



Tuesday, 28 April 2020
Issue 21.0

Just when you thought you knew all there was to know about JobKeeper, the Government has made further announcements regarding the relief package.

These include:

- An extension of time available for businesses to enrol and pay their employees
- Clarification about the operation of the rules
- Hotlines set up by banks to assist with JobKeeper finance
- Fair Work Commission's new Job Keeper Disputes Benchbook

I encourage you to read the following Industrial Relations section carefully and remind you [Andrea Chwalko](#) and the VACC IR team is here to assist with any further questions.

I also draw members' attention to VACC's recent advocacy regarding the eligibility thresholds for government support packages. VACC has been vocal in our call for various exemptions which would allow a broader section of our membership to access the available support. You can read more about 'The case for exemptions from threshold and staff criteria in Federal Government COVID-19 relief packages for automotive dealer franchises' in the sections below.

As always, VACC is here to help, so please continue to reach out to the team.

1. INDUSTRIAL RELATIONS

Please read carefully - Update: JobKeeper

There have been a number of new announcements with regard to JobKeeper. Please read the following carefully.

It is also important to note the legislative instruments, within which the points of clarification will be contained, have not yet been tabled by government. An updated edition of the JobKeeper Guide (including to reflect changes concerning the alternative tests) will be circulated once tabled.

Extension of time to enrol for the JobKeeper scheme

- The ATO has extended the time to enrol for the initial JobKeeper periods, from 30 April 2020 until **31 May 2020**.
- The ATO has [stated](#) that if a business enrolls by 31 May it will still be able to claim for the fortnights in April and May, provided it meets all the eligibility requirements for each of those fortnights (including payment).
- For the first two fortnights (30 March – 12 April, 13 April – 26 April), the ATO will accept that the minimum \$1,500 payment for each fortnight has been paid by the business even it has been paid late, **provided it is paid by 8 May 2020**.

Clarification about the operation of the rules

- The Government has issued a [media release](#) stating that to “ensure the integrity and the efficient operation” of the JobKeeper Payment scheme, the Government is clarifying the operation of some rules. Of particular interest are the following:
 - **‘One in, all in’ principle:** Once an employer decides to participate in the JobKeeper scheme and their eligible employees have agreed to be nominated by the employer, the employer must ensure that all of these eligible employees are covered by their participation in the scheme. The employer cannot select which eligible employees will participate in the scheme. As noted in the explanatory statement to the existing rules, this ‘one in, all in’ principle is already a key feature of the scheme and will be **made clearer in the rules**.
 - **Employees employed through a special purpose entity, rather than an operating entity:** Changes will address the circumstances where business structures use a special purpose entity to employ staff rather than staff being directly employed by an operating entity. The Government will provide an alternate decline in turnover test for the eligibility of special purpose service entities that provide employee labour to group members and that have not met the basic test for decline in turnover. This alternate test will apply where an entity provides the services of its employees to one or more related entities, where those related entities carry on a business deriving revenue from unrelated third parties. The alternate test will be by reference to the combined GST turnovers of the related entities using the services of the employer entity.
- Other points of clarification relate to the following (see [media release](#) for details):
 - Charities and the treatment of government revenue
 - Religious practitioners
 - Full time students aged 16 and 17 years old
 - International aid organisations, and
 - Universities.
- As stated above, the legislative instrument giving effect to these changes has not yet been issued. VACC will update members and the JobKeeper Guide once it has been tabled.

Hotline – Banks

- The banks have also agreed to setup special hotlines to help businesses who need finance to bridge the gap until the first JobKeeper payments are made. These are:
 - **CBA:** 13 26 07
 - **ANZ:** 1800 571 123
 - **NAB:** 1800 JOBKEEPER
 - **Westpac:** Westpac 1300 731 073 / St George 1300 730 196 / Bank of Melbourne 1300 784 873 / Bank SA 1300 669 472
- The banks have also agreed to bring JobKeeper-related applications to the front of the queue and work with the ATO to accelerate the finance assessment process.

To find out more click [HERE](#).

JobKeeper Disputes Benchbook

The Fair Work Commission has released a [Jobkeeper disputes benchbook](#) to provide information about the Commission’s role in dealing with JobKeeper disputes. It is available [here](#).

2. GOVERNMENT ANNOUNCEMENTS

COVIDSafe App

The Federal Government has launched its COVIDSafe App, considered by many to be a significant step towards the re-opening our economy and saving the livelihoods of hundreds of thousands of people.

The government has also made clear that increasing Australia's ability to contact trace is a pre-condition for relaxing restrictions.

It's important to remember the app is voluntary, its use cannot be mandated and there are criminal penalties for breaches of the [Biosecurity Act](#), which governs the use of the app.

If members would like to find out more, there is a Factsheet of FAQs that covers:

- What the app does
- Voluntary nature of the app
- How it works
- What information is captured, and how the information is used and stored
- Privacy protections
- Accompanying legislation.

