazing set of clients and referral network that are incredibly loyal and supportive of me and my team. In fact, I would call many of them friends; people I love to catch up with and argue the most trivial issues and make some really important decision with or who continually inspire me to be better. So the lack of face-to-face contact is really a challenge for a people-person like myself.

Like most companies, the Couetts team is working under a hybrid model of working from home and keeping our offices open. For a law firm, we were actually very well prepared for remote working, with a policy implemented promoting flexible working arrangements well before this. We had much of the technology in place, leading to a smooth transition.

It is early days and I believe no matter what the decision is, we need to have faith in the direction of our leaders, and I am not just referring to our political leaders. Being united has never been so important and being united doesn't mean we cannot ask questions or add valuable feedback, but it means following direction when its in the best interest of the community and not necessarily yourself.

I know it's early days, but I like to always try and see the positives. If you know me well you will know that I am someone who struggles to slow down but let's face it, at some level I have been forced to. What this has done for me is allowed me to spend more time with my family and trying to exercise daily as a family as well as doing those 1000 piece puzzles. We are eating better as we have more time at home to cook and the kids are slowly realising, they have to do more to help around the house and becoming more self-sufficient out of necessity. That said, there are times when it all becomes overwhelming and all doors and windows must be firmly closed for fear the shouting will be heard three suburbs away, as we know I'm not the quietest of persons!

So it seems the new normal is here to stay for a while but I believe we can all get through it with hard work, communication, sacrifice and focusing on making sure our families and friends are all okay.

As the cases of COVID-19 become more prevalent and the social distancing and isolation rules more stringent, it becomes clear that we are in this for the long haul. I try to focus on today, reaching out to my friends and colleagues, asking people how they're coping, seeing and hearing what they have to say. Acknowledging the economic crisis that we are all in together, empathising those who have lost family members and those who have lost their livelihood and then I knuckle down and try to get my job done both as a lawyer but also as member of my extended team being you. Our role is to keep you updated and informed and be there for you when we are needed.

So I just wanted to leave you with this advice, stay focussed, stay determined, its okay to have a moment of feeling overwhelmed but reach out and stay connected, because together we will get through this. I want to also take this time to wish everyone a Happy Easter and hope the long weekend allows you to connect with those in your household and make those little memories that will last us a lifetime.

Yours Sincerely,

Adriana.

What you need to know – Covid19

What Coutts is doing to support our clients and staff during the global pandemic.

In line with the NSW Premier's guidelines regarding a state-wide lock down of non-essential services, our physical offices will be moving towards shutting down in the near future and we will keep you updated as the government makes further announcements.

Our staff will be moving towards working from home where possible HOWEVER we will remain operational during this time. During this time, all our clients and referral partners will still have access to staff during business hours.

Contact numbers for all staff can be found on our website in the Covid19 section.

One thing remains constant – and that is the commitment Coutts has to continuing to effectively deliver our professional services to you.

We thank you for your continued support as we continue to support you.



Global Revolution Working from home

As COVID-19 continues to spread, employers are innovating and adapting their previous practices to test their work-from-home capabilities.

With no end in sight to COVID-19, many businesses are developing or implementing work-from-home policies to sustain business continuity.

Large organisations such as Telstra (with the exclusion of call centre employees and other essential employees), are already working from home and many other organisations are expected to do the same. It may also be necessary for small and medium-sized businesses to follow suit and offer remote working options to their employees.

As employers are responsible for the health and safety of their employees, it is necessary for employers to adapt their policies to ensure adequate

alternative measures are taken. Remote work has undoubtedly reached an unprecedented tipping point, but many businesses may not be tipping in that same direction.

This unexpected adoption of working remotely may be a cause for legal concern rather than of celebration. In circumstances where organisations are anticipating their employees will resume the office commute in the near future and are failing to put remote work ideals into place, they may be burdened with challenges and the need to answer an important question: can my employees be working in a better way?

“Going remote” may seem simple but the change management process can have a ripple effect and if not managed properly, can result in legal concerns. A written policy may seem a bit “extra”, but it can be the critical component in ensuring the safety of your employees. A work-from-home policy could be the make or break to your business success.

Whilst a work-from-home policy may still be your work in progress, there is no better time to finalise your policy than the present.



