

Information note – Government responses to COVID-19 pandemic

Updated 13 May 2020

The Fair Work Commission will update this note regularly to keep subscribers informed of the latest developments.

The outbreak of the coronavirus (COVID-19) and the responses from governments, both federal and state, initially put restrictions on some businesses and then forced many to close, which has consequences for employees.

Measures taken to restrict gatherings and non-essential business

The Commonwealth Government has initiated the following [guidelines](#) for social distancing in order to stop or slow the spread of the disease:

- avoid handshaking and kissing;
- visit shops sparingly;
- consider whether outings and travel are necessary;
- reconsider non-essential business travel; and
- the suspension of non-essential gatherings for an initial period of 4 weeks.

On 13 March 2020, the Commonwealth and State Governments [agreed](#) to advise against all non-essential organised public gatherings of more than 500 persons, effective from 16 March 2020. This did not impact schools, workplaces, hospitals, public transportation, domestic travel and universities as well as public transient places such as shopping centres.

In [addition](#), on 18 March 2020, non-essential indoor gatherings of more than 100 people (including staff) and outdoor activities of more than 500 people were not to be permitted. Essential gatherings include:

- public transport;
- medical and health care facilities, pharmacies, emergency service facilities;
- correctional facilities, youth justice centres or other places of custody, courts and tribunals;
- Parliaments;
- food markets, supermarkets and grocery stores, shopping centres; and
- office buildings, factories, construction sites and mining sites.

For outdoor gatherings of fewer than 500 people, there must be no more than 1 person per 4 square metres of ground space.

On 20 March 2020, the Commonwealth [announced](#) that there must be a density of no more than 1 person per 4 square metres of floor space for indoor gatherings.

The [guidelines](#) also explain that, from midday local time on 23 March 2020, restrictions on opening were placed on the following facilities:

- pubs, registered and licensed clubs (excluding bottle shops attached to these venues), hotels (excluding accommodation);
- gyms and indoor sporting venues;
- cinemas, entertainment venues, casinos and night clubs;
- restaurants and cafes restricted to takeaway and/or home delivery; and

- religious gatherings, places of worship or funerals (in enclosed spaces and other than very small groups and where the 1 person by 4 square metre rule applies).

Further [measures](#), along with clarification of current guidelines, were announced on 24 March 2020 by the Commonwealth Government, which applied from 11.59pm local time on 25 March 2020. Restrictions on opening were placed on the following facilities:

- food courts (takeaway and/or home delivery remain operational);
- auction houses, real estate auctions and open house inspections (with the exception of private appointments for inspection);
- outdoor and indoor markets will be a decision for each state/territory (food markets continue to remain operational);
- beauty therapy, tanning, waxing, nail salons, tattoo parlours, spa, and massage parlours;
- hairdressers and barber shops to only have appointments of up to 30 minutes and must abide by the 1 person by 4 square metre rule;
 - On 26 March 2020, the Commonwealth Government [announced](#) that appointments would no longer be limited to 30 minutes per patron (effective immediately) for barbers and hairdressers, but the 1 person per 4 square metre rule must be strictly observed.
- gaming or gambling venues;
- strip clubs, brothels and sex on premises venues;
- concert venues, theatre, arenas, auditoriums, stadiums (live streaming of a performance by a small group can be permissible with social distancing observed);
- amusement parks, arcades and play centres (indoor and outdoor);
- community and recreation centres except for those that host essential voluntary or public services, such as food banks or homeless services;
- health clubs, fitness centres, yoga, barre and spin facilities, saunas, bathhouses and wellness centres;
- boot camps, personal training operating inside (for outside events, limited to groups of no more than 10 people and social distancing must be exercised);
- social-sporting based activities and swimming pools;
- residential facilities, such as hotels, hostels, bed and breakfasts, campsites, caravan parks, and boarding houses will be a decision for each state and territory (excludes permanent residents and workers);
- galleries, museums, national institutions and historic sites;
- libraries, community centres, and youth centres;
- local government non-essential facilities and services (i.e., libraries and pools)
- community facilities (i.e., community halls, RSLs, PCYCs);
- weddings restricted to a maximum attendance of 5 people and where the 1 person per 4 square metre rule applies; and
- funerals restricted to a maximum attendance of 10 people and where the 1 person per 4 square metre rule applies.

In addition, a 'do not travel' ban on Australians travelling overseas will be implemented, with exemptions to citizens that ordinarily live overseas, where travel is essential or necessary, where travel is in the national interest, and on compassionate and humanitarian grounds. Further, measures will be taken to prevent price gouging and exporting products essential to preventing and controlling COVID-19.

On 27 March 2020, the Commonwealth Government [announced](#) additional restrictions for return travellers and enforcement that require travellers returning from overseas to undertake a mandatory 14 days of self isolation at designated facilities and will be enforced with increasing compliance checks by state and federal police. Beginning from 11.59pm on Saturday 28 March 2020, anyone who returns to Australia will be forced to quarantine in a hotel or other accommodation for 14 days. They will not be allowed to return home. The Government also [announced](#) that part of their plan to tackle both the health and economic crises due to COVID-19 would be to hibernate parts of the economy, with the plan that effected business and workers would be able to start again on the other side.

On 29 March 2020, further measures from the Commonwealth Government [advised](#) people to stay at home unless partaking in one the following:

- shopping for what you need - food and necessary supplies;
- medical or health care needs, including compassionate requirements;
- exercise in compliance with the public gathering requirements;
- work and study, if it cannot be done remotely.

Playgrounds, skate parks and outside gyms in public places will be closed and bootcamps reduced to 2 persons, including the trainer.

