

# COVID-19 STIMULUS & SUPPORT MEASURES

What you can access and how



# Inside

How to contact us.....	7
Snapshot .....	9
For Business.....	13
<b>\$1,500 JobKeeper subsidy to keep staff employed .....</b>	<b>13</b>
<b>Important</b> .....	13
Eligibility .....	14
1. Eligible employers .....	14
Turnover test.....	15
Example .....	15
The alternative decline in turnover test.....	16
Satisfying the alternative decline in turnover test – drought affected farm.....	16
Satisfying the alternative decline in turnover test – start up.....	17
2. Eligible employee .....	17
Business owners .....	18
What about the directors who work in the business? .....	19
3. Wage condition .....	19
Example.....	20
Superannuation guarantee .....	20
When and how are payments made by the ATO?.....	21
Monthly reporting obligations .....	21
4. Notification.....	21
Interaction with the Fair Work Act.....	21
Leave and other entitlements .....	22
Example.....	23
What happens if I get it wrong? .....	23
<b>Tax-free payments up to \$100,000 for employers .....</b>	<b>24</b>
Eligibility .....	24
How the support is calculated.....	25
How the support is provided.....	26
Example - Sarah’s Construction Business .....	26
<b>Increase and extension of the instant asset write-off .....</b>	<b>27</b>
Eligibility .....	27
How is the support calculated? .....	27
How is the support provided? .....	28
Example.....	28
Low general pool balances for small business entities .....	29
<b>Accelerated depreciation deductions .....</b>	<b>29</b>
Eligibility .....	29
How is the support calculated? .....	30
How is the support provided? .....	30

Example .....	30
<b>Wage subsidy of up to 50% of an apprentice or trainee wage .....</b>	<b>31</b>
Eligibility .....	31
How is the support calculated? .....	31
How is the support provided? .....	32
Example .....	32
<b>ATO assistance and support .....</b>	<b>33</b>
<b>Access to financial support .....</b>	<b>34</b>
<b>Underwriting small business loans .....</b>	<b>34</b>
Support from your bank .....	34
<b>Support from State &amp; Territory Governments .....</b>	<b>36</b>
<b>Australian Capital Territory .....</b>	<b>36</b>
Payroll tax waivers and deferrals .....	36
Food and liquor licensing fee waiver .....	36
Electricity rebates for small business .....	36
Rideshare and taxi plate fees .....	36
Commercial general rates .....	37
Tenants in Government owned property .....	37
<b>New South Wales .....</b>	<b>37</b>
Payroll Tax refunds and deferrals .....	37
\$10,000 grants to small business .....	37
Flexible long service leave arrangements .....	38
Fee and licence relief .....	38
Government owned property – deferral of commercial rents .....	38
Land tax reduction for residential and commercial landlords .....	38
<b>Northern Territory .....</b>	<b>39</b>
Payroll tax waivers and deferrals for impacted business .....	39
Power, water and sewage bills reduced by 50% .....	39
Conditions for access to support by landlords .....	39
Business survival fund .....	40
<b>Queensland .....</b>	<b>40</b>
Payroll Tax .....	40
Land tax relief .....	41
Jobs support loans of up to \$250k with an initial interest free period .....	41
Agribusiness market diversification and resilience grants .....	42
Projects grants up to \$50k .....	42
Equipment purchases grants up to \$7.5k .....	42
Electricity bill rebate .....	43
Rent relief for Government premises .....	43
<b>South Australia .....</b>	<b>43</b>
Payroll tax waiver and relief .....	43
Land tax relief .....	43
Liquor license fees waived for forced close downs .....	43
Taxi industry support .....	43

<b>Tasmania .....</b>	<b>43</b>
Payroll tax waivers and rebates .....	43
Grants and loans .....	44
\$2,500 emergency cash payments .....	44
Business Support Loan Scheme.....	44
Waivers and capping of Government licensing, fees and charges .....	44
Liquor licensing reductions and waivers .....	44
Taxi license fees.....	45
Energy and water .....	45
Fisheries license fees waived.....	45
Land tax waived for impacted businesses .....	45
Vehicle registration .....	45
Government fees and charges .....	45
<b>Victoria .....</b>	<b>45</b>
Payroll tax waivers and deferrals .....	45
Land tax deferrals.....	45
Grants of up to \$10k.....	46
2020 Liquor licence renewals waived .....	46
<b>Western Australia .....</b>	<b>46</b>
Payroll tax waiver .....	46
Electricity bill credits for small business and charities .....	46
License fees for SMEs in affected industries .....	46
Liquor licensing renewal fees .....	47
On-demand transport industry relief .....	47
Regional taxi assistance payments .....	47
\$2,500 cash payment to authorised on-demand booking services.....	47
Government owned property rent relief .....	47
<b>For individuals .....</b>	<b>48</b>
<b>Expanded access, reduced means testing and waiting times .....</b>	<b>48</b>
<b>How to access social services payments .....</b>	<b>49</b>
CRN number .....	49
<b>\$550 Coronavirus supplement.....</b>	<b>49</b>
Eligibility .....	49
How is the support calculated? .....	50
How is the support provided? .....	50
Example.....	50
<b>Tax-free \$750 payments to social welfare recipients .....</b>	<b>51</b>
Eligibility .....	51
How is the support calculated? .....	52
How is the support provided? .....	52
<b>Reduction in deeming rates .....</b>	<b>52</b>
How is the support calculated? .....	52
How is the support calculated? .....	52
Example.....	53
Access to free childcare.....	53

<b>Relief for financially distressed individuals and businesses .....</b>	<b>54</b>
<b>Company solvency safety net .....</b>	<b>54</b>
Eligibility .....	54
How is the support provided? .....	54
<b>Temporary relief for directors for trading while insolvent .....</b>	<b>55</b>
Eligibility .....	55
How is the support provided? .....	55
<b>Bankruptcy safety net .....</b>	<b>56</b>
Eligibility .....	56
How is the support provided? .....	56
<b>Moratorium on evictions and rent relief .....</b>	<b>57</b>
<b>Code of conduct for commercial tenancies .....</b>	<b>57</b>
Residential landlords and tenants .....	57
Australian Capital Territory .....	58
New South Wales .....	58
Queensland .....	58
South Australia .....	59
Tasmania .....	59
Victoria .....	60
Western Australia .....	60
<b>Bank support for landlords who do not evict commercial tenants .....</b>	<b>61</b>
<b>SMSFs with commercial property that provide rent relief to a related party .....</b>	<b>61</b>
<b>Tax deductions for rental property owners .....</b>	<b>62</b>
<b>Superannuation .....</b>	<b>63</b>
<b>Temporary early release of superannuation .....</b>	<b>63</b>
Eligibility .....	63
Coronavirus measures .....	63
General early release measures .....	64
How is the support calculated? .....	64
Coronavirus measures .....	64
General early release measures .....	64
How is the support provided? .....	64
Example .....	65
<b>Temporary reduction of pension minimum drawdown rates .....</b>	<b>65</b>
Eligibility .....	65
How is the support calculated? .....	66
How is the support provided? .....	66
Example .....	66

**Disclaimer**

The COVID 19 Stimulus & Support Measures Guide contained herein is provided on the understanding that it neither represents nor is intended to be advice or that the authors or distributor is engaged in rendering legal or professional advice. Whilst every care has been taken in its preparation no person should act specifically on the basis of the material contained herein. If assistance is required, professional advice should be obtained.

The material contained in the COVID 19 Stimulus & Support Measures Guide should be used as a guide in conjunction with professional expertise and judgement. All responsibility for applications of the COVID 19 Stimulus & Support Measures Guide and for the direct or indirect consequences of decisions based on the COVID 19 Stimulus & Support Measures Guide rests with the user.

Knowledge Shop Pty Ltd, Smart Business Solutions Accounting Pty Ltd, directors and authors or any other person involved in the preparation and distribution of this guide, expressly disclaim all and any contractual, tortious or other form of liability to any person in respect of the COVID 19 Stimulus & Support Measures Guide and any consequences arising from its use by any person in reliance upon the whole or any part of the contents of this guide.

Copyright © Knowledge Shop Pty Ltd & Smart Business Solutions Pty Ltd  
V9, 17 April 2020

# How to contact us

Please contact us for any questions you have about the stimulus measures.

Please don't act on the basis of this guide. The measures will apply differently and it's important that you understand how your specific circumstances are impacted.

Please don't hesitate to contact

## SMART Business Solutions

[reception@smartbusinesssolutions.com.au](mailto:reception@smartbusinesssolutions.com.au)

[www.smartbusinesssolutions.com.au](http://www.smartbusinesssolutions.com.au)

03 5911 7000

Level 1, 328 Main Street Mornington VIC 3931

(Please note our team are currently operating entirely remotely and can be contacted by phone or email).

## Our Leadership Team



**Shannon Smit**  
Managing Director

**Shannon Smit** is a CEO and founding director who thrives on breaking the mould of the standard. She's lived in 4 different countries and 6 different cities. she talks a mile a minute, has ideas faster than a speeding bullet and has nailed the art of multitasking. Likes travelling the world. Loves being a soccer mum to her two boys.

[shannon@smartbusinesssolutions.com.au](mailto:shannon@smartbusinesssolutions.com.au)



**Paul Cunningham**  
Associate

**Paul Cunningham** is a chartered accountant with a slight obsession with cricket. President of his local club, he's played there since his teenage years, perfecting his skills as the ultimate batsman. Is a highly competitive pop quiz and trivia participant. When not on the pitch he's playing doting dad to his young daughter.

[paul@smartbusinesssolutions.com.au](mailto:paul@smartbusinesssolutions.com.au)



**Daniel McCulloch**  
Associate

**Daniel McCulloch** is a chartered accountant who gets a kick out of saving his clients money. Likes German Shepherds. Loves hanging with his daughter. Spends his free time playing golf or indulging his passion for anything fast on two wheels. Not known for his ability to do the two of these together.

[daniel@smartbusinesssolutions.com.au](mailto:daniel@smartbusinesssolutions.com.au)

## Hang in there.

We've designed this guide as a quick reference to the COVID-19 related tax and financial support that might be available to you.

The stimulus and support packages help, but there are gaps and they will not return most adversely impacted businesses or people back to their pre-pandemic position. It will all take time.

It's important to understand the timing of each of the measures as many are not immediate. You also need to understand who is eligible and how. We are here to help you as much as we can to ensure that you have the right information and can make informed decisions.

There are a few peculiarities with the support measures and incentives, and they will not apply equally across the community.

When it comes to the cash flow boost of up to \$100,000 for business for example, sole traders and partners in a partnership are dealt with differently to those operating a business through a company or trust. While the cash flow boost measure can potentially apply to salary and wages paid to staff, amounts allocated or paid to sole traders or partners cannot really be taken into account.

When business owners are operating through a company or trust structure the outcome of the incentives can be significantly different depending on how the funds are being taken from the business. The cash flow boost measure doesn't take into account dividends or trust distributions paid to business owners, but can take into account salary, wages or directors fees paid to the same individuals. There are also integrity rules preventing artificial or contrived arrangements from being used to access the cash flow boost.

12 March 2020 is a crucial date for accessing the cash flow boost. Relatively new business entities that have not lodged any tax returns or activity statements by 12 March 2020 might miss out unless the Commissioner grants discretion around the timing requirements.

Also, with the \$1,500 wage subsidy, employees eligible for the subsidy had to be employed by the business claiming the subsidy as at 1 March 2020. Some will miss out.

It can be confusing and frustrating but we will help you work through it and ensure that you are able to access the support that is available to you.

*Shannon & the Team*

# Snapshot

From	Stimulus	Eligibility	Trigger for support
<b>Business</b>			
30 March for up to six months	<ul style="list-style-type: none"> <li><b>\$1,500 JobKeeper payment.</b> A \$1,500 (before tax) per fortnight per employee wage subsidy paid through employers to the employee and administered by the ATO.</li> </ul>	<ul style="list-style-type: none"> <li>Employer - <math>\geq 30\%</math> downturn (<math>&gt;50\%</math> for businesses with turnover of \$1bn or more)</li> <li>Employee – employed as at 1 March (other conditions apply)</li> <li>Self-employed individuals can also access this</li> </ul>	<ul style="list-style-type: none"> <li>Employer applies to ATO</li> </ul>
From 28 April 2020	<ul style="list-style-type: none"> <li><b>Tax-free cash flow support between \$20,000 and \$100,000</b> (paid in two rounds of up to \$50,000) for businesses with an annual aggregated turnover &lt; \$50 million and make certain payments to staff by 30 June 2020.</li> </ul>	<ul style="list-style-type: none"> <li>Annual aggregated turnover &lt; \$50m</li> <li>Pay staff between 1 January 2020 and 30 June 2020 (includes not-for-profit businesses)</li> <li>Business must have been established by 12 March 2020</li> </ul>	<ul style="list-style-type: none"> <li>Automatic on lodgement of March Activity Statement and later Activity Statements</li> </ul>
12 March 2020 – 30 June 2020	<ul style="list-style-type: none"> <li><b>Instant asset write-off increased to \$150,000</b> and extended to businesses with an annual turnover &lt; \$500 million</li> </ul>	<ul style="list-style-type: none"> <li>Annual turnover &lt; \$500m</li> <li>Assets used or installed ready for use between 12 March and 30 June 2020</li> </ul>	<ul style="list-style-type: none"> <li>2019-20 tax return lodgment</li> </ul>
12 March 2020 – 30 June 2021	<ul style="list-style-type: none"> <li><b>Accelerated depreciation deductions</b> - ability to deduct 50% of the cost of the asset plus normal depreciation deductions on the remaining cost amount in the year of purchase.</li> </ul>	<ul style="list-style-type: none"> <li>Annual turnover &lt; \$500m</li> <li>New assets acquired from 12 March and used or installed ready for use by 30 June 2021</li> </ul>	<ul style="list-style-type: none"> <li>2019-20 and 2020-21 tax return lodgment</li> </ul>
1 Jan 2020 – 30 Sept 2020	<ul style="list-style-type: none"> <li><b>Wage subsidy of 50% of an apprentice's or trainee's wage</b></li> </ul>	<ul style="list-style-type: none"> <li>Businesses with &lt; 20 employees</li> </ul>	<ul style="list-style-type: none"> <li>Applications from 2 April</li> </ul>