Amanda Olic
Senior Associate

Moving forward from Covid19 in the workforce



Karena Nicholls
Partner



If you or your business has been affected by Coronavirus, the status is grey in many sectors. Things that employers should take into account are:

1. A full time or part time employee is entitled to take sick leave under NES. There is a question around whether they need a medical certificate given many doctors will not see patients with symptoms of Coronavirus. Clinics have been set up specifically for testing. This should be handled on a case by case basis. Employers should look to their policy as to what is required to have sick leave and accommodating Coronavirus in their policies.
2. If a full time or part time employee needs to look after a family member who is sick with Coronavirus, they are entitled to take paid carer's leave. There are no guides for casuals but for they are entitled to two days carers leave usually under their award/agreement.
3. Personal/Carers leave is not available where an employee has come into contact with a person who has Coronavirus or where the employee returns from travel to a high risk area but is not yet sick themselves. To qualify for personal leave the employee must be "*unfit to work because of illness or injury to them*".
4. There are no specific rules if an employee is overseas and can't return from overseas or is required to enter quarantine because of Coronavirus. Employers need to consider what options they can provide.
5. An employee can be stood down under the *Fair Work Act* without pay if they can't do useful work because of equipment break down, industrial action or a stoppage of work for which the employer can't be held responsible. Employers need to exercise caution as Coronavirus is untested waters and if the governments direct a closure it needs to be clear whether this is a trigger, so that the employer can't be held responsible.
6. Employers should look to enterprise agreements, awards, contracts and policies as they may have differing or additional rules when you can or cannot stand down an employee without pay.
7. If an employee wants to stay home as a precaution against been exposed to Coronavirus, they need to make a request to work from home or take paid or unpaid leave. These are subject to the employer's policy.
8. As casual staff have limited leave, the government is working towards an economic package for industries who employ casual workers.
9. If an employer directs for their staff to stay home, the employee would ordinarily be paid while subject to the direction.
10. An employer can, if a work from home is not possible, provide discretionary paid leave to employees so that they do not suffer financial hardship during isolation.
11. If employers are trying to mitigate their exposure and be careful by directing employees to stay home, then they really should be getting paid leave. However, some small businesses may not have adequate resources and employers need to make decisions around work from home, sick, annual leave options.
12. Employers cannot force an employee to take annual leave. An employer can suggest annual leave if no other options are feasible.
13. If the employer has reason to suspect that an employee has been exposed to a risk of infection from Coronavirus (because of recent travel, or contact with someone who has recently travelled), they can request a medical clearance from a doctor from the employee or to not work during the period of risk. The period of risk is 14 days.
14. Employers need to consider the risk to safety to all employee's and exposure to the risk and take adequate steps. An employer must have a legitimate basis to direct an employee to stay away from work with or without pay, and demonstrate that the employee cannot present to work without posing unacceptable risks to health and safety, to make the direction.

Purchasing/Selling a property during a global pandemic 🏠

The buying and selling landscape is rapidly changing with the affects of COVID-19 being felt across the world.

With new restrictions being released constantly and the latest affecting agents in relation to public auctions and open for inspections, real estate agents are having to adapt rapidly to keep up.

Open for inspections

Open for inspections are not longer permitted, however private viewings are. In the meantime real estate websites and agents are moving digital. Realestate.com.au is releasing a feature for digital inspections which will shortly be available across their platforms, see the article here <https://www.realestate.com.au/news/open-for-inspections-go-online-as-property-market-shifts-to-virtual/>. This will allow for inspections on sales and rentals to continue while respecting social distancing guidelines.

If you make an offer following this kind of inspection and your offer is accepted then you move forward with your purchase in a relatively normal way, however with a more digital experience than before.

Auctions

While public auctions are not permitted due to the infringement on social distancing guidelines, online auctions mean this can be overcome on platforms that are already up and running. These platforms allow for the auction to be run in real-time with bidders present, some even have the capability to allow for an electronic exchange of contracts once the hammer falls.

What about seeing your conveyancer if you can't leave home?

That's ok, this is where Coutts have you covered, we are offering our services via email, telephone and video conferencing. There is no reason to not have the right advice before you move forward with your purchase or sale.

How will I sign the Contract if I can't see the agent or my conveyancer in person?

eSignatures are here and ready to be used. At Coutts we have the capability to issue documents to you via email for signing via eSignature platforms. This means you can sign your documents anywhere on any device. This is secure and safe, not witness required!