The announcement limited both indoor and outdoor gatherings to a maximum of 2 persons with exceptions limited to the following:

- people of the same household;
- funerals – a maximum of 10 people;
- weddings – a maximum of 5 people; and
- family units.

In addition, on 30 March 2020, the National Cabinet [endorsed](#) advice from the Australian Health Protection Principal Committee (AHPPC) that:

- where vulnerable workers undertake essential work, a risk assessment must be undertaken with consideration of the characteristics of the worker, the workplace and the work;
- special provisions apply to essential workers who are at higher risk of serious illness and, where the risk cannot be sufficiently mitigated, should not work in high risk settings; and
- international flight crew and maritime crew are granted a concession from the mandatory 14 day quarantine requirements.

On 8 May 2020, the Commonwealth Government [announced](#) a 3-step plan, called the [Roadmap to a COVIDSafe Australia](#) to and have a sustainable COVID safe Australia by July 2020. The exact role out and time is to be announced and implemented by state and territory premiers and chief ministers.

Each step will still be underpinned by a commitment to:

- keep 1.5 metres away from other people whenever possible;
- maintain good hand washing and respiratory hygiene;
- stay home if feeling unwell, and get tested if you have respiratory symptoms or a fever;
- download the COVIDSafe app; and
- develop COVID safe plans for workplaces.

Step 1 will relax various baseline restrictions, including:

- gatherings of up to 10 people outside and in businesses;

- having up to 5 people visit at home;
- restaurants, cafes and shopping open;
- children back in the classroom;
- libraries, community centres, outdoor bootcamps and playgrounds open;
- home sales and auctions;
- some local and regional travel;
- people should work from home if it suits workers and their employers.

Step 2 will be further developed and defined based on the success of step 1 and pandemic situation, informed by expert medical advice. Currently it will build on step 1 and allow:

- gatherings of up to 20 people;
- more businesses opening including gyms, beauty services and entertainment venues such as galleries and cinemas;
- caravan and camping grounds open;
- some interstate travel.

Step 3 requires even further refinement, which will occur based on the success in implementing steps 1 and 2. Currently it will allow:

- gatherings of up to 100 people;
- return to workplaces;
- nightclubs, food courts and saunas open;
- all interstate travel;
- possible cross-Tasman, pacific island and international students travel.

Some states and territories had already made announcements to ease restrictions before the Commonwealth Government announcement. These and other announcements since 8 May 2020 from the states and territories and their proposed timelines are summarised below:

- NSW: from 1 May, 2 adults (and any dependent children) can visit another household to provide care or support; on 10 May, announced that from 15 May, outdoor gatherings of up to 10 people at cafes and restaurants that can seat 10 people at a time; up to 5 visitors to a household at a time; weddings with up to 10 guests; indoor funerals up to 20 people and up to 30 people for outdoor services; religious gatherings/places of worship up to 10 people, use of outdoor equipment (with caution); and outdoor pools open (with restrictions).
- Victoria: on 11 May, announced amended restrictions which came into effect on 12 May: gatherings outdoors in groups of up to 10 people; gatherings indoors at home with up to 5 visitors; leave the house for exercise for health or recreational activities in groups of up to 10 people (subject to existing physical distancing requirements); attend weddings with up to 10 guests (excluding the celebrant and the couple); attend funerals with up to 20 people for an indoor ceremony and up to 30 people for an outside ceremony (in addition to the minimum people required to conduct the funeral); attend religious gatherings and ceremonies with a maximum of 10 people (plus those required to perform the ceremony).
- Queensland: from 2 May, as well as established essential reasons, people can leave their home for recreation purposes within 50km of their home including going for a drive, picnics, visit a national park, go fishing, boating or jet-skiing. This can be done with people who you normally live with or one person you do not live with, or more than one person if you need assistance from more than one carer. From 10 May, people can have up to 5 visitors from the same household or 2 visitors from different households.
 - On 8 May, announced further plans to ease restrictions. Stage 1, from 15 May, includes gatherings in homes (maximum 5 visitors allowed from separate households);

gatherings up to 10 people for outdoor, non-contact activity; personal training; pools (indoor and outdoor); public spaces and lagoons; parks, playground equipment, skate parks and outdoor games; libraries, weddings; attending national or state parks; places of worship and religious ceremonies; funerals (maximum 20 indoors and 30 outdoors); and recreational travel within 150 kms of your region for day trips or 500kms within the outback; retail shopping; dining in restaurants, cafes, pubs and registered clubs (maximum 10 people or 20 for locals in the outback and no bars or gaming in the outback), open homes and auctions; and beauty therapy and nail salons.