From	Stimulus	Eligibility	Trigger for support
	for up to 9 months from 1 January 2020 to 30 September 2020. Accessible to businesses with less than 20 employees. Employers receive up to \$21,000 per apprentice (\$7,000 per quarter).	<ul style="list-style-type: none"> <li>Employee must have been paid by business from 1 March 2020</li> </ul>	through <b>Australian Apprenticeship Support Network providers</b>
25 March – 24 September 2020	<ul style="list-style-type: none"> <li><b>Solvency safety net</b> – temporary 6 month increase to the threshold at which creditors can issue a statutory demand on a company from \$2,000 to \$20,000, and an increase in the time companies have to respond from 21 days to 6 months.</li> </ul>	<ul style="list-style-type: none"> <li>Companies and directors</li> <li>Debts incurred in the ordinary course of running the business</li> </ul>	
25 March – 24 September 2020	<ul style="list-style-type: none"> <li><b>Safe harbour from director's duty to prevent trading while insolvent</b> – a safe harbour for directors temporarily trading while insolvent as a result of the pandemic</li> </ul>	<ul style="list-style-type: none"> <li>Company directors</li> <li>Debts incurred in the ordinary course of running the business</li> </ul>	
	<ul style="list-style-type: none"> <li><b>Ability to reduce PAYG instalment amounts to zero for March.</b></li> <li>Ability to claim a refund of PAYG for some quarters.</li> </ul>	<ul style="list-style-type: none"> <li>Financial distress</li> </ul>	<ul style="list-style-type: none"> <li>Contact the ATO</li> </ul>
	<ul style="list-style-type: none"> <li><b>Up to 6 month deferral for payment of activity statements, income tax, FBT, excise duty</b></li> </ul>	<ul style="list-style-type: none"> <li>Financial distress</li> </ul>	<ul style="list-style-type: none"> <li>Contact the ATO</li> </ul>
	<ul style="list-style-type: none"> <li>Ability to move from quarterly to monthly reporting for those who need access to GST credits quickly</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly GST reporters</li> </ul>	<ul style="list-style-type: none"> <li>Contact the ATO</li> </ul>
	<ul style="list-style-type: none"> <li><b>Bank support for landlords who do not evict their commercial tenants</b></li> </ul>	<ul style="list-style-type: none"> <li>Landlords of commercial property with loans &lt;\$10m</li> </ul>	<ul style="list-style-type: none"> <li>Contact bank</li> </ul>

From	Stimulus	Eligibility	Trigger for support
<b>Individuals</b>			
25 March – 24 September 2020	<ul style="list-style-type: none"> <li><b>Expanded access, reduced asset testing, and waiting times for social services payments</b> Access to social services payments has been expanded to sole traders and contractors, and those who have been stood down. Waiting times to access support has also been reduced. Asset testing has also been suspended. Income tests still apply.</li> </ul>	<ul style="list-style-type: none"> <li>Sole traders, the self-employed, casuals or contractors whose income has reduced</li> <li>Permanent employees stood down (and not receiving any payments from employers or insurers)</li> <li>Carers of people affected by Coronavirus</li> <li>Subject to income testing</li> </ul>	<ul style="list-style-type: none"> <li>Unemployed, stood down or reduced income</li> </ul>
27 April 2020 for 6 months	<ul style="list-style-type: none"> <li><b>\$550 Coronavirus supplement</b> - paid fortnightly to certain social services recipients for 6 months</li> </ul>	<ul style="list-style-type: none"> <li>Individuals receiving eligible social services payments</li> </ul>	<ul style="list-style-type: none"> <li>Automatic</li> </ul>
12 March 2020 – 13 April 2020, and 25 March – 24 Sept 2020	<ul style="list-style-type: none"> <li><b>Tax-free \$750 income support payments</b> paid in March/ April and again in July to certain social services recipients</li> </ul>	<ul style="list-style-type: none"> <li>Individuals receiving certain social services payments</li> </ul>	<ul style="list-style-type: none"> <li>Automatic</li> </ul>
25 March – 24 September 2020	<ul style="list-style-type: none"> <li><b>Bankruptcy safe harbour.</b> Amount of debt required by a creditor to initiate bankruptcy proceedings increased to \$20,000, and time to respond to bankruptcy notice increased to 6 months.</li> </ul>	<ul style="list-style-type: none"> <li>Proceedings initiated between 25 March and 24 September 2020</li> </ul>	
1 May 2020	<ul style="list-style-type: none"> <li><b>Deeming rates reduced</b> – from 1 May, deeming rates reduced to a lower rate of 0.25% and upper rate of 2.25%.</li> </ul>		

From	Stimulus	Eligibility	Trigger for support
<b>Superannuation</b>			
25 March – 24 September 2020	<ul style="list-style-type: none"> <li><b>Early release of up to \$10,000 in superannuation</b> – individuals in financial distress able to access up to \$10,000 of their superannuation in 2019-20, and a further \$10,000 in 2020-21. Withdrawals are tax-free and will not affect Centrelink or Veterans' Affairs payments.</li> </ul>	<ul style="list-style-type: none"> <li>Unemployed</li> <li>Eligible certain social service payments</li> <li>Redundancy, working hours reduced <math>\geq 20\%</math> , or for sole traders, reduction in turnover by <math>\geq 20\%</math></li> </ul>	<ul style="list-style-type: none"> <li>Applications through myGov from mid-April 2020</li> </ul>
2019-20 and 2020-21	<ul style="list-style-type: none"> <li><b>Temporary reduction in minimum superannuation draw down rates</b> – superannuation minimum drawdown requirements for account based pensions and similar products reduced by 50% in 2019-20 and 2020-21.</li> </ul>	<ul style="list-style-type: none"> <li>All account-based and similar pensions</li> </ul>	
1 May 2020	<ul style="list-style-type: none"> <li><b>SMSFs with commercial property able to provide rent relief to tenants</b></li> </ul>	<ul style="list-style-type: none"> <li>Trustee assessment</li> </ul>	<ul style="list-style-type: none"> <li>Pandemic related financial distress of tenant</li> </ul>

# For Business

## \$1,500 JobKeeper subsidy to keep staff employed

<b>Date</b>	<ul style="list-style-type: none"><li>• From 30 March 2020 to 27 September 2020.</li><li>• For employees employed at and from 1 March 2020</li><li>• First payments paid in <b>first week of May 2020</b></li></ul>
<b>Applies to</b>	Based on comparable periods: <ul style="list-style-type: none"><li>• Employers &lt;\$1 bn that have experienced a downturn of 30% or more</li><li>• Employers ≥\$1bn that have experienced a downturn of 50% or more</li><li>• ACNC-registered charities that have experienced a drop in turnover of 15% or more</li></ul>

A subsidy of \$1,500 per fortnight per employee, administered by the ATO, will be paid in arrears to businesses that have experienced a downturn of 30% or more (50% for businesses with turnover of \$1bn or more). A 15% threshold will be used for ACNC-registered charities.

To be a part of the subsidy, employers will need to ensure that their employees receive at least \$1,500 per fortnight (before tax).

### Important

#### To be eligible to receive JobKeeper payments for April:

- **Employers will need to ensure they meet all the eligibility criteria and their employees meet their eligibility criteria, and:**
  - **Your eligible team members have signed the JobKeeper Payment Employee Nomination;** and
  - **From 20 April**, enrol for the JobKeeper scheme through the ATO's business portal. Once registered, you must advise your employees in writing that you have registered them for JobKeeper payments. **This needs to be done by 26 April** to be eligible for the first round of payments.
  - **Before the end of April, pay your eligible employees at least \$1,500 per fortnight** (for the fortnights 30 March – 12 April 2020, and 13 April to 26 April 2020). If your team are not currently receiving this amount, do not pay this amount until you have first ensured that all the eligibility criteria have been met and they have given you the signed nomination form.

## Eligibility

An employer qualifies to receive a JobKeeper payment if:

1. **Eligible employer:** The employer is an eligible employer (see *Employer eligibility* below); and
2. **Eligible Employee:** The payment is for an eligible employee of the employer (see *Employee eligibility* below); and
3. **Wage condition:** The employer has paid at least \$1,500 to the eligible employee for the relevant fortnight. That is, the employer has satisfied the wage condition by making the payment to the eligible employee equal to or greater than the amount of the JobKeeper payment (less PAYG withholding and salary packaging) that the employer will receive for the employee for the fortnight.
4. **Notification:** Employers must:
  - Register themselves and their eligible employees for JobKeeper before the end of the relevant fortnight with the ATO (opens 20 April).
  - Employers must confirm each employee's registration for JobKeeper payments within 7 days.

### 1. Eligible employers

Here's how to work out if your business is an eligible employer:

- On 1 March 2020, carried on a business in Australia or was a non-profit body pursuing its objectives principally in Australia\*; and
  - before the end of the fortnight, it met the **decline in turnover test**:
    - $\geq 15\%$  for an ACNC-registered charity (excluding universities, or schools within the meaning of the GST Act – these entities need to meet the basic turnover test)
    - $\geq 50\%$  for large businesses:
      - aggregated turnover for the test period is likely to be \$1 billion or more, or aggregated turnover for the previous year to the test period was \$1 billion or more (a small business that forms part of a group that is a large business must have a  $\geq 50\%$  decline in turnover to satisfy the test).
    - $\geq 30\%$  for all other qualifying entities.
  - And, was not:
    - on 1 March 2020, subject to Major Bank Levy for any quarter ending before this date, a member of a consolidated group and another member of the group had been subject to the levy; or
    - a government body of a particular kind, or a wholly-owned entity of such a body; or
    - at any time in the fortnight, a provisional liquidator or liquidator has been appointed to the business or a trustee in bankruptcy had been appointed to the individual's property.

1 March 2020 is an absolute date. An employer that had ceased trading, commenced after 1 March 2020, or was not pursuing its objectives in Australia at that date, is not eligible.

*\*For sole traders, directors or shareholders of a company, an individual who is a beneficiary of a trust, or a partner in a partnership, only one eligible business participant per entity is eligible for JobKeeper payments unless you can argue you are a genuine employee of the business. See Business owners below.*

## Turnover test

The decline in turnover test is a once only test. Once it has been met, there is no need to keep passing the test. If you do not meet the test now, you might be able to access the scheme at a later date but you can only claim payments from the time you register, i.e., there are no retrospective payments.

There are two decline in turnover tests you can use:

- the basic test, and
- the alternative test.

### The basic decline in turnover test

To access the April 2020 JobKeeper payments, the basic decline in turnover test requires you to compare any of the following to calculate your fall in turnover:

- GST turnover for March 2020 with GST turnover for March 2019;
- Projected GST turnover for April 2020 with GST turnover for April 2019; or
- Projected GST turnover for the quarter starting April 2020 with GST turnover for the quarter starting April 2019.

If you are not registered for GST, the ATO has not as yet provided guidance but we recommend using your turnover for income tax purposes – what you report to the ATO.

If your business is part of a group, for the decline in turnover test you only take into account the turnover of the employer, not the other members of the group. Talk to us if you have a service entity connected to the trading business that is the employer.

### Example

ABC Co Pty Ltd operates a search business that specialises in servicing the legal profession – 95% of their clients are practising solicitors. They are an SME business and would need to suffer a 30% reduction in revenue to be eligible for the JobKeeper payment.

ABC lodges its Business Activity Statements on a quarterly basis. 2019 GST Turnover data included:

March Qtr. 2019	\$1,820,000
June Qtr. 2019	\$2,610,000

Whilst the March 2020 BAS has not yet been completed, ABC know that their March quarter GST Turnover was \$1,710,000.

*Continued over...*

ABC know that business was affected by COVID 19 in March. There was a material contraction in activity during the month and sales were down 50% in the second half of March. First half April sales have continued at this reduced level. Whilst ABC have all of their staff working remotely, this does not impede their ability to complete work or receive orders – all of which come in electronically or by phone.

The June quarter is normally their busiest quarter of the year. However, most of their solicitor customers have closed their offices and are working remotely. They do not expect this to change until sometime in June, at the earliest. Present activity level suggests that April sales will be in the range of \$400,000 to \$450,000. By comparison, sales for April 2019 were \$672,000.

Forecast sales for May and June are similar to April, unless offices re-open in June and in which case there could be a late increase in business. On present information this appears to be unlikely.

ABC have not reviewed their GST Turnover for March 2019, however they conclude that, on best present estimate, their turnover for April 2020 will be less than April 2019 by more than 30% and further that the June 2020 quarter GST Turnover will be more than 30% less than the 2019 quarter. On this basis they register for the JobKeeper scheme.

### **The alternative decline in turnover test**

The alternative decline in turnover test applies where the business does not have a relevant comparison period, for example, the business might have started in January 2020 or the business made a major acquisition. In these cases, the business will need to provide appropriate evidence to the Commissioner to show that the alternative test is satisfied.

#### **Satisfying the alternative decline in turnover test – drought affected farm**

Camille's Farms carries on a farming business and retail flower sales in Australia. It was subject to a severe drought from 2018 until September 2019 that reduced the amount of flowers it could grow. It returned to normal crop output in January 2020. Its retail flower sales became significantly affected in March 2020.

It assesses its eligibility for JobKeeper payments on 3 July 2020 based on a projected GST turnover from its farming activities for the quarter beginning on 1 July 2020 of \$2,000,000. The corresponding period is the quarter beginning on 1 July 2019 – a period in which Camille's Farms was severely affected by drought. Because of the effects of the drought, Camille's Farms had a much lower than usual current (2019) GST turnover of \$2,500,000. The July 2020 quarter turnover falls short of the July 2019 quarter turnover by \$500,000, which is 25% of the July 2019 quarter turnover. This does not exceed the specified percentage of 30%, so the decline in turnover test is not satisfied.