Once the eSigned contracts are received, an electronic exchange will be undertaken ensuring both counterparts are identical. In fact, the eSigning process almost guarantees this to be the case as no pages should go missing in the digital world.

What do I do if I have bought a property where the tenant was supposed to move out?

With the new emergency measures that have been introduced, unfortunately this will mean that if a tenant chooses not to vacate that the vendor has no legal right to commence any action to remove the tenant from the property for a period of up to six months.

This means the purchaser will need to decide whether to settle with the tenant or to negotiate to extend the settlement in order to wait until the tenant vacates.

Similarly if you are the vendor, and you have sold a property with a tenant in and the tenant chooses not to vacate, you will need to negotiate to either extend the settlement or for the purchaser to accept the property with the tenant in there.

How to stay up-to-date on your matter without dropping into the office?

In our normal service you will receive emails from us at various stages to keep you informed, however Coutts is now going one step further with our own App. If you start a sale or purchase with us, you will receive a link to our app with login details. This will allow you to track your matter from any device, even at midnight!

We look forward to working alongside the agents and brokers to keep clients informed during this rapidly changing environment.



Kylie Fuentes
Licensed Conveyancer



Commercial Leasing and the new Code of Conduct



Adriana Care
Managing Partner

The Federal Government has finalised a mandatory code of conduct in relation to commercial and retail leases

Yesterday the Federal Government finalised a mandatory code of conduct in relation to commercial and retail leases.

Will be required to be enacted by each state and territory;

the code of conduct will apply if the tenant is a small and medium business with a turnover of less than \$50m **and** is eligible for the JobKeeper assistance;

the landlord and tenant should negotiate in good faith to reach a mutually agreed outcome;

the Code recommends a proportionality principle i.e. any reduction in rent should proportionally reflect the reduction in turnover, we explain this further below;

if a tenant has not experienced a reduction in business turnover and obviously wouldn't fit the JobKeeper assistance there is no entitlement to rent relief and rent should continue to be paid where possible;

the code will provide for:

- a stop on termination of leases for non-payment of rent;
- a freeze on rent increases;
- a stop on penalties for tenants who stop trading or reduce opening hours;

- a stop on landlords passing land tax to tenants;
- a stop on landlords charging interest on unpaid rent;
- landlords to not be able to make a claim on a bank guarantee or a security deposit for non-payment of rent;
- removal of any legislative barriers or administrative hurdles to lease extensions are removed, this means that a tenant and landlord could agree a rent waiver in return for a lease extension;
- for landlords and tenants that sign up to the code of conduct, State and Territories have agreed to look at providing the equivalent of at least a 3 month land tax waiver and 3 month land tax deferral on application for eligible landowners, with jurisdictions to continue to monitor the situation, however landlords must pass on the benefits of such relief to tenants;
- mediation in the event that landlords and their retail and commercial tenants were unable to reach agreement will be provided as needed through existing State and Territory mechanisms

Proportionate Reductions Explained

Under the Code, landlords must offer tenants proportionate reductions in rent payable in the form of a waiver and deferral of up to 100% of the amount ordinarily payable on a case by case basis.

Rent Waivers must constitute no less than 50% of the total reduction in rent payable and the balance being amortised over the balance of the lease or 24 months, whatever is greater (unless otherwise agreed by the parties).

Any benefits received by the landlord, ie reduced land tax, reduced insurance etc must be passed onto the tenant.

Examples of practical variations reflecting the application of the principle of proportionality may include, but are not limited to:

- Qualifying tenants would be provided with cash flow relief in proportion to the loss of turnover they have experienced from the COVID-19 crisis ie. a 60% loss in turnover would result in a guaranteed 60% cash flow relief.



Continued on next page

- At a minimum, half is provided as rent free/rent waiver for the proportion of which the qualifying tenant's revenue has fallen. o Up to half could be through a deferral of rent, with this to be recouped over at least 24 months in a manner that is negotiated by the parties
- So if the tenant's revenue has fallen by 100%, then at least 50% of total cash flow relief is rent free/rent waiver and the remainder is a rent deferral. If the qualifying tenant's revenue has fallen by 30%, then at least 15% of total cash flow relief is rent free/rent waiver and the remainder is rent deferral.
- However if the lease only has another 6 months left under their term, then the tenant would still have a minimum of 12 months after the pandemic period to cover the deferral of rental payments.