Members can access the Factsheet [HERE](#).



Commercial tenancy relief scheme

The Victorian Government has announced a commercial tenancy relief scheme to alleviate financial hardship faced by tenants and landlords as a result of Coronavirus.

According to the Victorian Small Business Commission (VSBC), the scheme will provide:

- a six-month moratorium on commercial tenancy evictions for the non-payment of rent for small to medium enterprises with an annual turnover under \$50 million that have experienced a minimum 30 percent reduction in turnover due to Coronavirus, commencing from 29 March 2020;
- a freeze on rent increases during the moratorium for commercial tenants;
- a rental payment waiver or deferral proportionate to commercial tenants' income reduction due to Coronavirus, to be negotiated between the tenant and landlord;
- a mediation service for commercial tenants and landlords, accessed through the VSBC, to support fair tenancy negotiations.

The Government will also provide land tax relief to eligible landlords that provide rent relief to their tenants. Eligibility depends on tenant annual turnover, JobKeeper Payment entitlement, and overall impact of Coronavirus.

For more information on the scheme click [HERE](#).

For a list of additional links click [HERE](#).

What to do if you cannot afford your rent or your tenant cannot pay

The Victorian Small Business Commission has released a step-by-step guide for both tenants and landlords regarding an inability of tenants to pay rent.

The guide addresses two questions:

1. What should I do if I can't afford to pay my rent?
2. What should I do if my tenant has stopped paying rent or indicated they can't pay the whole amount?

You can download the guide [HERE](#).

Visit the VSBC website [HERE](#).

3. ADVOCACY

SUBMISSION: 'The case for exemptions from threshold and staff criteria in Federal Government COVID-19 relief packages for automotive dealer franchises'

VACC and Motor Trades Association of Australia (MTAA) have made a submission to the Australian Government arguing 'The case for exemptions from threshold and staff criteria in Federal Government COVID-19 relief packages for automotive dealer franchises'.

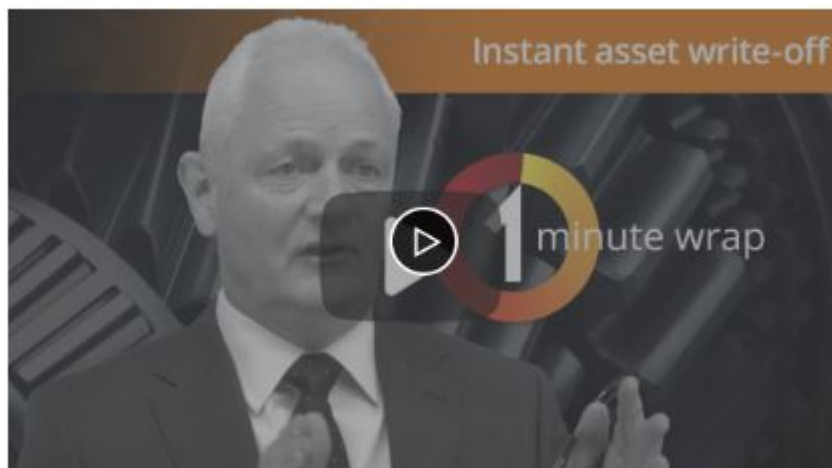
The paper supports previous lobbying efforts and policy positions put forward by VACC – MTAA prior to, and after, Government COVID-19 relief packages were announced. VACC has been in dialogue with Josh Frydenberg and other Federal Cabinet members pressing the case for dealers.

The full paper is available [HERE](#).

A copy of the related Bulletin is available [HERE](#).

Instant asset write-off

I recently spoke about the instant asset write-off and what the Chamber is doing to encourage a Federal Government review of eligibility criteria and thresholds. This is all about bettering the position of businesses into the future. VACC supports this initiative but greater flexibility is key to helping businesses rebuild.



4. BUSINESS SERVICES

Marketing your business during COVID-19

Business.gov.au has published tips for businesses trading through the COVID-19. They provide advice on:

- Updating your marketing plan
- The use of online marketing (including website, emails and texts, social media)

You can find out more information [HERE](#).

Help is available for digital marketing

Members may not be aware of [Australian Small Business Advisory Services \(ASBAS\) Digital Solutions](#) that exists to provide small business with low cost, high quality advice on a range of digital solutions to help them meet their business needs and grow their digital capabilities.

Their advisers can help you with:

- social media and digital marketing
- websites and selling online
- using small business software
- online security and data privacy
- general business help during COVID-19

Services are being delivered through a mix of one-to-one and group formats. Assistance is available until June 2021.

For a full list of providers click [HERE](#).

For Victorian providers click [HERE](#).

5. PREVIOUS UPDATE ISSUES

You can read previous Updates of COVID-19 [HERE](#).

Geoff Gwilym
Chief Executive Officer

Disclaimer: *The information gathered has been drawn from a number of sources and VACC strongly recommends that members revert to the primary source of information for any clarification.*