- Stage 2 (from 12 June): 20 people for gatherings indoors and outdoors plus indoor gyms, health clubs and yoga studios, maximum 50 people for funerals, recreational travel, camping and accommodation including caravan parks within 250 kms of your region (no limit within the outback, for those living in the outback); retail shopping, cafes and restaurants etc as per stage 1 – for maximum of 20 people (50 people for outback), plus indoor cinemas, outdoor amusement parks, zoos, arcades, tourism experiences, concert venues, theatres, arenas, auditoriums, stadiums and spas.
- Stage 3 (from 10 July): subject to further planning and review, intrastate and interstate travel will be permitted, and a maximum of 100 people will be permitted for previously mentioned activities; public health rules will remain including physical distancing, 4 square metres per person when indoors, hand hygiene, respiratory hygiene, frequent environmental cleaning and disinfection
- South Australia: on 3 May, the easing of restrictions included reopening public parks and playgrounds and resumption of cross-border kidney transplants.
 - From 11 May, stage 1 (subject to 1 person per 4 square metres and 10 people maximum) allows: regional travel, Uni and TAFE face-to-face tutorials; outdoor dining for restaurants and cafes; community, youth and RSL halls; auctions and inspections; local government libraries; sporting training (outdoor only); funerals (20 indoor / 30 outdoor maximum); worship, weddings and ceremonies; pools (limits apply); and campgrounds and caravan parks.
 - From 8 June, stage 2 (subject to 1 person per 4 square metres and maximum 20 people) allows: cinemas and theatres; seated dining; galleries and museums; beauty, nails, tattoo, massage (no-therapeutic), driving instruction lessons, gyms and indoor fitness, funerals (50 person maximum); and sport transition to competition without spectators, including indoor.
 - Stage 3 includes future steps for consideration: larger gatherings, licensed pubs and bars (non-food); nightclubs; shisha/hookah bars, international student returning; casino and gaming venues; stadiums and larger entertainment venues; food courts; spas and saunas' state border restrictions; and travel into protected communities.
- Western Australia: from 27 April, Phase 1 allows indoor and outdoor non-work gatherings of up to 10 people; outdoor personal training without shared equipment; recreation activities in compliance with travel restrictions and the 10-person rule (such as private picnics in the park, fishing, boating, hiking and camping); home opens and display villages open (in compliance with 10-person rule and appropriate record keeping and hygiene practices occur).
 - From 18 May, Phase 2 allows indoor and outdoor non-work gatherings of up to 20 people; weddings and funerals up to 20 people inside or 30 people outside; cafes and restaurants with meal service, including within pubs, bars, clubs, hotels and casino of up to 20 patrons; regional travel restrictions relaxed; non-contact community sports of up to 20 people; outdoor or indoor fitness classes with minimal shared equipment (20 people maximum); public pools (1 outdoor and 1 indoor) permitted to open (20 people maximum); places of worship; community facilities and libraries allowed to reopen (20 people maximum); and businesses looking to reopen will need to complete and official COVID Safety Plan.
 - Phase 3 will be finalised in the coming weeks and is expected to be implemented 4 weeks from the start of Phase 2. It is expected to include: further increases in the number of people allowed to gather indoors and outdoors for non-work gatherings;

possible further relaxation of regional travel restrictions; further easing of restrictions for gyms, health clubs and indoor sport centres; contact community sports permitted (with gathering limits); beauty therapy and personal care services permitted; auction houses and real estate auctions permitted in person; public playgrounds, outdoor gym equipment, skate parks, zoos, cinemas, galleries, museum and concert venues permitted to open (with limits). Phase 4 will be assessed and finalised in due course, it is expected that the border closure will remain in place and be the last restriction lifted.

- Tasmania: from 11 May 2020, funerals increase from 10 to 20 attendees; aged care visits are allowed one visits per week and no more than two visitors; national parks and reserves open to resident for exercise within 30km of their home; and TasTAFE campuses and training facilities open for invited small groups of students only attending practical learning and assessment sessions.
 - From 18 May, stage 1 will allow indoor and outdoor gatherings of up to 10 people (except visitor to households, which is capped at 5 people) including real estate, small religious gatherings and weddings (funerals can have 30 people if outdoor); restaurants and cafes in all settings open and able to seat 10 people at a time (seated table service only with physical distancing); border controls remain – domestic travelling Tasmanian residents excepted and may quarantine in their principle residence; community and local government facilities and libraries allowed to open for up to 10 people; park exercise equipment and playgrounds, pools and boot camps open for up to 10 people; vulnerable people are encouraged to stay home and protect their health.
 - From 15 June, stage 2 involves gatherings increasing to 20 people at a time for non-work gatherings indoor or outdoor; visitor numbers to households to be reviews; funerals up to 50 people, unlimited accommodation; camping, overnight boating and shacks open up to 20 people; open homes and auctions can resume with 20 people; border controls to remain; gyms and boot camps up to 20 people; beauty services up to 20 people; park exercise equipment and playgrounds open for up to 20 people; outdoor community sport with up to 20 athletes/personnel; indoor sport and recreation, including pools with up to 20 people; and vulnerable people encouraged to stay home and protect their health.
 - Stage 3 includes Indoor and outdoor gatherings for up to 50–100 people with the final maximum to be determined by Public Health; aged care homes allowed 5 visitors and multiple visits; border controls remain in place; consideration given to the opening of bars, night clubs and casinos/gaming; markets to open (subject to Public Health advice); food courts and food vans at markets may operate; spas and bathhouses to reopen; day trips and camping for school groups allowed; indoor and outdoor community sport and recreation to resume and numbers to be guided by Public Health; and vulnerable people encouraged to stay home and protect their health.
- ACT: on 1 May, announced that restrictions would be eased from 2 May. These included allowing families to visit each other, with 2 adults plus children able to visit family members outside of people they live with, travel restrictions eased so that residents can travel outside of the ACT to visit family and friends in small groups and maintain physical distancing. From 9 May, COVID-19 restrictions were eased and include all indoor and outdoor gatherings including in homes can have a maximum of 10 people (including children); weddings can have 10 guests (excluding the person/s conducting the ceremony); indoor funerals can have 20 guests and outdoor services can have 30 guests (both excluding the person/s conducting the ceremony); religious ceremonies and places of worship can have up to 10 people attend (excluding the person/s conducting the service); outdoor bootcamps and other personal fitness training (non-contact) can be held with a maximum of 10 people (excluding the trainer) – there is no sharing of equipment; and real estate open houses and auctions can occur with a maximum of 10 people, excluding staff.
- Northern Territory: Stage 1 (from 1 May): people can exercise outdoors with other people such as yoga and bootcamp; participate in non-contact, non-collision outdoor sports such, as athletics, golf, tennis, swimming, shooting, archery, badminton, geocaching, paddling and lawn bowls; gather with people in outdoor areas, including markets, weddings and funerals; conduct and attend outdoor religious gatherings; visit parks and reserves including campgrounds that are accessible without needing to enter a restricted rear biosecurity zone;

swim in lagoons at the waterfront, rivers and natural pools outside the biosecurity zones; fishing, boating, sailing with other people; attend a public swimming pool, water park or recreational lake for swimming or water sports; use a skate park, outdoor public playground or outdoor gym equipment; conduct or attend a real estate open house inspection or a real estate auction; have visitors to your home; shop at your leisure.