The parties would be free to make an alternative commercial arrangement to this formula if that is their wish.

For tenancies which do not fall within the mandatory code of conduct, landlords and tenants will be free to make their own commercial arrangements in relation to an appropriate level of rent abatement (if any) and the consequences which will flow from that.



If you are a landlord, where to from here?

As a landlord who has been approached by a tenant to obtain rent relief, you should ask the tenant to show their financial and "open their books" to demonstrate a reduction in business turnover.

You should also ask for comparative data from the previous 12 months. Such information might include:

- evidence that the business is eligible for the "JobKeeper" assistance and has a turnover of less than \$50 million (in which case the mandatory code will apply);

- a statement of financial position, outlining income, expenses, assets and liabilities (preferably audited or certified by a chartered accountant), currently and pre-1 March 2020;
- year to date and recent financial year financial statements for the impacted location, and guarantor entity:
 - o P&L or Income Statement;
 - o Balance Sheet;
- Or any other relevant information depending on the nature of the business,
- what arrangements are currently in place for the ongoing operation of the business, such as work from home arrangements and whether staff have been stood down; and
- whether the tenant holds business interruption insurance that covers the payment of rent and outgoings and if the circumstances for a claim on that insurance have been triggered.

It is an obligation of the tenants seeking rent relief will need to be able to justify the relief sought with reference to this information so that the relief is proportionate and reasonable.

Issues with the Code

Whilst we needed some solution to the current pandemic and situation, the Code does feel that it doesn't take into account self funded retirees who rely on the income of their rentals to survive. Further, all of the Government's stimulus packages do not assist self funded retirees in relation to any shortfall of income they will experience. So whilst the Code is a great move in the right direction, there is a part of the market that hasn't been considered by the Government.

[For more information, click here to view the Code Of Conduct For Leasing fact sheet.](#)



Adriana Care
Managing Partner

Parenting amid the Coronavirus Pandemic



Do you know your obligations and options in relation to shared parenting during Covid19?

The Chief Judge of the Family Court of Australia and Federal Circuit Court, the Honourable Will Alstergren has recently issued a media release to reassure parents that the Courts remain open to assist parents navigate these uncertain times. It is essential that the Child's best interests remain the paramount concern, including their safety and wellbeing. While this obviously involves minimising their chances of exposure to the Coronavirus, there remains an obligation to comply with Orders made by the Court. Orders are made with the best interests of the children in mind, and therefore the arrangements contained in these orders are considered what is best for the children.

However, in the highly unusual circumstances we find ourselves in, there will be instances where it is not possible for parents to comply with Orders made by the Court, or it will become difficult. For example, some parents have the "pick up" destination as the Children's school which is now closed. Or, someone in close contact with the Child/ren may have been diagnosed or exposed to Coronavirus. In addition, many State borders are now closed which may prevent the Child from spending time with one parent if they live in another State.

Where these circumstances arise, so long as it is safe to do so, parties should communicate with each other to discuss the difficulties they are encountering. The Court encourages the parties to attempt to find a reasonable solution to overcome those difficulties. Furthermore, the Court encourages the parties to consider any potential solutions sensibly and reasonably. It is important for the parties to remember that the Child's interests are paramount, which include spending time with family members, however the health and risk of infection to the Children as well as members of the household are also important considerations.

If the parties are able to come to an agreement between themselves for new arrangements, even if they are temporary, it is important that the new arrangements be clearly communicated in writing. This will assist the parties in the event that there are future proceedings in relation to a breach of the existing Orders. The new arrangements need not be in the form of an official, legal document. It will be sufficient that the arrangements are clearly communicated via text, email, or WhatsApp.

If the parties have managed to agree to new arrangements and would like these reflected in updated Consent Orders, the Court is accepting Applications electronically, with Orders made in Chambers without requiring either of the parties to attend. We are more than happy to assist in this process

If the parties are not able to come to an agreement between themselves for new arrangements, you may wish to obtain legal advice. Most legal offices remain open for business, although through slightly different means, including telephone, Zoom or Skype conferences. There are also electronic mediation services available to assist.

Where the parties are not able to come to an agreement, or it is not safe to do so, parties are able to apply to the Court electronically and seek a variation of the Orders. However, it is important to remember that it is a requirement of the Court that prior to any applications made to the Court in relation to parenting that the parties have attended family dispute resolution, unless there are family violence concerns, child abuse or matters of urgency.

