

## Critical COVID-19 Response Information for WA Employers

Current as at 12:00pm, Thursday 2 July 2020

The following information is intended to assist businesses to navigate the unprecedented changes arising out of enhanced responses to the COVID-19 pandemic. Information about Government Response measures were current at the time of publication however, given the rapidly evolving situation, businesses should monitor reliable news sources for updated information.

<p><b>What is the Current Stage Response?</b></p>	<p>Most of the restrictions implemented by the WA Government have been relaxed under the 6 phase Roadmap process for lifting restrictions (<b>Roadmap</b>)</p> <p>The main principles guiding the easing of restrictions is the <b>2 square metre rule</b> - provide at least 2 square metres of floor space per person.</p> <p>The details of the 6-Phase Roadmap are discussed in further detail below.</p> <p>Under the current Stage Response, the following businesses may reopen subject to the following conditions:</p>								
	<table border="1"> <thead> <tr> <th style="background-color: #4a4a8a; color: white;">Business, premises, or place</th> <th style="background-color: #4a4a8a; color: white;">Conditions</th> </tr> </thead> <tbody> <tr> <td>Food Businesses and Licensed Premises (cafes, restaurants, pubs, clubs, hotels, roadhouses, taverns)</td> <td> <p>No limit on the number of patrons permitted in a venue.</p> <p>2 square metre rule and physical distancing applies.</p> <p>Large hospitality venues that can hold more than 500 patrons must include staff in their patron account in providing for the 2 square metre rule.</p> <p>Alcohol can be served as part of an unseated service.</p> <p>No patron register required.</p> </td> </tr> <tr> <td>Casino</td> <td> <p>Casino gaming floor reopen.</p> <p>2 square metre rule applies.</p> </td> </tr> <tr> <td>Major sporting and entertainment venues</td> <td> <p>50 percent capacity rule applies</p> <p>Optus Stadium:</p> <ul style="list-style-type: none"> <li>• Sport: 30,633</li> <li>• Concerts: 35,000</li> </ul> <p>HBF Park:</p> <ul style="list-style-type: none"> <li>• Sport: 10,150</li> <li>• Concerts: 16,500</li> </ul> <p>RAC Arena</p> <ul style="list-style-type: none"> <li>• Sport: 7,150</li> </ul> </td> </tr> </tbody> </table>	Business, premises, or place	Conditions	Food Businesses and Licensed Premises (cafes, restaurants, pubs, clubs, hotels, roadhouses, taverns)	<p>No limit on the number of patrons permitted in a venue.</p> <p>2 square metre rule and physical distancing applies.</p> <p>Large hospitality venues that can hold more than 500 patrons must include staff in their patron account in providing for the 2 square metre rule.</p> <p>Alcohol can be served as part of an unseated service.</p> <p>No patron register required.</p>	Casino	<p>Casino gaming floor reopen.</p> <p>2 square metre rule applies.</p>	Major sporting and entertainment venues	<p>50 percent capacity rule applies</p> <p>Optus Stadium:</p> <ul style="list-style-type: none"> <li>• Sport: 30,633</li> <li>• Concerts: 35,000</li> </ul> <p>HBF Park:</p> <ul style="list-style-type: none"> <li>• Sport: 10,150</li> <li>• Concerts: 16,500</li> </ul> <p>RAC Arena</p> <ul style="list-style-type: none"> <li>• Sport: 7,150</li> </ul>
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- Concerts: 8,250

Health clubs, fitness centres, yoga, barre and spin facilities, saunas, bathhouses and wellness centres	Gyms may operate unstaffed. Regular cleaning must be maintained. 2 square metre rule applies.
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Concert halls, live music venues, bars, pubs and nightclubs	Unseated performances permitted. 2 square metre rule applies.
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The following activities are not permitted under Phase 4:

- Large scale, multi-stage music festivals.

**What are some of the restrictions that have been lifted in WA under Phase 4?**

Phase 4 of the Roadmap was implemented on 27 June 2020 and is currently in place. Under Phase 4, physical distancing, good hygiene, the 2 square metre rule apply to all activities.