- Stage 2 (anticipated to be from 15 May): activities must be undertaken in less than 2 hours, and include serve and consume food or beverages in a shopping centre food court; operate and attend restaurants and cafes; operate and attend a bard, sports or RSL club (alcohol allowed with the consumption of food), gaming activities excluded; take part in organised training activities for sporting clubs and teams; operate or attend an indoor market; operate or attend a beauty therapy salon for non-facial services; operate or attend a yoga, Pilates, Zumba, barre, or dance studio; operate or attend physical training activities indoors; operate and attend a gymnasium; visit a public library, toy library or indoor playground; operate and attend a place used for religious worship; attend an art gallery, museum, public memorial, public historic site, zoo or wildlife facility.
- Stage 3 (anticipated to be from 5 June): operate all license gaming activities; resume officiating, participating and supporting the playing of team sports; attend cinemas, theatres, concert halls, music halls, dance halls, nightclubs or other entertainment venues in approved configuration; attend an amusement venue; attend a bar without food being consumed; operate and access all previously restricted services at beauty therapy and cosmetic services; operate and access all previously restricted services at tattoo, body art and piercing facilities; attend an amusement park, community centre, recreation centre or play centre; attend an arena, stadium, sporting facility including community and sporting competitions with spectators in approved seating configuration (if above 500 people the event will require a separately approved COVID-19 Safety plan; all businesses, facilities and services previously restricted can resume ensuring adherence to key principles. Major events will be approved on a case by case basis.

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Support for businesses

Assistance for businesses from the Commonwealth Government was first [announced](#) on 12 March 2020 that included:

- increases to the instant asset write-off and accelerating depreciation deductions;
- payments of between \$2000 and \$25,000 for small to medium-sized businesses making less than \$50 million in turnover;
- assistance for small business employing trainees and apprentices by supporting 50 per cent of apprentice/trainee wages for 9 months from 1 January 2020 to 30 September 2020.

A **second package** from the Commonwealth Government was [announced](#) on 22 March 2020 that included the following:

- a boost to cashflow of up to \$100 000 to eligible small and medium-sized businesses, and not-for-profits (NFPs) that employ people, with a minimum payment of \$20,000, to keep business operating, pay rent, electricity and other bill and retain staff. This measure is estimated to benefit around 690,000 businesses employing around 7.8 million people, and around 30,000 NFPs (including charities).
 - Employers will receive a payment equal to 100 per cent of their salary and wages withheld (up from 50 per cent), with the maximum payment being increased from \$25,000 to \$50,000, with the minimum payment being increased from \$2,000 to \$10,000. Additional payments to be introduced during the July–October 2020 period;

Fact sheet: [Fact sheet - Cash flow assistance for businesses](#)

- increasing the instant asset write-off threshold from \$30,000 to \$150,000 and expanding access to include businesses with aggregated annual turnover of less than \$500 million (up from \$50 million) until 30 June 2020;

Fact sheet: [Fact Sheet - Delivering support for business investment](#)

- temporary increase in the threshold at which creditors can issue a statutory demand on a company and the time companies have to respond to statutory demands they receive;

Fact sheet: [Fact sheet - Providing temporary relief for financially distressed businesses](#)

- the introduction of a 15-month investment incentive that will accelerate depreciation deductions for businesses with turnover of less than \$500 million. These businesses will be

able to deduct 50 per cent of the cost of an eligible asset on installation, with existing depreciation rules applying to the balance of the asset's cost;

Fact sheet: [Fact Sheet - Delivering support for business investment](#)

- following the initial support to businesses employing trainees and apprentices, where a small business is not able to retain an apprentice, the subsidy will be available to a new employer that employs that apprentice. Employers will be reimbursed up to a maximum of \$21,000 per eligible apprentice or trainee;

Fact sheet: [Fact sheet - Cash flow assistance for businesses](#)

- support of \$1 billion to regions most significantly affected by the Coronavirus outbreak. These funds will be available to assist during the outbreak and the recovery. In addition, assistance has been provided to the airline industry by providing relief from a number of taxes and Government charges estimated to total up to \$715 million;

Fact sheet: [Fact sheet - Assistance for severely affected regions and sectors](#)

- a guarantee of 50 per cent to SME lenders to support new short-term unsecured loans to SMEs.

Fact sheet: [Fact sheet - Supporting the flow of credit](#)

References: <https://treasury.gov.au/coronavirus/businesses>; <https://treasury.gov.au/coronavirus>

On 29 March 2020, the Commonwealth Government also [announced](#) a range of short-term interventions within commercial and residential rental markets that involved a moratorium on evictions of both residential and commercial tenancies for the next 6 months, in cases where tenants are unable to meet their rental commitments due to the impact of coronavirus. The Government also encouraged commercial tenants and landlords to engage in discussions, supporting the survival of businesses and continuation of tenancies, including:

- tenants and landlords are encouraged to agree on rent relief or temporary amendments to the lease;
- the reduction or waiver of rental payment for a defined period for impacted tenants;
- the ability for tenants to terminate leases and/or seek mediation or conciliation on the grounds of financial distress;
- commercial property owners should ensure that any benefits received in respect of their properties should also benefit their tenants in proportion to the economic impact caused by coronavirus;
- landlords and tenants not significantly affected by coronavirus are expected to honor their lease and rental agreements; and
- cost-sharing or deferral of losses between landlords and tenants, with Commonwealth, state and territory governments, local government and financial institutions to consider mechanisms to provide assistance.