*Continued over...*

In the quarter beginning on 1 July 2017, Camille’s Farms had a current GST turnover of \$4,000,000. This represents a shortfall of 50% when compared to its projected GST turnover for the quarter beginning on 1 July 2020. This exceeds the specified percentage of 30%, so the alternative decline in turnover test is satisfied.

*Explanatory Memorandum: Coronavirus Economic Response Package (Payments and Benefits) Rules 2020, Example 3*

### **Satisfying the alternative decline in turnover test – start up**

Seb Tech is a start-up technology company that began carrying on a business on 1 October 2019 selling its product to a range of businesses including cafes and restaurants. Despite strong initial sales, its sales declined substantially from March 2020. It assesses its eligibility for JobKeeper payments on 15 April 2020 based on a projected GST turnover for April 2020 of \$15,000 from its technology business. However, because Seb Tech did not begin to carry on a business until 1 October 2019, there is no corresponding period in 2019 that applies.

As there is no corresponding comparison period in 2019, the Commissioner determines an alternative test under which the relevant comparison period is the average of the actual GST turnover in all of the months in which the business was being carried on prior to the turnover test period.

In October 2019 to March 2020, Seb Tech had an average monthly current GST turnover of \$30,000. This represents a shortfall of 50% when compared to its projected GST turnover for April 2020 of \$15,000. This exceeds the specified percentage of 30%, so the alternative decline in turnover test is satisfied.

*Explanatory Memorandum: Coronavirus Economic Response Package (Payments and Benefits) Rules 2020, Example 4*

## **2. Eligible employee**

An eligible employee is an employee who:

1. On 1 March 2020:
  - Was aged 16 years and over; and
  - Is an employee other than a casual, or a long-term casual\*;<sup>and</sup>
  - Was an Australian resident (under the meaning of the [Social Security Act 1991](#)), or a resident for tax purposes and held a Subclass 444 (Special category) visa\*\*
2. And, at any point during the JobKeeper fortnight:
  - Was an employee of the employer; and
  - Was **not** an excluded employee:
    - An employee receiving parental leave pay or dad and partner pay; or
    - An employee receiving workers compensation payments in relation to total incapacity.
3. And, has provided the [JobKeeper Payment Employee Nomination](#) to the employer:
  - Agreeing to be nominated by the employer as an eligible employee under the JobKeeper scheme; and
  - Confirming that they have not agreed to be nominated by another employer; and
  - If they are a long-term casual, they do not have permanent employment with another employer.

*\*A 'long term casual employee' is a person who has been employed by the business on a regular and systematic basis during the period of 12 months that ended on 1 March 2020 (1 March 2019 to 1 March 2020). These are likely to be employees with a recurring work schedule or a reasonable expectation of ongoing work.*

*\*\* The person is a resident for JobKeeper purposes if: the person was an Australian resident within the meaning of the Social Security Act 1991, i.e., the person's usual place of residence was in Australia and the person was either an Australian citizen, the holder of a permanent visa, or the holder of a protected special category visa; or the person was a resident of Australia for the purposes of the ITAA 1936 and was the holder of a Subclass 444 (Special Category) visa. The inclusion of Subclass 444 (Special Category) visa is intended to apply to New Zealand citizens who have an established long-term employment relationship with an Australian employer on 1 March 2020.*

### **Employees on leave, stood down or rehired**

Employees that have been stood down (as opposed to having their employment terminated), are eligible if the other criteria are met. Employees can be stood down without pay under the Fair Work Act if they can't be usefully employed because of a stoppage of work for any cause for which the employer can't reasonably be held responsible. See the [Fair Work Ombudsman's website](#).

Employees on paid an unpaid leave (other than parental leave and dad and partner pay) are eligible to receive JobKeeper payments.

If an employee's employment was terminated after 1 March 2020, they can be rehired and qualify for JobKeeper payments.

### **Business owners**

Business owners:

- sole traders and the self-employed with an ABN, and
- **one** partner in a partnership, beneficiary of a trust, director or shareholder who works in the business (i.e., only one person in a partnership, one beneficiary of a trust, or one director / shareholder are eligible for JobKeeper payments).

will be eligible for the payment if the following conditions are met:

- The entity carried on a business on 1 March 2020 and is **not** a not-for-profit entity; and
- Had an ABN on 12 March 2020; and
- Had some business income in the 2018-19 income year included in a tax return that was lodged by 12 March 2020; or made some supplies connected with Australia in a tax period that started on or after 1 July 2018 and ended before 12 March 2020 and recorded this on an activity statement lodged with the ATO by 12 March 2020. *The Commissioner can potentially extend the deadline for holding an ABN, lodging the 2019 tax return or lodging a relevant activity statement.*
- Passed the decline in turnover test; and
- The individual **was not**:
  - employed by the business at any time in the relevant fortnight; or
  - a permanent employee of another entity at the time the individual gives the nomination notice (i.e., they do not hold a full time or part time role with another employer); or
  - a nominated JobKeeper employee of any other business; or
  - entitled to parental leave pay or dad and partner pay or workers' compensation payments for being totally incapacitated for work.

**As at 1 March 2020**, the individual satisfied all of the following:

- Aged 16 years or over; and
- Actively engaged in the business; and
- An Australian resident under the Social Security Act or an Australian tax resident who holds a special category visa \*\*

If the criteria have been met, the individual is eligible if they were actively engaged in the business in the fortnight of the JobKeeper payment, and they agreed to be nominated for JobKeeper payments and confirmed they pass the eligibility criteria.

### **What about the directors who work in the business?**

If more than one director wants to access JobKeeper payments, they need to meet the eligibility criteria of an employee (see 2. *Eligible employee*). To be an employee a director would have received salary/wages and this has been reported as salary/wages on activity statements, payment summaries, tax returns etc. If a director merely receives a distribution from the business then they are unlikely to be an employee.

### **3. Wage condition**

To be eligible to receive JobKeeper payments, the employer must meet a wage condition. That is, employers must have paid the eligible employee:

- A minimum of \$1,500 (before tax) for the relevant fortnight; or
- The amount payable to the employee for the performance of work during that fortnight if it is more than \$1,500.

An employer who claims the JobKeeper payment and fails to pay the minimum \$1,500 to employees or deliberately misuses the payment may incur penalties of up to \$126,00.

As the ATO will pay employers the JobKeeper payment monthly in arrears, it is essential that you ensure your employees continually meet the eligibility criteria. The payment is intended to reimburse the employer for amounts that have already been paid to employees.

**To receive JobKeeper payments for April, eligible employees will need to have received at least \$3,000 on or before end of April (\$1,500 for 30 March– 12 April 2020, and \$1,500 for the fortnight 13 April - 26 April 2020).** If your team are not currently receiving at least this amount, do not pay this amount until you have first ensured that all the eligibility criteria have been met and they have given you the signed nomination form.

The first fortnight for a JobKeeper payment is 30 March 2020 to 12 April 2020. The last fortnight for a JobKeeper payment is 14 September to 27 September 2020. Any payments the employer has made prior to or after these fortnights, are not generally eligible for payment.

The business will continue to receive the payments for eligible employees while they are eligible for the payments. While the program runs until 27 September 2020, payments will stop if the employee is no longer employed by the relevant employer.

## Example

Adam owns a real estate business with two employees. The business is still operating at this stage but Adam expects that turnover will decline by more than 30% in the coming months. The employees are:

Employee	Employment type	Salary per fortnight (before tax)
Anne	Full-time	\$3,000
Nick	Part-time	\$1,000

Both Anne and Nick are still working in the business.

Adam registers his interest in the JobKeeper scheme (from 30 March 2020), then applies to the ATO providing details of his eligible employees. Adam also advises Anne and Nick that he has nominated them as eligible employees to receive the payment. Adam will provide information to the ATO on a monthly basis and receive the payment monthly in arrears.

Adam's business is eligible to receive the JobKeeper Payment for each employee.

For Anne, the business will:

- Continue to pay Anne her full-time salary of \$3,000 per fortnight before tax,
- Receive \$1,500 per fortnight from the JobKeeper Payment
- Pay superannuation guarantee on Anne's salary

For Nick, the business will:

- Continue to pay Nick \$1,000 per fortnight before tax salary
- Pay Nick an additional \$500 per fortnight before tax (totalling \$1,500)
- Receive \$1,500 per fortnight from the JobKeeper Payment
- Pay superannuation guarantee on Nick's wage of \$1,000 per fortnight (but can choose to pay SG on the full \$1,500)

JobKeeper payments might also be available in relation to Adam.

Adapted from Treasury fact sheet: *JobKeeper payment — information for employers*

## Superannuation guarantee

An employer will need to make superannuation contributions for any amount payable to an employee in respect of their actual employment, disregarding any extra payments made by the employer to satisfy the wage condition for getting the JobKeeper payment. For example, if the work actually done by an employee over a period entitled them to be paid \$1,000, but the employer paid them \$1,500 to satisfy the wage condition for a JobKeeper fortnight, then the employer will only be required to make superannuation contributions in relation to \$1,000. Employers can choose to pay superannuation guarantee on the full amount.

## When and how are payments made by the ATO?

If the Commissioner is satisfied that the employer is entitled to the JobKeeper payment, the Commissioner must pay \$1,500 to the employer for each eligible employee (or business participant) by the later of:

- 14 days after the end of the calendar month in which the fortnight ends; and
- 14 days after the Commissioner is satisfied that the employer or business is entitled to the payment for the fortnight.

Payments will be made monthly by the ATO. That is, an eligible employer with three eligible employees that qualify for both fortnights in June 2020, would generally receive \$9,000 by 14 July 2020.

The payment of an amount by the Commissioner to an entity does not affect whether the entity is actually entitled to the amount.

## Monthly reporting obligations

Each month, businesses participating in the JobKeeper scheme will need to report to the Commissioner their:

1. Current GST turnover for the reporting month; and
2. Projected GST turnover for the following month.

within 7 days of the end of the month.

## 4. Notification

Employers must:

1. Elect to participate in the JobKeeper scheme before the end of the JobKeeper fortnight; and
  - For April 2020, the employer will need to register by 26 April 2020 unless the ATO accepts a later date.
2. Complete and hold on file the [JobKeeper employee nomination](#) for eligible employees – completed by both employees and employers; and
3. Notify the ATO of an eligible employee's:
  - Name
  - Type of employment
  - Residency status
4. And, notify employees that they are nominated employee within 7 days of notifying the ATO.

An employer will also need to notify the ATO if they no longer wish to participate in the JobKeeper scheme.

## Interaction with the Fair Work Act

Amendments have been made to the Fair Work Act to support the practical operation of the JobKeeper scheme.

In addition to the requirement that at least the full \$1,500 per fortnight is paid to the nominated employee, employers eligible for the scheme are able to request employees to change:

- The days or times when the employee is to perform work;
- Annual leave arrangements, including at half pay (annual leave balances cannot fall below 2 weeks).

The amendments allow employers to redirect resources by giving a direction (*JobKeeper enabling direction*) to:

- Change the hours of work including standing down an employee (where they cannot be usefully employed because of changes to business attributable to the Coronavirus pandemic or government initiatives to slow Coronavirus transmission), through the *JobKeeper enabling stand down direction*;
- Not work on a day or days on which the employee would usually work;
- Work for a lesser period than the period which the employee would ordinarily work on a particular day or days;
- Work a reduced number of hours (compared with the employee's ordinary hours of work), including reducing hours to nil;
- Give staff different types of work to do; or
- Work from different locations.

The employer cannot unreasonably refuse a request by an employee to engage in secondary employment, or undertake additional training or professional development.

The direction must not be unreasonable, the employer must provide three days notice (or a lesser period by agreement), and the direction must be necessary to continue the employment of one or more employees.

Employers cannot reduce the hourly rate of pay paid to an employee.

**All directions from employers that change an employee's conditions must be in writing.**

The employer will also need to prove that they have satisfied the conditions. For example, an employee who usually works weekends could reasonably be required to work on weekdays in a situation where their employer's business can no longer trade on weekends as a result of the Coronavirus pandemic.

### **Leave and other entitlements**

Where an employer makes a direction to change an employee's conditions, leave, redundancy pay and pay in lieu of notice of termination accrue as if the direction had not been made. That is, if an employer requires an employee to reduce their ordinary hours of work, their leave accrues as if the employee worked their ordinary hours – leave accrues as if nothing has changed.

These amendments to the Fair Work Act only apply to employers within the JobKeeper scheme.

Any disputes will be mediated by the Fair Work Commission.

### **Example**

Rachel works as an administrator for a manufacturing business. The businesses retail operations have moved online as a result of significantly reduced shopfront demand. Turnover has reduced by 30% following the Coronavirus outbreak.

Rachel's employer qualifies for the JobKeeper scheme for Rachel. Her employer reduces her ordinary hours of work from 38 to 32 hours per week, giving her at least 3 days notice in writing (under a stand down direction).

Rachel's contractual base pay rate is \$30 per hour. Her base rate cannot be reduced for her hours of work, regardless of how many hours she is directed to work. Rachel's fortnightly pay has now reduced from \$2,280 (\$30/hr x 76 hours worked in a fortnight) to \$1,920 (\$30/hr x 64 hours worked in a fortnight).

Rachel must be paid for the hours she worked, and as her reduced fortnightly pay is still higher than the value of the fortnightly JobKeeper payment (\$1500), she must be paid that higher amount.

Rachel's employer can apply the value of the JobKeeper payment towards her fortnightly pay.

Adapted from the *Explanatory Memorandum*

### **What happens if I get it wrong?**

If you claim the JobKeeper subsidy and whether you or the employee was not eligible, the Tax Commissioner can claw back any ineligible payments made. In addition, general interest charges apply.

If you have paid employees the \$1,500 amount only to find you or they are not eligible, there is no recourse to claw back these payments to employees.