Before making the decision to not comply with current Court Orders, it is important for parents to remember that, ultimately it will be left to the Court to determine whether they have reasonable excuse to not adhere to Court Orders, or whether they have acted reasonably in the circumstances. Therefore, if Orders cannot be strictly adhered to at this time, it is important that the parties act in a way consistent with the purpose or spirit of the Orders. For example, maintaining a relationship with both parents, which may be achieved through videoconferencing, social media, telephone, Skype or Zoom.

At all times, if any of the parties have concerns about their safety or the safety of their Children, they should contact Police immediately and seek medical advice if required.



Luisa Gaetani
Senior Lawyer



Lara Menon
Law Graduate



Recent Changes to the Foreign Investment Review Board

The Foreign Investment Review Board or also known as FIRB was created to review applications for any foreign person who intends to invest in Australian residential real estate, agricultural land, or water entitlements. Effective as of 10:30pm 29 March 2020, the COVID-19 pandemic has resulted in changes to the current FIRB regulations which may have an effect on your next purchase if you're a foreign person.

What is a foreign person?

According to the *Foreign Acquisitions and Takeovers Act 1975 (Act)*, a foreign person for the purpose of FIRB is a person, corporation or a trustee of a trust which is not ordinarily a resident of Australia. If you're deemed to be a foreign person and have the intention to invest in our Australian economic market, then you will need approval prior to proceeding to invest.

How has the COVID-19 changed the FIRB Regulations?

On 29 March 2020, the Australian government announced changes to the FIRB regulations in hope to protect Australia's economy in the current situation. The changes which were effective as of 10:30pm on 29 March 2020, are changes to the screening thresholds and the processing of application timeframes.

Prior to new changes, (depending on a person's investment), different thresholds applied. If the investment was under the threshold a person was exempt and did not require additional approval. However, the new changes have now reduced the threshold to \$0 despite the type of investment.

For a foreign person who would like to invest in Australian residential land, this change does not affect them as the threshold for any investment in residential land for a foreign person has always been \$0; however, some business acquisitions had a higher threshold than \$0 and as such this is a change which will affect these forms of investments.

The second change is the processing timeframes for all FIRB applications. Previously, Section 77 of the *Foreign Acquisitions and Takeovers Act 1975 (Act)*, the Treasurer had 30 days from the date an application was received to provide an applicant with their decision. However, with the recent changes the timeframe for all applications has been extended from 30 days to up to 6 months; The Australian government has also advised that they will prioritise any urgent applications.

How does or will the recent changes affect foreign persons and their investments?

Any transactions entered into prior to 10:30pm 29 March 2020 that were under the threshold, will not be affected by these changes; however, if the transaction did require FIRB approval, then the extended timeframes will apply. Any future transactions still to be entered into will now all need FIRB approval and are subject to the extensive extended timeframes for review.

The Australian Government has advised these changes are temporary, however will remain in effect for the duration of the COVID-19 pandemic. Therefore, it is important that if you're a foreign person who has recently applied for FIRB approval or you intend to apply for approval, then you consider this changes when negotiating any terms and deadlines which may apply to your investment.

Angela Lizzi
Lawyer



Workers Compensation Arising from Covid 19



COVID-19 has impacted and continues to impact the world as we know it. Day by day we learn more of its impact. We anticipate employers and employees may continue to feel the brunt of this impact for some time. A constant question we have been asked is "what about workers compensation claims that arise from contracting COVID-19?"

The State Insurance Regulatory Authority ("SIRA") has reported 82 claims as at March 2020 and as the impact of COVID-19 rises, so will the claims.

In some circumstance's employees may be able to make a claim for a workplace injury arising from COVID-19 under the disease provisions of the Workers Compensation Act 1987.

To be compensated the work activities must be the main contributing factor to contracting the virus. Due to the public arena in which you may also acquire the virus from, it will be difficult to prove. However, there will be many cases that will have merit due to the lack of response by employers to ensure the workplace complies with the guidelines from the World Health Organisation (WHO) and Government.

If you are unsure of your obligations as an Employer you can consult with Safework.

Successful cases may arise if you are required to travel to an area with a known COVID-19 outbreak or the work activities that you are required to undertake require you to engage and interact with people who have contracted COVID-19.