On 7 April 2020, the Commonwealth Government further announced that principles agreed on 3 April by the Commonwealth and state and territory governments would be implemented as a [mandatory Code of Conduct \(the Code\)](#) imposing a set of good faith leasing principles for application to commercial tenancies (retail, office and industrial), between landlords and tenants. The Code will be given effect through relevant state and territory legislation or regulation. The Code comes into effect on a date following 3 April 2020, with the specific date to be defined by each jurisdiction. The code will coexist with and complement these specific implemented state and territory laws and regulations.

The code applies to:

- small and medium sized businesses (annual turnover of up to \$50 million); and
- businesses eligible for the purpose of the Commonwealth Government's [JobKeeper](#) programme.

The Code aims to manage the cashflow and financial risk on a proportional basis, seeking to appropriately balance the interests of commercial tenants and landlords. Key overarching principles include:

- landlords and tenants share a common interest in working together, to ensure business continuity and to facilitate the resumption of normal trading activities following the end of the COVID-19 pandemic;
- landlords and tenants required to discuss relevant issues, to negotiate appropriate temporary lease terms and work towards mutually satisfactory outcomes;
- landlords and tenants will negotiate in good faith;
- landlords and tenants will act in an open, honest and transparent way and provide sufficient and accurate information relevant to negotiations, to achieve outcomes consistent with the Code;
- arrangements agreed upon will take into account the impact of the COVID–19 pandemic on the tenants, specifically its revenue, expenses and profitability, and be proportionate and appropriate;
- parties will cooperate with each other in their respective dealings with other stakeholders (such as government, financial institutions and utility companies); and
- all premises and cases are different, and leases must be dealt with on a case-by-case basis.

The Code also outlines 12 leasing principles, to be applied as soon as possible on a case-by-case basis. They include:

- landlords must not terminate lease because of non-payment of rent during the COVID–19 pandemic period (or reasonable subsequent recovery period).
- tenants must remain committed to terms of their lease (subject to negotiated amendments). Failure to abide by substantive terms of leases will forfeit tenants' protections provided under the code.
- landlords must offer tenants proportionate reductions in rent payable (by way of waivers or deferrals) of up to 100 per cent of the usual amount, based on the reduction in tenant's trade. Waivers must be no less than 50 per cent of total reduction in rent payable. Regard must also be given to the Landlord's financial ability to provide reductions. If negotiated terms require repayment this must be down over an extended period and not commence until the earlier of the lease expiring or the pandemic ending. No fees, interest or other charges should be applied to waived rent and no fees, charges nor punitive interest may be charged on deferrals.
- deferrals must be amortised over the balance of the lease or within 24 months (whichever is greater).
- any reductions in statutory charges received by landlords (e.g. land tax, council rates) or insurance will be passed on to tenants in proportion as under the terms of the lease.
- landlords must not draw on a tenant's security for non-payment of rent.
- tenants should be provided the option to extend their lease for an equivalent period of the rental deferral or waiver.
- a freeze on rent increases for the duration of the pandemic and reasonable recovery period.
- landlords must not apply prohibitions or levy penalties should tenants reduce opening hours or cease trade during the pandemic.

Should landlords and tenants fail to reach an agreement on lease arrangements, the matter should be referred and subjected (by either party) to applicable state or territory commercial leasing dispute resolution processes for binding mediation.

References:

<https://www.pm.gov.au/media/national-cabinet-statement>

<https://www.pm.gov.au/sites/default/files/files/national-cabinet-mandatory-code-of-conduct-sme-commercial-leasing-principles.pdf>

<https://www.pm.gov.au/media/update-coronavirus-measures-070420>

On 2 April 2020, the Early Childhood Education and Care Relief package was [announced](#), designed to ensure around 1 million families receive free child care during the COVID–19 pandemic and to support the early childhood education and care sector during the crisis.

From 6 April 2020, the Government will pay 50 per cent of services' fee revenue up to the existing hourly rate cap (based on a point in time at 2 March 2020, before parents started withdrawing children in large numbers due to the pandemic), so long as services:

- remain open unless closed on public health advice or for other health and safety reasons;
- do not charge fees to families (including out of pocket or 'gap' fee);
- prioritise care for children of essential workers, vulnerable and disadvantaged and previously enrolled children;
- continue to record the attendance of children; and
- comply with all other provider obligations including National Quality Framework and other relevant conditions of approval under Family Assistance Law.

The payment will be made directly and automatically to early childhood education and care services on a weekly basis and will be based on the number of children who were in care during the fortnight leading into 2 March (where attending services at the time or not).

- The Government will also make payments of higher amounts in exceptional circumstances, such as where greater funding is required due to an increase in enrolments to meet demand to address the needs of essential workers or vulnerable children.

The new system is initially for a period of 3 months and will be reviewed after 1 month, and an extension considered after 3 months.

The subsidy will be paid in lieu of the usual Child Care Subsidy (CSS) and Additional Child Care Subsidy payments and means testing will not apply to the new payment.

Up to and including 5 April 2020, services can waive the gap fees for families due to the impact of COVID-19, which can be backdated to 23 March 2020. Services should encourage families who have recently ceased their enrolment to re-enrol—enrolment will ensure families maintain CSS eligibility for when the regular child care system is reinstated.