## Tax-free payments up to \$100,000 for employers

Date	<ul style="list-style-type: none"><li>• March 2020 – June 2020</li><li>• July 2020 – September 2020</li></ul>
Applies to	<ul style="list-style-type: none"><li>• Businesses with aggregated turnover less than \$50m in the previous financial year; or</li><li>• Not-for-profits, including charities, with aggregated turnover less than \$50m;</li><li>• And, make payments to staff between 1 January 2020 – 30 June 2020</li></ul>

**The cashflow boost is triggered when eligible businesses lodge their Activity Statement – no separate application form needs to be submitted.** The boost will generally reduce any liability on your activity statement (meaning you pay less to the ATO). Where the cashflow boost exceeds the liabilities owed to the ATO, you should generally receive a refund of the excess within 14 days.

### Eligibility

Cash flow support is available to businesses (including not-for-profits and charities) with:

- Aggregated turnover less than \$50 million in the previous financial year, that
- Employ staff and make payments to them between 1 January 2020 – 30 June 2020.

In order for a business to qualify for this support it must have held an ABN on 12 March 2020. It must also have derived some business income in the 2018-19 income year and lodged the 2019 tax return by 12 March 2020 or made a supply of goods or services connected with Australia at some point during a GST period starting on or after 1 July 2018 and ending before 12 March 2020 and lodged a relevant activity statement by 12 March 2020. The Commissioner has some limited discretion to extend the deadline for lodging a 2019 tax return or activity statement in connection with this measure.

For charities, the rules are more flexible as the Government recognises that new charities might be established in response to the pandemic. For non-profit organisations to qualify for this measure they need to be a not-for-profit body and have aggregated turnover of less than \$50m in the previous financial year or the Commissioner must be reasonably satisfied that turnover for the current year would be less than \$50m.

The legislation includes integrity rules to prevent artificial or contrived arrangements or schemes being used to access the funding.

## How the support is calculated

The support will be provided in two tranches.

Under the first tranche the support is calculated based on the amounts actually withheld from payments to employees, directors and certain contractors. If the entity is a quarterly lodger then the support is equal to 100% of the amounts withheld from payments to staff during the March 2020 and June 2020 quarters. If the entity is a monthly lodger then the support is equal to 300% of the amounts withheld from payments to staff in March 2020 plus 100% of the amounts withheld from payments in April 2020, May 2020 and June 2020.

The first tranche support amounts are subject to a cap of \$50,000. However, a minimum amount of \$10,000 will apply to all eligible entities and this will be provided in the first period they are eligible. This could be relevant to entities that have employees, but the withholding amount is nil or a relatively low amount.

Under the second tranche, entities that were eligible to support amounts in the first tranche will receive the same total amount again even if their circumstances have changed. However, the support payments will be spread out. Quarterly lodgers will receive 50% of the first tranche amount for each of the June 2020 and September 2020 quarters. Monthly lodgers will receive 25% of the first tranche amount for each of the June 2020, July 2020, August 2020 and September 2020 periods.

Here's how the cash flow stimulus looks for quarterly and monthly lodgements.

Quarterly activity statement lodgement		
Tranche 1	March 2020	100% of PAYG withholding up to a maximum of \$50,000
	June 2020	Where the March quarter did not reach the \$50,000 maximum, any remaining amount up to 100% of the PAYG withholding amount
Tranche 2	June 2020	100% of the Tranche 1 amount (i.e., up to a maximum of \$50,000) provided in two equal amounts
	September 2020	

Monthly activity statement lodgement		
Tranche 1	March 2020	300% of PAYG withholding up to a maximum of \$50,000
	April 2020	Where March 2020 did not reach the \$50,000 maximum, any remaining amount up to 100% of the PAYG withholding amount
	May 2020	
	June 2020	
Tranche 2	June 2020	100% of the Tranche 1 amount (i.e., up to a maximum of \$50,000) provided in four equal amounts
	July 2020	
	August 2020	
	September 2020	

## How the support is provided

The business or non-profit entity will generally need to lodge its activity statement for the relevant period to trigger the cash flow support. Special rules are in place for large withholders that pay amounts twice weekly. In these circumstances, payments are due at the time the entity pays or is paid their GST net amount for the tax period most closely corresponding to the period for which payment is made.

As a starting point, all eligible entities will receive between \$10,000 and \$50,000 following the lodgement of the March activity statement.

The Commissioner has some discretion on how the cash flow support is provided to eligible entities. For example, the ATO could decide to allocate the support amount to the entity's running balance account or could decide to apply it against other tax debts. In practice it is expected that the support amounts will generally be applied against liabilities arising from the same activity statement, reducing the net amount that needs to be paid to the ATO for that month or quarter.

Where the support amount exceeds any tax liabilities that are owed by the entity, then the excess amount will be paid as a cash refund. The Commissioner also has the discretion to provide cash refunds to entities rather than applying the amounts against tax liabilities.

### Example - Sarah's Construction Business

Sarah owns and runs a building business in South Australia and employs eight full time construction workers who each earn \$89,730 per year. Sarah reports withholding of \$15,008 for her employees on each of her monthly Business Activity Statements (BAS).

Sarah will be eligible to receive the cash flow assistance payment on lodgement of her BAS. The business receives:

Activity statement period	Credit amount	
March	\$45,024	300% of total withholding
April	\$4,976	Remainder up to \$50,000 cap
May	\$0	
June	\$12,500	25% of Tranche 1 amount
July	\$12,500	25% of Tranche 1 amount
August	\$12,500	25% of Tranche 1 amount
September	\$12,500	25% of Tranche 1 amount

The business will receive a total of \$100,000 under this measure.

*Adapted from fact sheet: Cash flow assistance for businesses*

## Increase and extension of the instant asset write-off

Date	Assets acquired after the applicable date and first used or installed ready for use for a taxable purpose between 12 March 2020 and 30 June 2020
Applies to	Businesses with aggregated turnover less than \$500m

### Eligibility

To access the new instant asset write-off threshold of \$150,000 your business needs to:

- **Be a trading business** (the entity buying the assets needs to carry on a business in its own right), and
- **Have an aggregated turnover under \$500 million.** Aggregated turnover is the annual turnover of the business plus the annual turnover of any “affiliates” or “connected entities”. The aggregation rules are there to prevent businesses splitting their activities to access the concessions. Another entity is connected with you if:
  - You control or are controlled by that entity; or
  - Both you and that entity are controlled by the same third entity.

In order for a small business with aggregated turnover of less than \$10 million to access the \$150,000 threshold the asset needs to have been acquired after 7.30pm (AEST) on 12 May 2015 and it needs to have been first used or installed ready for use for a taxable purpose between 12 March 2020 and 30 June 2020.

If the business has aggregated turnover of \$10 million or more then, the \$150,000 threshold only applies if the asset was acquired after 7.30pm (AEDT) on 2 April 2019 and it needs to have been first used or installed ready for use for a taxable purpose between 12 March 2020 and 30 June 2020.

**The write-off only applies to certain assets you buy.** The instant asset write-off only applies to certain **depreciable assets** such as a concrete tank for a builder, a tractor for a farming business, and a truck for a delivery business. There are some assets that don’t qualify although the restrictions are slightly different depending on whether the business has aggregated annual turnover of less than \$10 million or not. For example, small business entities cannot apply these rules to assets such as horticultural plants or assets leased to another party on a depreciating asset lease, etc. The rules cannot apply to capital works (building construction costs etc.) regardless of the turnover level of the business.

You will also need to ensure that there is a relationship between the asset purchased by the business and how the business generates income. You can’t for example claim deductions for television sets if they have no relevance to your business.

### How is the support calculated?

The instant asset write-off enables your business to claim an upfront deduction for the full cost of depreciating assets in the year the asset was first used or installed ready for use for a taxable purpose.

For example, if your company's turnover is under \$50m and you purchase an eligible asset for \$140,000 (GST-exclusive) on 1 June 2020 (and install it ready for use by 30 June 2020), then a deduction of \$140,000 can be claimed. If the company is subject to a tax rate of 27.5% then this should reduce the tax payable by the company for the 2020 income year by \$38,500.

If your business is likely to make a tax loss for the year, then the instant asset write-off is unlikely to provide a direct short-term benefit to you. However, if this measure is likely to reduce the taxable income of the business for the year then it may be possible to vary upcoming PAYG instalments to improve cash flow.

If the asset is a luxury car then the deduction will be limited to the luxury car limit. The business use percentage of the asset also needs to be taken into account in calculating the deduction. For example, if a sole trader acquires an asset for \$40,000 but only expects to use it 80% in the business then the immediate deduction would be \$32,000.

The increase to the instant asset write-off threshold in the stimulus package is the fourth increase or extension and businesses will need to be wary of what they are claiming and when:

<b>Instant asset write-off thresholds</b>	<b>Small Business*</b>	<b>Medium business**</b>	<b>Large business***</b>
1 July 2018 - 28 January 2019	\$20,000	-	-
29 January 2019 - 2 April 2019	\$25,000	-	-
2 April 2019 - 12 March 2020	\$30,000	\$30,000	-
<b>12 March 2020 - 30 June 2020</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$150,000</b>

\* aggregated turnover under \$10 million

\*\* aggregated turnover under \$50 million

\*\*\* aggregated turnover under \$500 million

At this stage it is expected that the instant asset write-off threshold will reduce back to \$1,000 from 1 July 2020.

## How is the support provided?

The instant asset write-off is a tax deduction that reduces the tax liability of your business. It is triggered when you lodge the business's 2019-20 tax return.

### Example

Samantha owns a company, Sam's Specialty Roasters Pty Ltd, a large food processing business in Brisbane. Sam's Specialty Roasters Pty Ltd has an aggregated annual turnover of \$150 million for the 2019-20 income year.

On 1 May 2020, Samantha purchases five new conveyor belts for her production facility for \$40,000 each, exclusive of GST, for use in her business.

*Continued over...*

Under the \$150,000 instant asset write-off, Sam's Specialty Roasters Pty Ltd can claim an immediate deduction of \$200,000 for the purchase of the conveyor belts (i.e., \$40,000 for each conveyor) in the 2019-20 income year (\$195,544 more than under the previous rules). At the company tax rate of 30%, this will reduce the tax payable by Sam's Specialty Roasters by \$60,000 (assuming the company is in a tax payable position for the year).

If the business has paid PAYG instalments and these exceed the tax payable for the year, then the excess should be refunded to the company or applied against other tax debts owed to the ATO.

If this additional deduction pushes the company into a tax loss position then this will be carried forward to future income years, subject to some loss recoupment tests.

*Adapted from Treasury Fact sheet: Delivering support for business investment*

## Low general pool balances for small business entities

The changes also ensure that a \$150,000 threshold applies in determining whether the balance of a small business entity general pool is deducted in full in the year ending 30 June 2020.

That is, the rules ensure that the entire pool balance is written off if the business has a SBE pool and the result of the formula below is less than \$150,000 as at 30 June 2020:

- Start with the opening balance of the pool for the year;
- Add the business use percentage of any assets added to the pool for the year;
- Less the business use percentage of any assets disposed of during the year.

If the result of the formula above is less than \$150,000 then the business claims a deduction for that amount in the 2020 tax return and the pool balance becomes nil. Note that the formula above does not take into account the current year depreciation deduction amount for the pool.

## Accelerated depreciation deductions

Date	New assets acquired from 12 March 2020 and first used or installed ready for use for a taxable purpose by 30 June 2021
Applies to	Businesses with aggregated turnover less than \$500m

### Eligibility

Businesses with a turnover of less than \$500 million can access accelerated depreciation deductions for assets that don't qualify for an immediate deduction.

This incentive is only available in relation to:

- New depreciable assets
- Acquired on or after 12 March 2020 that are first used or installed ready for use for a taxable purpose by 30 June 2021.

It does not apply to second-hand assets or buildings and other capital works expenditure. The rules also won't apply if the business entered into a contract to acquire the asset before 12 March 2020.

### **How is the support calculated?**

Businesses will be able to deduct 50% of the cost of a new asset in the year of purchase. They can then also claim a further deduction in that year by applying the normal depreciation rules to the balance of the cost of the asset.

Accelerated depreciation deductions will apply from 12 March 2020 until 30 June 2021. This will bring forward deductions that would otherwise be claimed in later years.

For example, let's assume that a business purchases a new truck for \$250,000 (exclusive of GST) in July 2020. In the 2020-21 tax return the business would claim an upfront deduction of \$125,000. The business would also claim a further deduction for the depreciation on the balance of the cost. If the business is a small business entity and using the simplified depreciation rules, this would mean an additional deduction of \$18,750 (i.e., 15% x \$125,000). The total deduction in the 2020-21 tax return would be \$143,750. Without the introduction of accelerated depreciation the business would have claimed a deduction of \$37,500 (i.e., 15% x \$250,000).

### **How is the support provided?**

The accelerated depreciation rules provide a tax deduction, which reduces taxable income and the tax liability of the business. It is triggered when you lodge the business's 2019-20 or 2020-21 tax return. The initial deduction is claimed in the tax return for the year in which the asset is first used or installed ready for use for a taxable purpose.

#### **Example**

J Construction Solutions Pty Ltd has an aggregated annual turnover of \$200 million for the 2020-21 income year.

On 1 July 2020, J Construction Solutions Pty Ltd installs a \$1 million truck mounted concrete pump for use in the business. Under the new rules, J Construction Solutions Pty Ltd can claim a depreciation deduction of \$650,000 in the 2020-21 income year. This consists of 50% of the concrete pump's value (\$500,000) plus 30% of the remaining \$500,000 under existing depreciation rules (\$150,000). This is \$350,000 more than under the previous rules.

*Continued over...*

At the 30% company tax rate, this deduction will reduce the tax liability of J Construction Solutions Pty Ltd by \$195,000 for the 2020-21 income year, assuming it is in a tax payable position.

If the business has paid PAYG instalments and these exceed the tax payable for the year, then the excess should be refunded to the company or applied against other tax debts owed to the ATO.

If this additional deduction pushes the company into a tax loss position then this will be carried forward to future income years, subject to some loss recoupment tests.