What about the work from home and liability?

There are more and more people working from home because of COVID-19 due to trying to slow the spread.

If you are required to work from home because of COVID-19 and you suffer injury you may be covered under the workers compensation scheme if you can show that work was a substantial contributing factor to an injury either physically and/or psychologically.

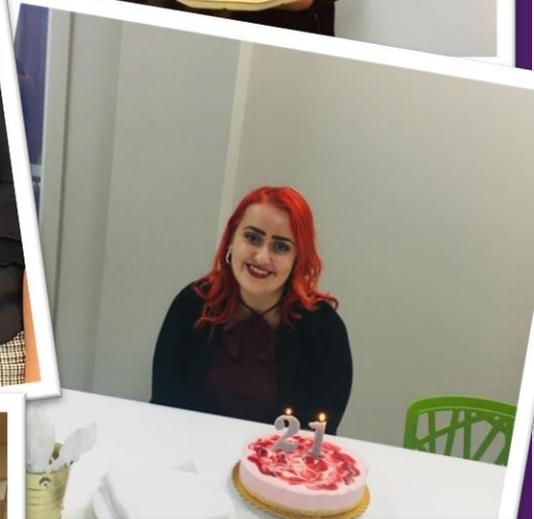
Employers will need to ensure their policies are current and have adequate coverage. icare have released as 16 March 2020 a fact sheet for employers. For more information you can also visit the [icare website on COVID-19](#).

Employees may be reluctant to take time off work for various reasons and may feel guilty for doing so. Acknowledge how the employee is feeling but strongly encourage them to stay home.



Karena Nicholls
Partner

OUT AND ABOUT WITH COUTTS



A wine with Luisa Gaetani



Profile

Position: Senior Associate

Location: NARELLAN, NSW

Areas of Practice:

- Family
- Criminal

Q: Something most people don't know about me is ...

A: I played tennis for NSW and was told that I needed to give up school if I want to become professional. I decided to stay in school. Growing up I played tennis with Johanna Konta. Also love interior design!

Q: What is your favourite movie?

A: Home Alone. I have loved Home Alone movies ever since I was a little girl and remember my whole family sitting with me to watch it because of how much I loved it!

Q: What Hobbies or interests do you enjoy to keep a positive work/life balance?

A: Being competitive at tennis, spending time with my family, shopping at Louis Vuitton and travelling

Q: If I was stranded on a desert island, I couldn't live without...

A: My Family, pasta and nutella

Q: When I was little, I wanted to be a..

A: Professional tennis player

Q: Share your favourite quote

A: I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear - Nelson Mandela.



Your Questions Answered



Covid19 Edition with Karena Nicholls



What does Stand Down mean?

Karena's response:

Section 524 of the Fair Work Act 2009 enables an Employer to stand down employees in certain circumstances:

- (a) Industrial Action (other than that arranged by the Employer);
- (b) Breakdown of machinery or equipment, if the employer cannot reasonably be held responsible;
- (c) A stoppage of work for any cause which the employer cannot reasonably be held responsible.



Karena's response:

No, the Employer is not required to make payments to the employee in that period.



Does my annual leave, sick leave and LSL accrue if I am directed to stand down?

Karena's response:

Yes, an employee will continue to accrue entitlements under the National Employment Standards as well as any entitlement to public holidays.



Can my employer force me to take my annual leave?

Karena's response:

No, an Employer cannot force you but this may result in a stand down or a redundancy if the business structure needs to change.



Can I be stood down whilst on workers compensation?

Karena's response:

No, you are protected under the *Workers Compensation Act 1987*. However, after 26 weeks an Employer can terminate your employment if you are unable to return to pre injury employment. Your weekly entitlements should continue through the Insurer, if eligible.



Under what circumstances can an employer stand down an employee?

Karena's response:

When an employee cannot be **usefully employed** because of one of the circumstances listed Section 524 of the Fair Work act (mentioned in question 1 above). Usefully employed means that an employer is able to obtain some benefit or value of work that could be performed by an employee then the employer would not be able to stand down the employee.



What is a genuine redundancy?