The payments are designed to complement the [JobKeeper](#) payment and providers will also be eligible to receive the JobKeeper for eligible employees.

Fact sheet: [COVID-19 information sheet for child care providers up to 5 April 2020](#)

Fact sheet: [COVID-19 information sheet for child care providers from 6 April 2020](#)

Department of Education website: <https://dese-interim.govcms.gov.au/news/coronavirus-covid-19>
<https://www.dese.gov.au/covid-19/childcare>

State governments have announced adjustments to payroll tax and other measures to assist businesses, including:

- New South Wales: waiving payroll tax for businesses with payrolls of up to \$10 million for 6 months, bringing forward the next round of payroll tax cuts by raising the threshold limit to \$1 million in 2020–21, waiving a range of fees and charges for small businesses including bars, cafes, restaurants and tradies, \$250 million to employ additional cleaners of public infrastructure, such as transport, deferral of gaming tax for clubs, pubs and hotels, and

lotteries tax for 6 months (conditional on these funds retaining staff), deferral of the parking space levy for 6 months, and deferral of rents for commercial tenants with less than 20 employees for 6 months in all Government-owned properties, allowing eligible small businesses struggling to cope with the COVID-19 shutdown to apply for grants of up to \$10 000 (such as having between 1–19 employees, a turnover of more than \$75 000, having payroll below \$900 000) to use for unavoidable business costs such as utilities, overheads, legal costs and financial advice.

- Commercial tenants (with turnover of less than \$50 million and eligible for the JobKeeper program) significantly impacted by COVID-19 will have increased protection from evictions; commercial landlords will be offered land tax concession of up to 25 per cent for the 2020 calendar year if they pass savings on to their tenants through a reduction in rent; a further land tax referral for three months will also be offered to landlords who successfully claim the land tax concession; landlords must negotiate rent relief agreements with tenants in financial distress; terminations of leases for non-payment are banned and there is a freeze on rent increases.
- Victoria: full payroll refunds for the 2019-20 financial year for small and medium businesses with payroll of less than \$3 million, government to pay to all outstanding supplier invoices within 5 business days, liquor licensing fees for 2020 to be waived for affected venues and small businesses.
 - Subject to passing parliament, there will also be a temporary ban on most residential evictions, a pause in rental increases for six months, and a rental assistance fund set up for renters facing hardship due to COVID-19; tenants and landlords who struggle to strike a deal over rent reductions will be given access to a fast-tracked dispute resolution service; a 25 per cent tax reduction for landlords who provide rent relief to tenants impacted by COVID-19 (any remaining land tax can be deferred until March 2021); evictions for the non-payment of rent and rental increases will be banned for 6 months for commercial tenancies for small and medium-sized businesses who have an annual turnover of under \$50 million per year and have experienced more than a 30 per cent reduction in turnover.
- Queensland: deferral of payroll tax for 6 months, grants of up to \$7500 (excl. GST) to support new equipment purchases, immediate payroll tax refunds for business and deferrals for eligible businesses until the end of 2020 (all small and medium businesses with payroll up to \$6.5 million will be eligible, as will large businesses affected by COVID-19), relief for businesses renting government premises, a \$500 electricity bill rebate for small and medium businesses consuming less than 100 000 kilowatt hours, and liquor licencing fees waived for businesses affected by shutdowns.
 - subject to legislation passing parliament, commercial and retail property owners will receive a three-month rebate of land tax for 2019–20, followed by a 3-month deferral of land tax for 2020–21 if they agree to provide rent relief for tenants affected by COVID-19 or if due to the downturn they are unable to secure a tenant they will receive land tax relief to meet their financial obligations (such as debt and repayments).
- Western Australia: one-off grants of \$17,000 to small businesses, the \$1 million payroll tax threshold brought forward by 6 months to 1 July 2020, payroll tax waived for 4 months (1 March 2020 to 30 June 2020) for certain small and medium-sized businesses with annual wages less than \$7.5 million, small businesses to receive a one-off \$2500 credit for Synergy and Horizon Power customers (as of 31 March 2020) that consume less than 50 megawatt hours (MWh) per annum as well as charities, waiving a range of licence fees for small and medium-sized businesses in COVID-19 impacted industries for 12 months, liquor licence renewal fees waived for 2020 and refunds provided for businesses that have already paid, benefitting around 5500 businesses, business can apply for late payment penalties to be waived for transfer duty, landholder duty, vehicle licence duty or land tax, no power or water disconnections for small businesses.
 - On 23 April 2020, the [Commercial Tenancies \(COVID-19 Response\) Act 2020](#) established a code of conduct for commercial landlords and tenants and introduced a moratorium on evictions for small commercial tenancies, restrict penalties for tenants who do not trade or reduce trading hours, prohibit charging interest on rent arrears, and

introduced a dispute resolution process. Parts 2 and 3 of the Act are deemed to have come into operation from 30 March 2020.