Adapted from Treasury Fact sheet: *Delivering support for business investment*

## Wage subsidy of up to 50% of an apprentice or trainee wage

Date	Apprentice/trainee wages from 1 January 2020 – 30 September 2020 For apprentices employed at 1 March 2020
Applies to	Apprentices employed by small business (<20 employees) at 1 March 2020 Larger organisations employing apprentices/trainees let go by a small business after 1 March 2020

### Eligibility

Eligibility for the apprenticeship incentive depends on who the apprentice was employed by and when.

The apprenticeship incentive is available to:

- Small businesses (including those using Group Training Organisations) employing fewer than 20 employees; and
- Other businesses or Group Training Organisations employing apprentices who have been displaced by small business employers.

The small business employer must have employed the apprentice at 1 March 2020 and will need to provide evidence of wages paid to the apprentice. If the small business subsequently is unable to retain the apprentice, another business can access the incentive if they then employ and pay wages to the apprentice.

If the business becomes eligible for a JobKeeper payment in relation to the apprentice or trainee then they will no longer be eligible for this subsidy.

### How is the support calculated?

Employers will be reimbursed 50% of an eligible apprentice's wage up to a maximum of \$21,000 per apprentice (\$7,000 per quarter).

## How is the support provided?

Employers can register for the subsidy from 2 April 2020 (final claims by 31 December 2020). The [Australian Apprenticeship Support Network](#) will assess the eligibility of claims.

### Example

David's Plumbing is a small business employing 10 people, including two full-time Australian Apprentices.

Taylor is a first year Australian Apprentice, aged 20, undertaking a Certificate III qualification. She commenced her apprenticeship with David's Plumbing on 6 February 2020. Taylor receives a weekly wage of \$532.89.

Lisa is a third year Australian Apprentice, aged 29, undertaking a Certificate IV qualification. She commenced her apprenticeship with David's Plumbing on 18 November 2017. She receives a weekly wage of \$772.71.

David's Plumbing is eligible for apprenticeship incentive of 50% of the apprentices' wages been paid by David's Plumbing since 1 January 2020.

Assuming David keeps both apprentices working at their same rates between 1 March 2020 and 30 September 2020, David's Plumbing will receive:

Apprentice	Total reimbursement	Employment period
Taylor	\$9,059	6 February 2020 to 30 September 2020
Lisa	\$15,068	1 January 2020 to 30 September 2020

*Adapted from Treasury Fact sheet: Cash flow assistance for business*

### More Information

[Australian Apprenticeships](#)

[Australian Apprenticeship Support Network providers](#)

# ATO assistance and support

It's important that you continue to meet your compliance obligations - lodging returns and activity statements, single touch payroll, and superannuation guarantee payments – even if that tax payment has been deferred or waived.

It's also important that amounts you declare to access various stimulus package initiatives match what you have declared to the ATO.

If you need assistance to defer tax payments, manage reporting, or manage tax debt, you or your adviser will need to contact the ATO.

Support from the ATO includes:

- **Ability to vary PAYG instalment amounts to zero for March 2020 quarter. Businesses that vary their PAYG instalment to zero can also claim a refund for any instalments made for the September 2019 and December 2019 quarters.**
- Up to 6 month deferral for the payment of business activity statements (including PAYG instalments), income tax assessments, fringe benefits tax assessments and excise duty
- Businesses on a quarterly reporting cycle able to opt into monthly GST reporting for faster access to GST refunds where applicable
- Remitting any interest and penalties, incurred on or after 23 January 2020, applied to tax liabilities
- Low interest payment plans for tax debt

If you have an outstanding tax debt, tax relief might be available in serious and exceptional circumstances, such as where you cannot pay for food or accommodation.

The ATO will also be involved in administering certain aspects of the Government's stimulus measures. Certain aspects of the rules are subject to the ATO's discretion and you or your adviser can contact the ATO to discuss this further.

# Access to financial support

## Underwriting small business loans

Date	Early April 2020
Applies to	Small business

Despite record low interest rates, getting a loan can be difficult, particularly in this environment.

The Federal Government has underwritten up to \$40 billion in SME loans. The Coronavirus SME Guarantee scheme is aimed at small businesses that would be viable except for the pandemic. Under the scheme, the Government will provide a guarantee of 50% to SME lenders for new unsecured loans to be used for working capital. The loans will be:

- A maximum size of \$250,000;
- Have a loan term of up to three years, with an initial six month repayment holiday; and
- Will be in the form of unsecured finance (so you don't have to put your house on the line).

The loans are subject to the lender's credit assessment although the Government expects that *"lenders will look through the cycle to sensibly take into account the uncertainty of the current economic conditions."*

You should expect to see products from the financial institutions coming through in April. The products are expected to provide facilities that only have to be drawn if needed. This will mean that you will only incur interest on the amount you draw down. If you do not draw down any funds from the facility, no interest will be charged, but you will have the flexibility to draw down in the future.

Lenders will also be exempt from responsible lending obligations for existing small business clients.

Outside of the big banks, the Government has provided \$15 billion in funding through the Australian Office of Financial Management to invest in structured finance markets used by non-banks to support lending for residential mortgages, small business lending, and consumer lending (credit cards, cars and personal loans).

## Support from your bank

Australian banks will defer loan repayments for six months for businesses including sole traders who need assistance because of COVID-19. The support is available for those with total business loan facilities of up to \$10 million.

Note that your loan will still accrue interest even if you have deferred payments.

The banks are also offering loans, including overdrafts, with no repayments for the first six months, at very low interest rates, supported by the Government through an SME Loan guarantee.

Other assistance can include fees waived, loans restructured, and further credit offered to get through the pandemic.

To access this support, you need to stay in contact with your bank and talk to them about the support you need. Assistance is not automatic.

[ANZ](#)

[AMP](#)

[Bankwest](#)

[Bank of Queensland](#)

[Bendigo Bank](#)

[Commonwealth Bank](#)

[Macquarie](#)

[National Australia Bank](#)

[Suncorp](#)

[Westpac](#)

# Support from State & Territory Governments

## Australian Capital Territory

### Payroll tax waivers and deferrals

All businesses whose operations are directly affected by the '[prohibited activities list](#)' will receive a six-month waiver of payroll tax from April to September 2020. Businesses need to [apply](#) to the ACT Revenue Office to receive the waiver.

- For those who lodge their payroll tax assessment monthly, the first waiver will be applied to their April payroll tax return, which is usually payable by 7 May.
- For those who lodge their payroll tax assessment annually, the waiver will be applied to their account when the return is received at the end of the 2019-20 financial year.

All ACT businesses with grouped Australia wide wages of up to \$10 million, can apply to defer their 2020-21 payroll tax, interest free until 1 July 2022.

### Food and liquor licensing fee waiver

Licensed venues and off licensed venues with gross liquor purchase value of below \$3 million per annum will receive a 12-month waiver of their food business registration and liquor licencing fees from 1 April 2020 and outdoor dining fees for 2020-2021 will be waived.

There are no refunds for those who have prepaid. Instead, an additional 12 months will be added to the license.

### Electricity rebates for small business

Small business owners with electricity usage below 100 megawatts per year will see rebates of \$750 automatically applied to their next electricity bill in June or July 2020. The rebate is automatic.

### Rideshare and taxi plate fees

Rideshare vehicle licence fees will be waived for 12 months for rideshare operators from 1 April 2020 as part of the normal licencing processes. No refunds will be paid to those that have paid. Instead, an additional 12 months credit will be added to the license at the next due date.

For government leased taxi plate fees (including wheelchair accessible taxis), all taxi plate fees have been waived. One off payments of up to \$5,000 are also being made to taxi drivers who lease their taxi plates from private owners. Taxi drivers who lease their plates from a private owner will need to email Access Canberra at [taxiservices@act.gov.au](mailto:taxiservices@act.gov.au) for these payments to be progressed.

## Commercial general rates

Commercial property owners with an Average Unimproved Value of \$2m or less will be eligible for a rebate. Commercial rate payers will receive a credit of \$2,622 to their 2019-20 general rates in quarter four.

## Tenants in Government owned property

A deferral of rent for up to six months is available on a case by case basis for commercial tenants of ACT Government properties.

## New South Wales

### Payroll Tax refunds and deferrals

For all NSW employers, on 1 July 2020, the tax-free threshold will increase from \$900,00 to \$1 million.

If your business has grouped Australian wages of **\$10m or less in 2019-20**, then:

- Your annual liability will be reduced by 25% when you lodge your annual reconciliation (due 28 July). Any refunds owing will be paid at that time.
- For monthly payers, no payment will be required for March 2020, April 2020, or May 2020, and you have an option to defer for an additional 3 months (as long as your total grouped payroll remains no more than \$10m).

For businesses with grouped Australian wages **above \$10m in 2019-20**, you have the option to defer the liability for up to 6 months. There is no need to make payment for March 2020 (normally due 7 April).

See [Revenue NSW](#)

### \$10,000 grants to small business

Grants of up to \$10,000 will be available to NSW small businesses impacted by the public health orders to restrict social gathering and movement to cover unavoidable costs such as utilities, overheads, legal costs and financial advice.

To be eligible for the grants, your business must:

- Have between 1 and 19 employees and a turnover of more than \$75,000
- Payroll below \$900,000 (the NSW Government 2019-20 payroll tax threshold)
- Have an ABN as at 1 March 2020, be based in NSW and employ staff as at 1 March 2020
- Be highly impacted by the [Public Health \(COVID-19 Restrictions on Gathering and Movement\) Order 2020](#) issued on 30 March 2020. Highly impacted industries include:
  - Retail trade
  - Accommodation and food services
  - Rental, hiring and real estate services
  - Administrative and support services
  - Arts and recreation services.

- Use the funding for unavoidable business costs.

The Grant Application form and requirements will be available on the Service NSW website by 17 April 2020 until 1 June 2020.

## Flexible long service leave arrangements

From 24 March 2020 for six months, employees and employers can agree:

- For the employee to take long service leave without the normal one month's notice period.
- For the employee to take long service leave in smaller blocks (rather than blocks of a month).  
The legislation is vague about what this means but gives the example of an employee taking long service leave for one or two days a week.

## Fee and licence relief

A range of licence and permit fees have been waived for business for 12 months. For most licences, when you make a new application or need to renew you will not be charged. The relief period is 12 months from 1 April 2020, or 15 April 2020, or 20 April 2020. These include:

- **Liquor and gaming** - New liquor licence application fees and pro-rata liquor licence fees, annual liquor licence base fees and trading hours risk loading fees. Compliance risk loadings will not be waived, but deferred and included as part of 2021-2022 annual liquor licence fees. See [liquor and gaming fees](#).
- **NSW fair trading licenses** - Paintball venue permit, tattoo parlour operator licence, home building contractor licence, trade or specialist contractor licence, motor vehicle repairer specialist licence, licence fee waivers for tattooists, home building (Qualified Supervisor Certificates and Tradesperson Certificates), and Motor Vehicle Tradesperson Certificates. See [fair trading fee waivers](#).
- **SafeWork NSW** – Pyrotechnician licence, registration permit of amusement device, asbestos removal licences and asbestos assessor licence, demolition licence, high risk work licence, high Risk Work Assessor Accreditation, SafeWork registered training organisations (for asbestos, construction and high risk work training) – new applications only. See [SafeWork fee waivers](#).

Please ensure you still apply for your relevant licenses.

## Government owned property – deferral of commercial rents

For commercial tenants with less than 20 employees, rent in Government owned property will be deferred for six months.

## Land tax reduction for residential and commercial landlords

Landlords can apply for a land tax reduction of up to 25% on a parcel of land in the 2020 land tax year when:

- Your land is used for business or residential purposes
- You're leasing property on that parcel to a residential tenant – or a business tenant with annual turnover of up to \$50 million - who can demonstrate financial distress resulting from the COVID-19 outbreak
- You reduce the rent of the affected tenant by at least as much as the tax reduction

- The land tax is directly related to the property for which rent has been reduced.

Financial distress is considered to be:

- for commercial tenants - a 30% drop in revenue due to the COVID-19 pandemic
- for residential tenants - a 25% drop in household income due to COVID-19.

To be eligible, land tax must be payable in 2020, and your tenant is suffering financial distress and you have reduced the rent payable by at least the amount of the land tax reduction.

Landlords can apply to have the reduction paid as a refund.

See [COVID-19 \(coronavirus\) and land tax](#)

## Northern Territory

### **Payroll tax waivers and deferrals for impacted business**

For businesses able to demonstrate substantial hardship due to the coronavirus crisis, from 1 April 2020 the NT Government will:

- Abolish payroll tax for six months for smaller and medium-sized businesses, and
- Defer payroll tax for six months for large businesses.

Businesses will need to apply from 1 May 2020.

### **Power, water and sewage bills reduced by 50%**

For businesses able to demonstrate substantial hardship due to the coronavirus crisis, from 1 April 2020 the NT Government will reduce power, water and sewage bills (for regulated utility tariffs) by 50%.

Businesses will need to apply from 1 May.

### **Conditions for access to support by landlords**

To access the payroll tax initiatives and the reduction in power, water and sewage, businesses that are landlords will need to adhere to an additional condition. When commercial tenants demonstrate economic hardship and request rent relief, landlords will be expected to negotiate relief in line with the Code of Conduct for commercial tenancies, agreed to by National Cabinet.

The Government will also waive the property activation levy for relevant landlords whose property becomes vacant due to the coronavirus crisis.

If commercial landlords do not negotiate in good with faith their tenants, landlords will not be eligible for this relief, or any of the economic support packages recently announced by the Government.

## **Business survival fund**

The survival fund is a lump sum payment that provides:

- An immediate survival payment; and
- A rapid adaptation payment

to businesses impacted by the social distance restrictions.

To access the fund, businesses must demonstrate significant impact, in particular in relation to turnover, staffing levels and fixed and operational costs.

The immediate survival payment amounts are:

- \$2,000 for sole traders
- \$5,000 for businesses with 2 to 5 employees (FTEs)
- \$20,000 for businesses with 6 to 19 employees (FTEs)
- \$50,000 for businesses with more than 20 employees (FTEs).