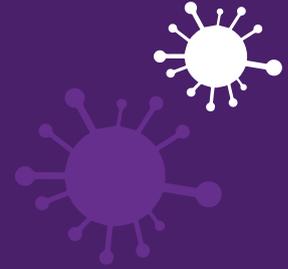
Karena's response:

(a) That the business no longer require the person's job to be performed by anyone because of changes in operational requirements.

(b) The business must consult with any employees who are covered by a modern award or enterprise agreement (as per the relevant consultation provision);

(c) It must not have been reasonable in the circumstances for the person to be redeployed with the business or an associated entity.

Coutts Guide to Covid19 Government Packages



Guide to the packages that Federal and State Governments have released in response to the Covid19 pandemic and when you can apply for help.

Federal Government Packages

From 30th March

Temporary relief for distressed businesses

A relief for businesses under financial distress, a creditors statutory demand limit increased from \$2,000 to \$20,000 for a period of 6 months. The time limit for a company to respond to a statutory demand is increased from, 21 days to 6 months and temporary relief from personal liability to directors trading insolvent for 6 months.

[Click here for more info](#)

From 30th March

Hold on Evictions Announced by PM

From 2nd April Support Apprentices and trainees

Eligible Businesses can receive 50% of the apprentices, trainees wage during the 9 months from 1 Jan to 30 Sept 2020 with max of \$21,000 per apprentice and \$7,000 per trainee.

[Click here for more info](#)

From Mid April

Access to first \$10,000 from Super for 2019/2020 Financial year

From 1st July

Access to second \$10,000 from Super for 2020/2021 Financial year

From 30th March

Increasing the instant write off

The Government increasing the instant asset write off from \$30,000 to \$150,000. See attached link for more details.

[Click here for more info](#)

From 30th March Job Keeper Payments

For eligible businesses where there has been more than 30% decline in turnover, each eligible employee will now be guaranteed a payment of \$1,500 per fortnight before tax.

[Click here for more info](#)

From Early April

Government Backed Loans

Loans of up to \$250,000 that are unsecured and guaranteed 50% by the Government. See attached link for different bank offerings.

[Click here for more info](#)

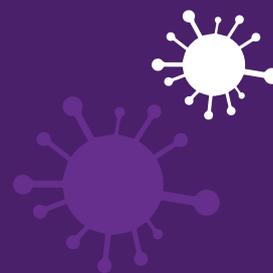
From April 28th Boosting Cashflow for Businesses

Businesses receive the higher of \$10K or 100% of PAYG amount in BAS for the period 1 Jan to 30 Jun 2020 period, capped at \$50K. Conditions Apply

[Click here for more info](#)

Coutts Guide to Covid19 Government Packages

Guide to the packages that Federal and State Governments have released in response to the Covid19 pandemic and when you can apply for help.



State Government Packages

QLD Government

Payroll Tax Rebate for Feb and March and 6 month Deferred Payroll Tax

Low interest rate loans up to \$250,000

Electricity Bill rebates

Rent relief for Government tenants

[Click here for more info](#)

WA Government

\$17,500 grant with businesses with payroll between \$1million to \$4million

Apply deferment of payment of payroll tax

Increased payroll tax free threshold to \$1million from 1 July 2020

[Click here for more info](#)

VIC Government

Payroll tax refund and no payroll tax payable for eligible businesses for the 2019/2020 financial year

[Click here for more info](#)

NT Government

Payroll tax exemptions

\$30m Home Improvement Scheme

\$20m Business Improvement Program ie \$10,000 grant

Small Business Survival Fund

[Click here for more info](#)

NSW Government

Payroll Tax waiver for 3 months for eligible businesses with turnover less than \$10m

Payroll Tax waiver for 6 months for eligible businesses with turnover more than \$10m

Increased in Payroll Tax free threshold for \$900,000 to \$1million

Free TAFE courses

\$10,000 Small Business Support Grant – Applications open 17 April

[Click here for more info](#)

TAS Government

Payroll tax for 4 months waived for eligible businesses.

Interest Free loans for eligible businesses in hospitality, tourism, seafood production and export sectors

\$5,000 grant for small businesses who hire apprentices or trainees

Payroll tax rebate for businesses who employ a person under 24 years of age.

[Click here for more info](#)

SA Government

Payroll Tax relief for 6 months for businesses with turnover less than \$4m

Land Tax Relief

\$300m Job Support package

\$250m Community and Jobs Fund

Costs of Expenses Concession.

[Click here for more info](#)

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