- [The Residential Tenancies \(COVID-19 Response\) Bill 2020](#) introduced a moratorium on residential evictions for six months (except in limited circumstances), prohibited rent increases during the emergency period, any fixed term tenancy agreements due to expire during the emergency period will continue as periodic agreements, and exempted renters from the obligation to undertake repairs if they are unable to due to COVID-19 related financial hardship or a lawful restriction on movement.
- South Australia: one-off payment to eligible welfare recipients, homeowners and tenants, a payroll tax waiver for up to 6 months for businesses with an annual payroll up to \$4 million (and payroll tax deferral for businesses with an annual payroll of over \$4 million), land and liquor licensing fees for 2020–21 for affected venues and small businesses, grants for businesses and community organisations impacted to support employment and assist with retraining.
 - Commercial and private residential tenants will have protection against evictions and other prescribed actions (termination of lease, seeking damages, enforcing guarantees, requiring payment of interest on unpaid rent) in cases of extreme financial hardship for six months from 30 March 2020.
- Tasmania: waiving of payroll tax for the last four months of 2019–20 for hospitality, tourism and seafood industry businesses, introduction of a youth employment payroll tax rebate scheme for young people from 1 April 2020, additional \$5000 grants for businesses that hire an apprentice or trainee. Taxi license fees have been waived for 2020 calendar year. Funding for one-off arts and cultural industry projects such as script development and music recording. Direct funding provided towards critical air freight service for time sensitive freight (such as seafood).
- ACT: a 12-month waiver on food business registration and on-licence liquor licencing fees from 1 April 2020, a one-off 6 month payroll tax waiver for hospitality (cafes, pubs, hotels, clubs and restaurants), creative arts and entertainment industries from April to September 2020, deferral of 2020-21 payroll tax (interest free to 1 July 2022) for all ACT business with nation-wide wages of up to \$10 million.
 - Subject to the development and passage of legislation, the implementation of a six-month moratorium on rental eviction for any tenants under financial duress due to COVID-19. a temporary freeze on rental increases and prevent 'blacklisting' as a result of being unable to pay rent, landlords who reduce tenants rent by at least 25 per cent for up to six months will be eligible for a rebate that the Government will match up to 50 per cent of the reduction to a maximum of \$2600 over six month or \$100 per week, parties may also agree to delay or freeze rental payments if a tenant is not earning income.
- NT: eligible businesses will get a grant of \$10 000 for upgrades and a further \$10 000 if they contribute \$10 000 of their own funds. From 1 April 2020, businesses that demonstrate substantial hardship due to the Coronavirus (COVID-19) pandemic will have their payroll tax abolished for 6 months for small to medium-sized businesses, and a deferral for 6 months for large businesses, impacted businesses will also have power, water and sewerage bills cut by 50 per cent for 6 months. The Government will also provide lease relief to commercial tenants by providing extra support to commercial landlords if they assist impacted tenants, with requirements including that landlords negotiate relief for impacted tenants in line with the Code of Conduct for commercial tenancies.

References:

- Government of New South Wales (2020), [\\$2.3 billion health boost and economic stimulus](#), NSW Government media release, 17 March.
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- Hon. Palaszczuk A (2020), [Palaszczuk Government offers \\$500m in loans to support workers in businesses affected by coronavirus](#), Queensland Government, 17 March.
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- Queensland Treasury (2020), [COVID-19 economic relief package - \\$4 billion to support Queenslanders' health, jobs and business](#), Queensland Government, 24 March.
- Queensland Treasury (2020), [Coronavirus payroll tax relief](#), Queensland Government, 24 March.
- NSW Government (2020), [Billions in tax relief for business, \\$1 billion fund for jobs, and help for the vulnerable](#), 27 March.
- Ferguson M (2020), [Supporting our industries](#), Tasmanian Government, 27 March.

Support for individuals and households

Assistance for employees and households initially included one-off payments of \$750 to be made from 31 March 2020 to selected income support recipients.

The eligibility was extended to those receiving an eligible payment on any day from 12 March to 13 April 2020. See: [More financial support for people affected by coronavirus](#)

Further assistance for households was [announced](#) by the Commonwealth Government on 22 March 2020:

- temporarily expanding eligibility for income support payments and establishing a new, temporary Coronavirus supplement, paid at \$550 per fortnight from 27 April 2020 for at least

6 months. Both existing and new Jobseeker Payment, Youth Allowance Jobseeker, Parenting Payment, Farm Household Allowance and Special Benefit recipients are eligible:

Fact sheet: [Fact sheet - Payments to support households](#)

Also: [More financial support for people affected by coronavirus](#)

- a second payment of \$750 to social security, veterans and other income support recipients and eligible concession card holders made from 13 July 2020 (individuals who received the first payment of \$750 and remain eligible for the second payment will receive both payments, unless they have received the \$550 Coronavirus supplement in which case they will not be eligible for the second payment);

Fact sheet: [Fact sheet - Payments to support households](#)

This is for those receiving eligible payments on 10 July 2020 and payment will automatically be made. See: [More financial support for people affected by coronavirus](#)

- employees who have been stood down without pay are eligible for benefits provided that they are already in receipt of a benefit or are new income support recipients. They may become eligible (subject to leave arrangements) for the JobSeeker Payment if 'the person's working hours were reduced (including to zero) as a result of the adverse economic effects of the coronavirus known as COVID-19'.

Reference: *Social Security (Coronavirus Economic Response—2020 Measures No. 2) Determination 2020*: <https://www.legislation.gov.au/Details/F2020L00311>

- individuals to access up to \$10 000 of their superannuation in 2019–20 and \$10 000 in 2020–21 without needing to pay tax on the amounts released;

Fact sheet: [Fact sheet - Early Access to Super](#)

- on 12 March, the Government announced a 0.5 percentage point reduction in both the upper and lower social security deeming rates. The Government will reduce these rates by another 0.25 percentage points. As of 1 May 2020, the upper deeming rate will be 2.25 per cent and the lower deeming rate will be 0.25 per cent.

Fact sheet: [Fact sheet - Providing support for retirees to manage market volatility](#)

- a \$1.1 billion package to support more mental health, medicare and domestic violence services to deal with the secondary effects of the health and economic crisis.

Reference: <https://ministers.dss.gov.au/media-releases/5686>

On 30 March 2020 a third stimulus package was [announced](#) including the planned introduction of a JobKeeper payment as well as changes to partner income testing for the JobSeeker payment.