The rapid adaptation payment provides:

- Up to \$2,000 for businesses with one employee (FTE) and
- Up to \$5,000 for other eligible businesses to offset costs incurred in adapting their current business model to suit restrictions.

For details, see [Small Business Survival Fund](#)

## **Business improvement grants**

Business improvement grants of up to \$10,000 for shopfront businesses to purchase goods and services to make permanent physical improvements to a business (land and/or building) that help its operations and customer experience.

For details, see [Business Improvement Grants](#)

## **Queensland**

### **Payroll Tax**

If your business is an employer that pays \$6.5 million or less in Australian taxable wages:

- 2 months of your payroll tax will be refunded. The QLD Office of State Revenue will contact eligible employers directly to issue the refund, and
- No payroll tax needs to be paid for 3 months.

In addition, you can apply for a deferral of payroll tax for the 2020 calendar year.

Employers (or part of a group of employers) that pay more than \$6.5 million in Australian taxable wages that have been negatively affected by coronavirus, can apply (by 31 May 2020) for a:

- Deferral of payroll tax for the 2020 calendar year (If you have already applied for a deferral, you do not need not reapply) ([apply here](#)), and
- 2 month payroll tax refund ([apply here](#)).

Payroll tax returns will still need to be lodged.

See [Coronavirus payroll tax relief](#)

## Land tax relief

Landlords can apply for:

- a land tax rebate reducing land tax liabilities by 25% for eligible properties for the 2019-20 assessment year
- a waiver of the 2% land tax foreign surcharge for foreign entities for the 2019-20 assessment year
- a 3-month deferral of land tax liabilities for the 2020-21 assessment year.

You do not need to apply for the foreign surcharge waiver or the 3-month deferral, the Government will reassess land tax to apply the waiver and provide a refund where the assessment amount has already been paid.

To receive the rebate, a least one of the following circumstances must apply:

- You are a landowner who leases all or part of a property to one or more tenants and all the following apply.
  - The ability of one or more tenants to pay their normal rent is affected by the coronavirus (COVID-19) pandemic.
  - You will provide rent relief to the affected tenant(s) of an amount at least commensurate with the land tax rebate.
  - You will comply with the leasing principles even if the relevant lease is not regulated.
- You are a landowner and all the following apply.
  - All or part of your property is available for lease.
  - Your ability to secure tenants has been affected by the COVID-19 pandemic.
  - You require relief to meet your financial obligations.
  - You will comply with the leasing principles even if the relevant lease is not regulated.

See [Coronavirus land tax relief](#)

## Jobs support loans of up to \$250k with an initial interest free period

A loan facility of at least \$500 million, interest free for the first 12 months, has been created to help business retain employees and maintain operations.

Low interest loans of up to \$250,000 are available to assist with carry-on expenses such as employee wages, rent and rates and other related expenditure. The loans terms are:

- No repayments or interest charged for the first year
- Plus two years interest only
- 2.5% fixed interest rate
- 10-year term of loan

Eligible business types include sole traders, partnerships, private and public companies and trusts.

See the [full requirements](#), and [guidelines](#).

## **Agribusiness market diversification and resilience grants**

The Market Diversification and Resilience Grants (MDRG) program is targeted to exporters and their critical supply chain partners, as well as industry organisations working with exporters to build resilience by diversifying into new markets.

To be eligible you must be one of the following at the time of your application:

- A Queensland-based agriculture, food, forestry or fishing exporter;
- A Queensland-based critical supply chain partner (e.g., fishing business, producer, grower, grower collective, wholesaler) to a Queensland-based agriculture, food, forestry or fishing exporter; or
- A not-for profit industry organisation working with Queensland-based agriculture, food, forestry and fishing exporters.

The organisation must also be:

- A small to medium sized business employing less than 200 full-time equivalent employees;
- Registered and operating in Queensland, have an ABN and registered for GST; and
- Trading viably for at least the past 2 years.

Applicants can apply for one grant. The program has two components:

### **Projects grants up to \$50k**

**Project grant applications close 20 April 2020.** The QLD Government will co-invest in eligible projects with grants of up to \$50,000 (excluding GST). The grants are for projects such as market evaluation studies, staff training, new equipment, boat modifications etc.

The grant forms up to 50% of the total cost of a project activity or equipment purchase. Business should provide evidence of their contributions both in-kind (e.g., reasonable salary costs for key personnel, freight costs) and cash. Cash contributions must be at least 25% of total project costs.

See the [grant terms and conditions](#). Download the [application form](#).

### **Equipment purchases grants up to \$7.5k**

The QLD Government will co-invest up to 75% of the cost of new equipment such as freezers, vacuum packaging machines, etc up to \$10,000 (excluding GST).

See the [grant terms and conditions](#). Download the [application form](#).

## **Electricity bill rebate**

Sole traders, small and medium businesses will get a \$500 rebate on their power bill. Any business consuming less than 100,000 kilowatt hours will receive the rebate, which will be automatically applied on business electricity bills.

## **Rent relief for Government premises**

The Government will provide 6 months relief for businesses who rent premises from the state government.

## **South Australia**

### **Payroll tax waiver and relief**

Payroll tax between April and September has been waived for businesses with an annual grouped payroll up to \$4 million.

Employers with annual grouped payroll above \$4 million can defer payroll tax payments for 6 months if they demonstrate “significant impacts on cash flow” because of the coronavirus.

### **Land tax relief**

Individuals and businesses with outstanding quarterly land tax bills for 2019-20 will be able to defer payments for 6 months.

### **Liquor license fees waived for forced close downs**

Liquor license fees for 2020-21 will be waived for hotels, restaurants, cafes and clubs forced to close as a result of social distancing restrictions.

### **Taxi industry support**

Measures have been put in place to support the taxi industry including:

- A \$4,300 ex gratia payment per metropolitan taxi; and
- Waiving a full year of operator accreditation and vehicle fees for metropolitan taxi operators for a twelve-month period.

## **Tasmania**

### **Payroll tax waivers and rebates**

Payroll tax waivers or rebates are in place for employers with Australian group wages of up to \$5 million, for key industry sectors, and for those with employees under 24 years of age. Your annual adjustment return still needs to be lodged by 21 July 2020 even if payroll tax is waived.

Tasmanian employer eligibility	Support
<ul style="list-style-type: none"> <li>Australian group wages &lt;\$5m</li> <li>Demonstrate operations impacted by COVID-19</li> </ul>	<ul style="list-style-type: none"> <li>2019-20 payroll tax waived for 2019-20 financial year</li> <li>Monthly returns for March, April and May not required</li> </ul>
<ul style="list-style-type: none"> <li>Hospitality, Tourism, and Seafood industries</li> </ul>	
<ul style="list-style-type: none"> <li>New employees aged 24 and under employed between 1 April and December 2020</li> </ul>	<ul style="list-style-type: none"> <li>12 month payroll tax rebate</li> </ul>

## Grants and loans

### \$2,500 emergency cash payments

\$2,500 cash payment emergency grants for small business in the following industries (and suppliers who derive the majority of their income from these industries):

- Seafood
- Tourism and accommodation
- Hospitality
- Retail (including beauty and hairdressers, any business with a shop front)
- Arts and entertainment
- Fitness (includes personal trainers, gyms, yoga)

And, exporters who derived the majority of their 2018-19 income from international exports.

The grants are available to majority owned and operated Tasmanian businesses that are employers with under 20 full time equivalent employees on or before 31 January 2020, or sole traders, non-employing businesses and owner operator businesses (see the [guidelines](#)).

The Government has flagged further grants of \$15,000 to small business in identified sectors that are experiencing severe financial hardship. Businesses should first apply for the \$2,500 emergency grants to access the second round support.

### Business Support Loan Scheme

The Business Support Loan Scheme provides interest free loans of between \$20,000 and \$250,000 to assist with business continuity such as the purchase of plant and equipment, moving to online sales and distribution, etc. Loans are available to those in the hospitality, tourism and seafood export sectors, as well as related supply chain businesses and those that can demonstrate they have been significantly impacted by the outbreak (see [the guidelines](#)). [Apply here](#).

## Waivers and capping of Government licensing, fees and charges

### Liquor licensing reductions and waivers

50% discount on liquor licensing fees and waivers of all application fees for the 2020 calendar year (backdated to 1 January 2020).

## **Taxi license fees**

Taxi license fees have been waived for the 2020 calendar year.

## **Energy and water**

Water and electricity bills will be waived for the first quarterly bill received after 1 April 2020 for small business customers on Tariff 22, 94, 82 or 75, including those small businesses on market contracts.

Energy prices will also be capped and water prices frozen in 2020-21.

## **Fisheries license fees waived**

12 month waiver of the annual fees for rock lobster, giant crab, fin fishers, and for abalone divers.

## **Land tax waived for impacted businesses**

2020-21 land tax will be waived for commercial property owners financially impacted by COVID-19 where the land tax is paid by the business owner.

## **Vehicle registration**

The roads component of motor tax and vehicle registration will be waived where the business is significantly impacted by measures relating to COVID-19. Small businesses that suspend activity can apply to freeze vehicle registrations for light and heavy vehicles for up to 12 months.

## **Government fees and charges**

The Government will freeze all fees and charges subject to the *Government Fee Units Act 1997*.

# **Victoria**

## **Payroll tax waivers and deferrals**

If your business has annual taxable wages of up to \$3m:

- 2019-20 Payroll tax is waived. State Revenue is contacting eligible businesses and refunding them directly (from 27 March 2020).
  - Returns still need to be lodged but no further payments need to be made.
- 2020-21 Payroll tax can be deferred for July – September (first quarter). You will need to apply for the deferral.

The \$3m eligibility threshold applies to each employer. Any member of a group that pays Victorian taxable wages of up to \$3m per annum will be eligible for the relief.

## **Land tax deferrals**

Landowners can defer their 2020 land tax payment if they have at least one non-residential property and total taxable landholdings below \$1 million.

- Non-residential property includes; commercial property, industrial property, and vacant land (excluding residential vacant land).

## Grants of up to \$10k

Businesses can apply for grants of up to \$10,000 for costs such as utilities, rent and salaries, and activities to support business continuity planning. To be eligible, businesses must:

- Employ staff
- Been subject to closure or are highly impacted by Victoria's Non-Essential Activity Directions issued by the [Deputy Chief Health Officer to-date](#)
- Have a turnover of more than \$75,000
- Have payroll of less than \$650,000

## 2020 Liquor licence renewals waived

2020 renewable liquor licence fees have been waived for coronavirus affected venues and small businesses. For those that have paid the licensing fee, refunds will be issued. If the license fee has not yet been paid, it will be waived.

See [Victorian Commission for Gambling and Liquor Regulation](#)

## Western Australia

### Payroll tax waiver

Payroll tax will be waived for four months between 1 March 2020 and 30 June 2020 for businesses with Australia-wide annual wages of less than \$7.5 million in 2019-20. This initiative replaces the previously announced deferrals.

For all Western Australian employers, on 1 July 2020, the tax-free threshold will increase from to \$1 million.

### Electricity bill credits for small business and charities

A \$2,500 credit (as of March 2020) for Synergy and Horizon Power customers to reduce future electricity bills will be provided to:

- Small business customers that consume less than 50 megawatt hours per annum.
- Charities – for groups on community service and charitable accommodation electricity tariffs.

The credit will be allocated from 1 May 2020.

### License fees for SMEs in affected industries

A wide range of license fees have been waived for 12 months for coronavirus impacted businesses including:

- Building services, plumbers and electricians;

- tourism businesses operating in national and marine parks;
- Boat registration and mooring fees for tourism operators and commercial fishers;
- commercial fisheries licences;
- Taxi booking service authorisation fees;
- Settlement agent licence fees; and
- Other statutory planning fees

### **Liquor licensing renewal fees**

Liquor licence renewal fees for 2020 will be waived and refunds provided for businesses that have already paid.

### **On-demand transport industry relief**

The WA Government has released a relief package for the on-demand transport industry. The full details are not yet available.

### **Regional taxi assistance payments**

A payment (the sum has not yet been disclosed) will be made to approximately 200 former country taxi licensees who paid a sum to a third party to acquire a taxi-car business and were operating against that licence on 1 July 2019. The payments are expected to be made in July 2020.

### **\$2,500 cash payment to authorised on-demand booking services**

Approximately 600 authorised On-demand Booking Services that also hold an active Passenger Transport Vehicle (PTV) authorisation will receive cash payments of \$2,500. These are largely sole traders or small and medium businesses providing taxi, tour and charter, luxury and special event services across Western Australia. The payments are expected to be made in July 2020.

### **Government owned property rent relief**

The Government will waive rental payments for small businesses and not-for-profit groups in State Government-owned buildings for six months.

# For individuals

## Expanded access, reduced means testing and waiting times

From 25 March 2020, eligibility for the Jobseeker Payment, Parenting Payment and the Youth Allowance Jobseeker will be extended temporarily to include:

- Permanent employees who have been stood down or lost their jobs (and are not receiving payments from an employer or through insurance),
- **Sole traders, the self-employed, casuals or contractors** whose income has reduced to below \$1,075 a fortnight, and
- People who cannot work as they are caring for someone affected by coronavirus.

In addition to this, the normal asset test won't apply temporarily when determining entitlements to the Jobseeker Payment, Parenting Payment and Youth Allowance Jobseeker.

However, [income testing](#) still applies. That means, if your income has reduced to zero or very little, but your partner is still working then this could still impact on whether you are entitled to these payments as well as the amount of the payment you receive.

On 30 March, the Government announced a temporary relaxation of the partner income test for the JobSeeker Payment. Providing your partner earns "less than \$3,068 per fortnight, around \$79,762 per annum" you should be able to access the JobSeeker payment, and subsequent Coronavirus supplement.