Under Phase 4, businesses that have previously been closed and are reopening for the first time must:

- comply with conditions outlined in the [COVID Safety Guidelines](#). There are industry specific COVID Safety Guidelines, which include the following:
  - [COVID Safety Guidelines - Food Businesses and Licensed Premises](#);
  - [COVID Safety Guidelines – Sport and Recreation](#); and
  - [COVID Safety Guidelines – Beauty and Personal Care Services](#)
- ensure a [COVID Safety Plan](#) (based on the [COVID Safety Guidelines](#)) is completed by the person responsible for the premises and is up to date. There are industry specific COVID Safety Plans, which include the following:
  - [COVID Safety Plan: Food and Licensed Venues](#);
  - [COVID Safety Plan: Sport and Recreation](#); and
  - [COVID Safety Plan: Beauty and Personal Care Services](#).
- display a COVID Safety Plan Certificate in a visible location on the premises — this is included in the plan
- where applicable, ensure staff have completed the AHA Hospitality & Tourism COVID-19 Hygiene Course
- maintain a minimum of 2 square metres per person
- maintain hygiene and frequent cleaning

The other key elements of the Phase 4 period include:

**Public gatherings**

- No patron limit.
- 2 square metre rule and physical distancing applies.

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	<p><b>Food and beverage</b></p> <ul style="list-style-type: none"> <li>• No patron limit.</li> <li>• 2 square metre rule and physical distancing applies.</li> <li>• Alcohol may be served unseated.</li> </ul> <p><b>Leisure and recreation</b></p> <ul style="list-style-type: none"> <li>• Gyms may operate unstaffed.</li> </ul> <p><b>Community facilities</b></p> <ul style="list-style-type: none"> <li>• No patron limit.</li> <li>• 2 square metre rule must be maintained.</li> </ul> <p><b>Regional travel</b></p> <ul style="list-style-type: none"> <li>• Access into remote Aboriginal communities remains prohibited.</li> </ul> <p><b>Gaming venues</b></p> <ul style="list-style-type: none"> <li>• Crown Casino gaming floor permitted to reopen under temporary restrictions.</li> </ul>
<p><b>For how long will the Current Stage Response be in place?</b></p>	<p>Phase 4 is expected to be in place for three weeks.</p> <p>Subject to local infection rates, Phase 5 is anticipated to be introduced on 18 July 2020.</p> <p>Phase 5 is expected to remove all gathering restrictions, the 2 square metre rule and the 50 per cent capacity limit for major venues.</p>
<p><b>What if I am not one of the employers that is included in the types of businesses included in the Current Stage Response?</b></p>	<p>Businesses that are not on the list of businesses as part of the Current Stage Response are permitted to continue to open and operate but must adhere to the “2 sqm rule”, maintain social distancing and follow other measures to mitigate against potential infection exposure.</p>
<p><b>Are the borders closed?</b></p>	<p>WA’s borders were closed from midnight on Sunday 5 April 2020. A person cannot currently enter Western Australia unless an exemption has been granted. These restrictions apply to all air, sea, rail and road entry points.</p> <p>Even persons who have an exemption are not permitted to enter Western Australia if they have had close contact with person who has COVID-19, has, or has symptoms of, COVID-19 or is awaiting a COVID-10 test result.</p> <p>Businesses may apply for exemptions for the following.</p> <ul style="list-style-type: none"> <li>• Persons providing transport or freight and logistics services into or out of Western Australia.</li> <li>• Persons who are employed or engaged in primary industry that requires the person to be physically present in Western Australia.</li> <li>• FIFO workers, provided that they will isolate for a mandatory 14 day self-isolation period after entering Western Australia.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Family members of FIFO workers, provided that they will also isolate for a mandatory 14 day self-isolation period after entering Western Australia.</li> <li>• Other critical or essential workers which satisfy certain conditions.</li> </ul> <p>The WA Government has developed an application, the G2G Pass, enabling individuals and businesses to apply for approval to travel under the relevant exemptions.</p> <p>The G2G Pass application can also be used to manage a person's entitlement to travel to and within WA subject to the exemptions.</p> <p>Employers should seek legal advice as to whether they meet the requirements to apply for a specific exemption.</p>
<b>What are the internal travel restrictions within WA?</b>	<p>From Friday 5 June 2020 most regional travel restrictions have been removed.</p> <p>Travel restrictions remain in place for remote Aboriginal communities. These restrictions may be lifted as part of Phase 6.</p>
<b>Do I need to keep paying workers?</b>	<p>If your workers can work safely from home (discussed below), then they may do so.</p> <p>In the circumstances that impacted businesses experience a stoppage of work there may arise the basis to implement a stand down without pay, however legal advice should be sought first.</p> <p>In all cases, where an eligible business has experienced a drop in GST turnover of 30% or more (or 50% for a business with an annual turnover of \$1billion or more), all full time, part time and casual employees (provided the casual employee has at least 12 months service) aged 16 and over who were employed at 1 March 2020 are eligible to receive a flat \$1,500 per fortnight JobKeeper Payment for the next 6 month period (subject to prescribed exceptions).</p> <p>The \$1,500 JobKeeper payment is payable irrespective of whether the employee is continuing to perform some paid work or whether they have been stood down without pay.</p> <p>The JobKeeper payments is administered through the Australian Taxation Office and compliance is monitored through the single touch payroll system. Employers will receive payments to flow through to employees from the start of May 2020 and are backdated to 30 March 2020.</p> <p>Employers are encouraged to enrol with the ATO <a href="#">here</a>.</p> <p>Further details on the JobKeeper subsidy generally are available <a href="#">here</a>.</p>
<b>What are some of the financial relief measures available to businesses?</b>	<p>The WA State Government is making available the following measures to assist businesses during the COVID-19 crisis.</p> <ul style="list-style-type: none"> <li>• A freeze of rent increases for 6 months from 30 March 2020.</li> <li>• An eviction moratorium from 30 March 2020.</li> <li>• No interest to be charged on rent arrears.</li> <li>• Rent relief measures for eligible business tenants.</li> <li>• Credits of \$2,500 for electricity bills for small businesses.</li> </ul>