JobSeeker recipients will have their partner's income test threshold temporarily increased to \$79 762 per annum (\$3068 per fortnight). Increasing the amount of people who will be eligible for the JobSeeker payment.

Subsequently on 8 April 2020, both houses of the Commonwealth Parliament passed the [Coronavirus Economic Response Package Omnibus \(Measures No.2\) Bill 2020](#), which included amendments to the *Fair Work Act 2009* (Cth) (the Act) and introduced the JobKeeper payment. These amendments along with the corresponding [eligibility rules](#) outlined the details of the JobKeeper payment. On 9 April 2020 the [Coronavirus Economic Response Package \(Payments and Benefits\) Rules 2020](#) were released.

- The JobKeeper Payment is a flat \$1500 payment (before tax) per eligible employee, paid directly to businesses who then use it to subsidise the payment of their employee's wage and pay directly to eligible employees. It is designed to maintain the employment relationship between employers and employees.

- Affected employers will be able to claim a fortnightly payment of \$1500 per eligible employee from 30 March 2020, for a maximum of 6 months. Businesses will receive the first payments in the first week of May. The jobkeeper scheme ends on 27 September 2020.
- Eligibility is dependent on employers having suffered a substantial decline in the projected GST turnover compared to a relevant comparison period's turnover. For entities with a turnover of over \$1 billion, the reduction must be at least 50 per cent, for entities registered with the Australian Charities and Not-For-Profit Commission the reduction must be at least 15 per cent, and for other entities at least 30 per cent.
- Full-time workers; part-time workers, sole traders, long-term casual employees (casuals who have been with their employer for 12 months or more and were employees of the business as of 1 March 2020), not for profit entities, New Zealanders on 444 visas, and migrants who are eligible for JobSeeker Payment or Youth Allowance (Other) will be eligible for the subsidy.
- Employees who have been stood down by their employer since 1 March 2020 will be eligible.
- If workers ordinarily received \$1500 or more income per fortnight before tax, they will continue to receive regular income according to the prevailing workplace instrument, the JobKeeper Payments will subsidise part or all of their income.
- The payment is a minimum of \$1500 per fortnight, before tax.
- Employees may be eligible for both JobSeeker and JobKeeper payments if they have been stood down. However, they would need to report their JobKeeper income to Services Australia, and are likely to no longer be eligible for income support as a result of receiving the JobKeeper Payment
- Superannuation payments will not be made on the JobKeeper Payment, it will be up to employers if they want to pay superannuation or any additional wage paid because of JobKeeper Payments.
- Amendments repealed core provisions of Part 6-4C of the Act by authorising an employer who qualifies for the jobkeeper scheme to:
 - give a jobkeeper enabling stand down direction to an employee, this can also include a reduction in work hours;
 - direct an employee to perform different duties than they usually perform;
 - direct employees to work at a different location than they usually would;
 - make an agreement in relation to the days or times when an employee is to perform work; and
 - make an agreement in relation to when an employee takes annual leave (including at half pay).
- Directions given by an employer will not apply if the direction is unreasonable in all of the circumstances. Directions in relation to the duties performed by the employee or the location of work, will not apply unless the employer reasonably believes the direction is necessary to continue the employment of one or more employees.
- Disputes regarding the operation of this Part of the Act including JobKeeper enabling directions or flexibility agreements may be dealt with by the Fair Work Commission. Information regarding [JobKeeper disputes](#) can be found on the Fair Work Commission website.
- The temporary changes to the Act will be repealed on 28 September 2020. Further information regarding the JobKeeper payment can be found on the [Australian Tax Office](#) and [Services Australia](#) websites.

[Fact sheet: Jobkeeper payment – Information for Employees](#)

[Fact sheet: JobKeeper Payment – Supporting businesses to retain jobs](#)

[Fact sheet: JobKeeper Payment – Information for employers](#)

State governments have announced policies providing temporary relief for employees and households, including:

- South Australia: a one-off boost of \$500 and bringing forward the 2020–21 'Cost of Living Concession' for households receiving the Centrelink JobSeeker Payment.
- Queensland: a \$200 rebate for all Queensland households to offset the cost of water and electricity bills.
- Western Australia: a doubling in the Energy Assistance Payment (EAP) to \$610 for eligible concession card holders (Pensioner Concession Card, Health Care Card, Commonwealth Seniors Health Card or Department of Veterans' Affairs Gold Card) including new eligible applicants until 30 September 2020, with an upfront \$305 credited against their electricity bill from 11 May 2020 and up to a further \$305 credited over the next year; EAP boost payments have been brought forward to this financial year; no households to have their power or water disconnected and no interest charged on deferred bill payments; late payment penalties to be waived for transfer duty, landholder duty, vehicle licence duty or land tax.
- Australian Capital Territory: committed to implement a six-month moratorium on rental eviction for any tenants under financial duress due to COVID–19; a rent reduction rebate if landlords reduce tenants' rent by at least 25 per cent for up to six months with the government matching 50 per cent of the reduction to a maximum of \$2600; a temporary freeze on rental increases and prevent 'blacklisting' as a result of being unable to pay rent.
- Northern Territory: commencement of the [Residential Tenancies Act 2019](#) has been deferred to allow for further legislative changes in line with local and national responses to COVID-19, further legislative amendments to create longer negotiation periods between tenants and landlords and fairer terms for new leases for demonstrated hardship due to COVID-19; an extension of six months to the [Home Improvement Scheme](#) where homeowners can apply for a \$4000 voucher if they contribute at least \$1000 of their own money or \$6000 if they contribute at least \$2000.

References:

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