Waiting periods for access to social services support have been reduced or waived:

- The one-week ordinary waiting period is waived.
- The liquid asset test waiting period (applies to those with assets such as cash savings worth over \$5,500 for singles or \$11,000 for singles with children and partnered people) is waived for those who are eligible for the Coronavirus supplement.
- The newly arrived resident's waiting period for new migrants (currently four years for these payments) is temporarily waived. Claimants will still need to meet residency requirements, that is they will need to hold a permanent visa. Affected claimants will need to serve the remainder of this waiting period at the end of the period the Coronavirus Supplement is paid for.
- The Seasonal Work Preclusion Period is waived for those who are eligible for the Coronavirus supplement — this applies to those who finished seasonal, contract or intermittent work in the six months prior to claiming income support.

The income maintenance period, affecting those receiving certain lump sums from their previous employer after losing their job, and those who have been stood down but are still receiving leave payments, can be waived in situations of financial hardship but is on a case by case basis.

The Minister for Families and Social Services has been given the power to amend legislation via a legislative instrument to enable changes to be made quickly.

## How to access social services payments

Depending on your household income, you might be eligible for some of the stimulus measures even if the social services payment you are applying for is almost nothing as the initiatives are not calculated on the amount you receive just whether you are eligible to receive it.

### CRN number

If you have not personally received social services support previously, you will need a Customer Reference Number (CRN) number (apply through [myGov](#)). This is an identifying number that lets you create an online account and apply for payments.

To do this:

- Establish a [myGov account](#) (which will give you access to most Federal Government services) if you don't already have one and login
- Click "Register intention to claim"

Centrelink will contact you by phone or email.

The first date your claim starts is the date you click 'register intention to claim'.

You will need to verify your identity and in order to access social service payments you need to make a declaration that you have been made redundant, stood down etc, as well as showing your current income. For sole traders and contractors, you will need to make a similar declaration stating that the business has been suspended or income has reduced significantly, and prove the reduction in income.

## \$550 Coronavirus supplement

### Eligibility

For six months from 27 April, a \$550 per fortnight supplement will be paid to those on the following allowances:

- Jobseeker payment
- Youth Allowance (job seekers and students)
- Austudy for students and ABSTUDY (Living Allowance)
- Parenting Payment
- Partner Allowance
- Widow Allowance
- Special Benefits, and
- Farm Household Allowance.

For those eligible for the coronavirus supplement, the waiting periods for the liquid asset test, newly arrived residents, and seasonal work preclusion period have also been waived.

### **How is the support calculated?**

The \$550 payment does not depend on how any social services payment you receive is calculated or the value of any benefits you receive (you might be eligible for just \$1 or in some cases \$0). The payment is not subject to income or asset testing. It is a payment in addition to any benefits you are currently receiving now.

The payment is taxed.

### **How is the support provided?**

If you are eligible, the coronavirus supplement is automatic. From 27 April, all existing and new eligible individuals will receive the \$550 fortnightly payment while they are receiving benefits.

#### **Example**

Chris is a sole trader, running an architecture practice, specialising in home renovations.

Chris' practice has been successful over the years, and he has been able to build up a reasonable asset base.

Coronavirus has adversely affected Chris' business and his income has been reduced to zero.

Chris will be able to apply for the new JobSeeker / Coronavirus supplement.

His assets are not included as part of the eligibility assessment and he is not required to serve a Liquid Asset Test Waiting Period.

Chris is eligible for the Jobseeker payment and, as he is married, will receive:

- JobSeeker Payment partnered rate of \$510.80 per fortnight
- Energy Supplement of \$7.90 per fortnight
- Coronavirus supplement of \$550 per fortnight

This brings Chris's total fortnightly income support payment to \$1,068.70.

However, if Chris's wife is working, he will need to ensure that her income is under the income threshold (less than \$3,068 per fortnight) or this will impact on Chris' ability to access these payments or the amount that is received.

Adapted from Treasury: *Income support for individuals*

## Tax-free \$750 payments to social welfare recipients

Two \$750 per person income support payments will be made to many social welfare recipients. Eligibility for the second payment is different to the first and does not apply to those who receive the Coronavirus supplement.

### Eligibility

**The first income support payment**, made in March/April, applies to those living in Australia and receiving the following social security payments between 12 March 2020 and 13 April 2020.

- Age Pension
- Disability Support Pension
- Carer Payment
- Parenting Payment
- Wife Pension
- Widow B Pension
- ABSTUDY (Living Allowance)
- Austudy
- Bereavement Allowance
- Newstart Allowance
- JobSeeker Payment
- Youth Allowance
- Partner Allowance
- Sickness Allowance
- Special Benefit
- Widow Allowance
- Family Tax Benefit, including Double Orphan Pension
- Carer Allowance
- Pensioner Concession Card (PCC) holders
- Commonwealth Seniors Health Card holders
- Veteran Service Pension; Veteran Income Support Supplement; Veteran Compensation payments, including lump sum payments; War Widow(er) Pension; and Veteran Payment.
- DVA PCC holders; DVA Education Scheme recipients; Disability Pensioners at the temporary special rate; DVA Income support pensioners at \$0 rate.
- Veteran Gold Card holders
- Farm Household Allowance

**The second income support payment**, made in July, has the same eligibility criteria as the first payment, but excludes those who receive the coronavirus supplement. These are people on the following:

- Jobseeker
- Youth Allowance (job seekers and students)
- Austudy for students and ABSTUDY (Living Allowance)
- Parenting Payment
- Special Benefits, and
- Farm Household Allowance.

### How is the support calculated?

No calculations. The \$750 payment does not depend on how any benefit you receive is calculated.

The payment will be tax-free and will not count as income for Social Security, Farm Household Allowance and Veteran payments.

### How is the support provided?

Those eligible for the payment will receive it automatically. The first payment will be made automatically from 31 March 2020. The second payment will be paid automatically from 13 July 2020.

## Reduction in deeming rates

Date	1 May 2020
Applies to	Account-based and similar pensions

Deeming rates are the amount the Government determines you are making from your financial assets. The deeming rate applies regardless of what you actually make.

The deeming rate is used for income testing for service pensions, veteran payments, income support supplements, age pension and Commonwealth Seniors Health Card.

### How is the support calculated?

There are two deeming interest rates; a higher deeming rate and a lower deeming rate. The lower deeming rate applies up to the deeming threshold (\$51,800 for singles and \$86,200 for couples).

Everything above this threshold is deemed to earn the higher deeming rate. The deeming thresholds are different for singles and couples.

As of 1 May 2020, the upper deeming rate will be 2.25% (from 3%) and the lower deeming rate 0.25% (from 1%).

### How is the support calculated?

The deeming rate changes are automatic.

### Example

Leslie and Brian are an age pensioner couple. They have \$550,000 worth of financial assets. They hold \$300,000 in a superannuation account with a conservative investment strategy which returned around 5% last year. They have invested \$130,000 in a term deposit with an annual return of 1.5% and hold the remainder in a cash transaction account earning a negligible rate of interest.

Deeming calculations	To 30 April 2020	1 May 2020 onwards
Total Financial Assets	\$550,000	\$550,000
First \$86,200 at lower deeming rate	\$862 (1%)	\$215.50 (0.25%)
Remaining balance	\$463,800	\$463,800
Total at upper deeming rate	\$13,914 (3%)	\$10,435.50 (2.25%)
Add upper and lower deeming rates	\$14,776	\$10,651
Divide by 26 to convert annual income to fortnightly income	\$568.31	\$409.65
Fortnightly deemed income	\$568.31	\$409.65

Under the former deeming rates, Leslie and Brian's Age Pension would have been reduced by \$65 each per fortnight. Under the new deeming rates, Leslie and Brian's Age Pension will now be reduced by around \$32 each per fortnight.

*Adapted from Treasury: Providing support for retirees, Veteran's Affairs: Deeming and financial assets*

### Access to free childcare

Any family whose children are enrolled in an approved child care service which remains operating will be able to access fee-free child care.

Free child care is one of the conditions for centres to access the new weekly business continuity payment. This payment provides the equivalent of 50% of the fees charged (up to the Child Care Subsidy hourly fee cap) for sessions of care in the fortnight preceding 2 March 2020 (17 February 2020 to 28 February 2020).

In order to be eligible for this new payment, a child care service must:

- Stay open with at least one child actively enrolled (except where the service is made to close on public health advice or for other health and safety reasons);
- Not charge families any fees;
- Continue and prioritise care for essential workers, vulnerable and disadvantaged children and previously enrolled children; and
- Comply with other regulatory requirements under the National Quality Framework and the conditions for approval for the CCS.

# Relief for financially distressed individuals and businesses

## Company solvency safety net

Date	25 March – 24 September 2020
Applies to	Companies

### Eligibility

A temporary six month safety net has been put in place to protect companies from being pushed into insolvency as a result of the pandemic by debts incurred in the **ordinary course of running the business** (i.e., debts that you normally pay such as employee wages, rent, etc).

To utilise these measures, company directors will need to develop, document and implement a plan that will lead to a better outcome than administration or winding up, and maintain copies of the financial and management information that underpinned their decision making.

### How is the support provided?

The measures protect companies in temporary financial distress as a result of the pandemic by lessening the threat of actions that could push them into insolvency and force the winding up of the business during a period of illiquidity.

The amendments to the *Corporations Act* regulations provide:

- A temporary 6 month increase to the threshold at which creditors can issue a statutory demand on a company from \$2,000 to \$20,000.
- An increase to the time a company has to respond to statutory demands from 21 days to 6 months.

**Debs incurred will need to be paid.** These measures delay proceedings by creditors to allow the business time to return to normal trading conditions. They do not extinguish debt.

The measures also don't prevent a creditor from suing a company to recover debt, just the ease with which they can pursue statutory demands.

## Temporary relief for directors for trading while insolvent

Date	25 March – 24 September 2020
Applies to	Company directors

### Eligibility

A temporary six month safe harbour from the directors' duty to prevent insolvent trading has been put in place. The safe harbour only applies to a debt that is incurred in the ordinary course of business.

The expectation is that many companies will be temporarily insolvent as a result of the pandemic. The safe harbour enables directors to trade through the pandemic if there is an expectation of the company being viable within six months.

A holding companies can also rely on the safe harbour for its subsidiaries if it takes reasonable steps to ensure the temporary safe harbour applies to each of the directors of the subsidiary, and to the debt.

### How is the support provided?

Directors have a duty under the *Corporations Act* to ensure that the company is not trading while insolvent. A company is insolvent if it cannot pay its debts as and when they fall due.

Directors can rely on the new safe harbour if the debt is incurred:

- in the ordinary course of the company's business,
- between 25 March and 24 September 2020, and
- before the appointment of an administrator or liquidator during the temporary safe harbour.

Outside of the safe harbour, a director is personally liable for debts incurred by a company that trades while insolvent, in addition to being exposed to civil and criminally liable for losses.

This measure does not remove a director's responsibility to the company. ASIC's guide outlining directors duties to prevent insolvent trading states that directors must:

- Keep themselves informed about the company's financial position and affairs,
- Regularly assess the company's solvency and investigate financial difficulties immediately,
- Obtain appropriate professional advice to help address the company's financial difficulties where necessary, and
- Consider and act in a timely manner on the advice.

### More:

ASIC: [Insolvency guide for directors](#)

Australian Institute of Company Directors: [Insolvent trading](#)

## Bankruptcy safety net

<b>Date</b>	25 March – 24 September 2020
<b>Applies to</b>	Individuals

### Eligibility

A temporary six month safety net has been put in place to protect individuals against bankruptcy proceedings between 25 March and 24 September 2020.

This measure does not impact on bankruptcy proceedings instigated prior to or after the temporary measures.

### How is the support provided?

A series of temporary measures have been enacted to protect individuals against bankruptcy for six months. This impacts on the amount of debt that can be incurred before bankruptcy proceedings are initiated and the amount of time allowed to respond to bankruptcy proceedings:

- Threshold for the minimum amount of debt required for a creditor to initiate bankruptcy proceedings against a debtor increased from \$5,000 to \$20,000.
- The time a debtor has to respond to a bankruptcy notice increased from 21 days to six months.
- Where someone declares their intention to enter voluntary bankruptcy, the period of protection from unsecured creditors extended from 21 days to 6 months.

# Moratorium on evictions and rent relief

The Prime Minister has stated that the states and territories are moving to put a moratorium on commercial and residential evictions as a result of financial distress.

## Code of conduct for commercial tenancies

The Prime Minister has announced that the states and territories will legislate a mandatory code of conduct for commercial tenancies.

The code will apply where:

- The landlord or tenant is eligible for the JobKeeper program, and
- They have a turnover of \$50 million or less.

The code brings together a set of good-faith leasing principles. Landlords must not terminate the lease or draw on a tenant's security and tenants must honour the lease.

Landlords will be required to reduce rent proportionate to the trading reduction in the tenant's business, through a combination of waivers of rent and deferrals of rent over the "pandemic period." Waivers of rent must account for at least 50% of the reduction in the rental provided to the tenant during that period and deferrals must be covered over the balance of the lease term and in no less period than 24 months.

The arrangements will be overseen through a binding mediation process at state and territory level.

## Residential landlords and tenants

Most states and territories are introducing rules to ensure that tenants facing COVID related financial distress are not evicted for rental arrears.

Rent remains due, however, landlords are being encouraged to negotiate either a rent reduction to some degree or waiver where possible – for example, the landlord has a mortgage and has received a freeze on mortgage payments.

Most state and territory governments have free mediation services in place to manage disputes.

See the section on State and territory governments for details on land tax rebates.

## Australian Capital Territory

The ACT Government is providing:

- **Moratorium on evictions, blacklist preventions and temporary freeze of rental increases** – Regulations are being introduced to impose a short-term moratorium on evictions, temporary freeze of rental increases and prevention of ‘blacklisting’ as a result of being unable to pay rent.
- **Rent payment freeze agreement** - parties may reach an agreement to delay rental payments if a tenant is not earning income. Any outstanding rent during this period will be a debt owed to your landlord. However, this debt will not accrue interest for the period of any moratorium.
- **Rent reduction rebate** – a rebate available to landlords who have reduce the rent charged by 25% for up to six months. The government will match 50% of the rent reduction to a maximum of \$2,600 over six months or \$100 per week. The government’s share of the rent reduction will be provided to landlords through a land tax rebate (see the [application form](#))

See [Residential landlord’s rights](#)

## New South Wales

The NSW Government is introducing an interim 60-day stop on landlords seeking to evict tenants due to rental arrears as a result of COVID-19, together with longer six month restrictions on rental arrears evictions for those financially disadvantaged by COVID-19.