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- Increasing the payroll tax exemption threshold to \$1 million from 1 July 2020.
- Providing a one-off grant of \$17,500 to businesses with a reconciled 2018-19 Australia-wide payroll of between \$1 million and \$4 million.
- Waiving payroll tax for four months between 1 March and 30 June 2020 for businesses with an Australia-wide payroll of less than \$7.5 million.
- Waiving late payment penalties for payroll tax, transfer duty, landholder duty, vehicle licence duty or land tax.
- One off payments of \$2,000 for employers in the building and construction industry with apprentices and trainees currently receiving Construction Training Fund (CTF) grant payments.
- Grants of between \$250 to \$500 per month for employers in the building and construction industry to retain existing apprentices from 1 April 2020, with payments to begin from 1 June 2020.

The WA Government has created a dedicated small business support service, to assist business to determine their eligibility for the various relief measures. To access the service, contact 133 140 (8:30am to 4:30pm weekdays) or email [info@smallbusiness.wa.gov.au](mailto:info@smallbusiness.wa.gov.au).

Businesses that are not small businesses will need to seek professional advice regarding their eligibility for the various relief measures.

**What should I be thinking about in implementing working from home arrangements?**

Kingston Reid has developed a [Working from Home Checklist](#), to which employers may refer in preparing employees to work from home.

This [Checklist](#) is not exhaustive, and employers should have regard to any particular safety, information security and other considerations that may be unique to the work undertaken by particular employees.

**What are other safety measures that I should be considering right now?**

The nature of the Response measures, the effects of isolation and the gradual lifting of restrictions under the Roadmap will invariably have an impact upon the mental health of all workers. Check in regularly with employees at home and ensure that all are reminded of Employee Assistance Programs.

Employers should remain mindful that, if employees are directed to undertake non-essential work, and they become infected, there will foreseeably arise exposure to workers' compensation and potentially negligence claims under the workers' compensation scheme.

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