A household is COVID-19 impacted if:

5. One or more rent-paying members of a household have lost employment or income (or had a reduction in employment or income) due to COVID-19 business closures or stand-downs, or
6. One or more rent-paying members of a household have had to stop working or reduce work hours due to illness with COVID-19 or due to COVID-19 carer responsibilities for household or family members, and
7. The above factors result in a household income (inclusive of any government assistance) that is reduced by 25% or more.

Notice periods for certain other lease termination reasons will be extended to 90 days.

All other tenants not impacted by COVID 19 are expected to honour their existing tenancy agreements.

See [Six month moratorium on residential tenancy evictions during COVID-19](#).

## Queensland

The Queensland Government is introducing a package of measures to support to implement the freeze on evictions from 29 March 2020 for six months.

- **Freeze on evictions** –landlords will not be able to evict tenants for rent arrears, and property owners will be prohibited from evicting a tenant if their lease expires during COVID-19 public health crisis.
- **Rental support** – rental grants of up to \$2,000 is available to tenants experiencing hardship and unable to access or waiting for other financial support.

- **Breaking a lease**
  - Where the tenant has lost income due to COVID 19, tenant break lease costs will be capped at the equivalent of one week rent during the COVID-19 pandemic.
  - Tenants will be able to break a lease if they are experiencing domestic and family violence and need to leave in a hurry.

For tenants impacted by COVID 19 that cannot afford their rent, landlords are encouraged to negotiate where possible.

See [The Residential Rental Hub](#)

## South Australia

State Parliament has endorsed a number of initiatives aimed at helping landlords and tenants whose incomes have been affected during the pandemic period. These include:

- Institute a short-term moratorium on eviction for non-payment of rent due to severe rental distress as a result of COVID-19
- Prevent landlords from increasing rent
- Allow landlords to use technology such as face-time, live video or time-stamped photos for routine inspections where possible, unless there are exceptional circumstances and sufficient safety measures in place for an inspection in person
- Extend the tenant's ability to arrange to have repairs carried out by agreement with the landlord
- Provide a general protection for tenants who breach their agreement as a result of complying with a direction under law relating to COVID-19.

Where tenants have been impacted by COVID-19 but still have the capacity to pay their rent, they should continue doing so. Where alternative arrangements are needed as a result of COVID-19, tenants and landlords are encouraged to work together on an agreement and – where an agreement cannot be reached – the matter may need to go before the South Australian Civil and Administrative Tribunal.

See [Rental advice due to COVID-19](#)

## Tasmania

Tasmania has introduced the *COVID-19 Disease (Emergency Provisions) Act 2020* which enforces an immediate halt to termination by notice to vacate, which applies where the tenant is yet to vacate except:

- Where agreed by the tenant and landlord; or
- Where the notice to vacate has been served prior to 3 April 2020 for non-fixed term tenancies where the property has been sold; or
- Where the tenant has been used for an unlawful purpose, or
- Terminated for severe hardship - Tenants or owners can apply to break a fixed term lease if its continuation would cause severe hardship. Parties can apply to the Residential Tenancy Commissioner (the Commissioner) to have an Order to terminate the agreement in the case of severe COVID-19 related hardship.

A suspension is also in place for 120 days for evictions due to rent in arrears. During the emergency period:

- An owner will not be able to issue a notice to vacate for rent in arrears
- A notice to vacate given before the emergency period begins will have no effect if the tenant has not yet vacated.

The Government stresses the changes do not provide for a rent holiday.

See [Residential tenancy - Changes to residential tenancies in Tasmania during COVID-1](#)

## **Victoria**

New laws are being introduced into Victoria's Parliament to help protect residential tenants facing hardship as a result of the coronavirus (COVID-19) pandemic. The laws will apply from 29 March 2020 until 26 September 2020, and will apply to landlords of a residential property, the operator of a rooming house, the owner of a caravan park, or a provider of specialist disability accommodation.

The laws prevent tenants being evicted (except in specific circumstances such as damage to the property, use it for criminal activity, or serious violence occurs).

Tenants will still have to pay rent but they can:

- Apply to leave the tenancy if they want to for financial hardship, without paying fees for breaking the lease; or
- Stay and negotiate a rent reduction with you.

Rents cannot be raised over the period of the new laws.

Tenants may be able to apply for rent relief. See [Coronavirus \(COVID-19\) rent relief grant](#).

See [Coronavirus \(COVID-19\) and your rights](#)

## **Western Australia**

The Western Australian Government is introducing laws to put into place a six month moratorium on evictions and other measures relating to residential tenancies for those impacted by COVID 19.

The proposed *Residential Tenancies (COVID-19 Response) Bill 2020* will:

- Introduce a moratorium on eviction for six months except in limited circumstances including, for example, if a tenant is causing serious damage to the property or injury to the landlord or a person in adjacent premises; the landlord or tenant is experiencing undue hardship; a tenant is experiencing family violence and the perpetrator needs to be evicted; the tenant abandons the premises; or the agreement is frustrated;
- Prohibit rent increases during the emergency period;
- Provide that any fixed term tenancy agreement due to expire during the emergency period will continue as a periodic agreement;

- Relieve lessors of the obligation to conduct ordinary repairs if the reason they cannot do so is COVID-19 related financial hardship or a lawful restriction on movement; and
- Enable a tenant to end a fixed term tenancy prior to its end date without incurring break lease fees (tenants will still be liable for damage and rent arrears).

Tenants can still be evicted if they are causing damage to the property, posing a threat to the landlord or neighbours, or abandon the property.

The laws will apply equally to tenants in public and private housing, park homes as well as boarders and lodgers.

See [Residential tenancy](#) and [commercial tenancy](#)

## Bank support for landlords who do not evict commercial tenants

The banks have announced that they will provide relief to commercial property landlords who undertake that for the period of the interest capitalisation, they will not terminate leases or evict current tenants for rent arrears as a result of COVID-19.

## SMSFs with commercial property that provide rent relief to a related party

For some businesses, the business owner's SMSF (or a related party) owns the commercial property that the business leases. Normally, the leasing arrangement between the business and the SMSF must be at market value to fulfil the SMSF's obligations under the *Superannuation Industry Supervision Act*.

If the SMSF reduces the rent because the business is in financial distress as a result of COVID-19, the SMSF will not face action by the ATO. The ATO has stated:

*“Some landlords are giving their tenants a reduction in or waiver of rent because of the financial impacts of the COVID-19 and we understand that you may wish to do so as well. Our compliance approach for the 2019-20 and 2020-21 financial years is that **we will not take action where an SMSF gives a tenant – who is also a related party – a temporary rent reduction during this period.**”*

To qualify for rent relief, there are a number of issues that trustees should document:

- The financial hardship of the tenant (substantiating the financial impact)
- Review the lease agreement and refer to any relevant provisions within the agreement that enable a reduction in rent
- Agree and document a reduced rental amount for a specified period of time. The period of time should be relevant to the financial impact.

Taking these steps will help mitigate any potential compliance breach by your fund and reduce the likelihood of audit activity by the ATO.

It is important to balance the immediate needs of the related business with the long-term goals of the SMSF. The fund's sole purpose to provide retirement benefits for members should be considered before any rent reduction is granted.

## **Tax deductions for rental property owners**

Where a residential rental property owner reduces the rent to enable tenants to stay in the property, the ATO has indicated that this should not impact on the deductions that can be claimed by the landlord. The ATO has also confirmed that landlords can continue deducting normal rental property expenses if a tenant is not able to pay their full rent or have temporarily stopped paying rent because their income has been adversely affected.

If the landlord's bank defers loan repayments for a period of time, the property owner can still claim a deduction for interest expenses if interest continues to accumulate on the loan.

# Superannuation

## Temporary early release of superannuation

Date	25 March – 24 September 2020 Applications from 20 April 2020
Applies to	People in severe financial hardship

From 20 April 2020, people in financial distress as a result of the coronavirus pandemic will be able to self-certify and apply for early release of up to \$10,000 of their superannuation in 2019-20, and again in 2020-21 (up until 24 September 2020).

Superannuation accessed under this measure is not taxed and will not impact on Centrelink or Veteran's Affairs payments.

**If you have a Self-Managed Superannuation Fund, you cannot withdraw any amounts from the fund until your SMSF receives a release authority from the Australian Taxation Office (ATO) enabling you to make the withdrawal.** See *How is the support provided?* for details of the process to access your superannuation.

## Eligibility

### Coronavirus measures

Australian citizens, permanent residents and New Zealand citizens with Australian held super are eligible to apply for early release under the measures. Temporary residents are not eligible.

To be eligible to access up to \$10,000 of your superannuation early under the coronavirus measures, you must meet one of the following requirements:

1. You are unemployed at the time of applying for the determination;  
At the time of applying for the determination you are eligible to receive a job seeker payment, youth allowance for jobseekers, parenting payment (which includes the single and partnered payments), special benefit or farm household allowance; or  
On or after 1 January 2020:
  - you were made redundant; or
  - your working hours were reduced by 20% or more; or
  - You are a sole trader and your business was suspended or there has been a reduction in your turnover of 20% or more.

## General early release measures

Outside of the coronavirus measures, you are able to access your superannuation early on compassionate grounds if you need money to pay for:

- medical treatment and medical transport for you or one of your dependants (a child or partner etc)
- palliative care for you or your dependant
- making a payment on a home loan or council rates so you don't lose your home
- accommodating a disability for you or your dependant
- expenses associated with the death, funeral or burial of your dependant.

If your application is rejected, you will be advised within 3 days via your MyGov account.

## How is the support calculated?

### Coronavirus measures

Under the coronavirus measures, you are able to apply for early release of up to \$10,000 of your superannuation once between 25 March 2020 and 30 June 2020, and again between 1 July 2020 and 24 September 2020.

Withdrawals under this measure will be tax-free and will not affect Centrelink or Veterans' Affairs payments.

If you have income protection, and/or life/total permanent disability insurance through your superannuation account, your superannuation may be affected if your balance falls below \$6,000.

### General early release measures

Any superannuation you withdraw is taxed as a superannuation lump sum payment.

## How is the support provided?

### For Industry & retail funds

- Apply to the ATO through your myGov account (you will need to link the ATO to your account if you have not already)
- The ATO will issue a release authority to you and your fund
- The fund will then release the amounts to you

### For Self Managed Superannuation Funds

- Check your trust deed for any specific provisions relating to the early release of superannuation
- Apply to the ATO through your myGov account (you will need to link the ATO to your account if you have not already)
- The ATO will issue a release authority to you and your fund

- The trustees must self-assess the criteria (ensure you document this process and have the member’s documentation or a declaration from them)
- The SMSF will then release the amounts to the member

If you have multiple superannuation accounts, you can only release a total of \$10,000 across all accounts. You could for example, release \$8,000 from one fund and \$2,000 from another.

Ensure you check your superannuation fund balance before making any applications. If you make an application and the fund has insufficient money to fulfil the application, you will not be able to make a second application for the balance from another fund/account in that financial year. You also will not be able to seek the balance in the 2020–21 financial year above the \$10,000 cap.

For those eligible to access their superannuation, you can apply directly to the ATO through the **myGov** website from mid-April.

If you withdraw too much, you can recontribute the amount under the normal contribution rules.

### Example

Rachel is a sole trader with a catering business.

The coronavirus has had a big impact on Rachel’s catering business. Her turnover for July is \$5,000 compared to her average of \$10,000 per month for the second half of 2019. Rachel determines that her turnover has reduced by more than 20% compared to her average turnover over the last six months of 2019.

Rachel self-certifies that she is eligible for early release and applies to have \$10,000 released from her superannuation.

*Adapted from Treasury: Early access to superannuation*

## Temporary reduction of pension minimum drawdown rates

<b>Date</b>	2019-20 and 2020-21
<b>Applies to</b>	Account-based and similar pensions

### Eligibility

Individuals with account-based, allocated pensions, and market linked pensions.

## How is the support calculated?

Age	Default minimum drawdown rates (%)	Reduced rates by 50% for 2019-20 and 2020-21 (%)
Under 65	4	2
65-74	5	2.5
75-79	6	3
80-84	7	3.5
85-89	9	4.5
90-94	11	5.5
95 or more	14	7

The minimum drawdown requirements for account-based pensions and similar products will be reduced by 50% in 2019-20 and 2020-21.

If you have already drawn down more than the required minimum, any deposits into the fund will be treated as a contribution and the normal contribution rules will apply.

The way your drawdowns are taxed will remain the same.

## How is the support provided?

The reduction in the minimum draw down rates is automatic.

### Example

Mike is 66 years old and he has an account-based pension with a value of \$200,000 at 1 July 2019.

Under the previous minimum drawdown requirements, Mike was required to drawdown 5% of his account balance over the course of the 2019-20 and 2020-21. This would have meant that Mike had to drawdown \$10,000 by 30 June 2020 to comply with the minimum drawdown requirements.

Under the coronavirus measures, Mike is now only required to drawdown 2.5 % of his account balance, that is, \$5,000 by 30 June 2020. If Mike has already drawn down over \$5,000 for 2019-20, he is not able to put the amount above \$5,000 back into his superannuation account.

On 1 July 2020 the value of Mike's account-based pension is \$180,000 (after drawdowns and investment losses). During 2020-21, Mike is required to drawdown \$4,500 (2.5% of his account balance).

Mike	1 July account-based pension balance	Minimum drawdown <u>before</u> measures	Minimum drawdown <u>after</u> measures
2019-20	\$200,000	\$10,000 (5%)	\$5,000 (2.5%)
2020-21	\$180,000	\$9,000 (5%)	\$4,500 (2.5%)

Adapted from Treasury: *Providing support for retirees*