**Live Performance Australia**

**Coronavirus (COVID-19) - Member Advice Update #12**

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**UPDATE ON COVID-19 MEASURES**

On 24 March 2020, the National Cabinet [agreed](https://www.pm.gov.au/media/update-coronavirus-measures-24-March-2020) to implement more widespread social distancing measures in response to COVID-19.

Prohibited activities and venues as at **11:59pm (local time) 25 March 2020** include:

* Cinemas and night clubs
* Casinos, gaming or gambling venues
* Concert venues, theatre, arenas, auditoriums, stadiums.

**Please note live streaming of a performance by a small group could be permissible with social distancing observed.**

There is a [travel ban](https://www.smartraveller.gov.au/crisis/covid-19-and-travel) in place for all Australians effective 25 March 2020.

The existing measures still apply:

* No non-essential gatherings of more than 100 people inside and more than 500 people outside
* All non-essential gatherings of less than 100 people must have no more than one person per 4 square metres
* Where possible, keep 1.5 metres between yourself and others
* Avoid non-essential travel.

State and territory governments will effect these, and potentially further, measures through their own legislative processes. Please note the Federal Government has revised their [2020 Parliamentary Sitting Calendar](https://www.aph.gov.au/News_and_Events/Events_Calendar/Events_Search_Result#range=yearly&display=calendar&from=2020-01-01&to=2020-12-31&senate=1&house=1&estimates=1&sb=1&sa=1&ss=1&committees=0&sh=0&hh=0&jh=0&sc=0&ir=0&visit=0&tr=0&se=0&ex=0&od=0&general=0&pubhol=1).

**GOVERNMENT SUPPORT FOR HOUSEHOLDS AND BUSINESSES**

The Federal Government has published a [resource](https://liveperformance.com.au/wp-content/uploads/2020/03/Senator-the-Hon-Michaelia-Cash-QUICK-LINKS-TO-GOVERNMENT-SUPPORT-FOR-BUSINESSES-AND-HOUSEHOLDS-IMPACTED-BY-COVID-19.pdf) with quick links to the **measures available to small and medium businesses, sole traders and households** under the $189 billion economic support package announced by the Prime Minister on 22 March 2020.

**WORKPLACE RELATIONS UPDATES**

**Easier access to Long Service Leave in NSW in response to COVID-19**

The NSW Government has made [amendments](https://preview.nsw.gov.au/news/nsw-passes-flexible-long-service-leave-changes-to-help-employees-and-businesses) to the Long Services Leave Act 1955, which allow employers to:

* give employees access to long service leave (LSL) for a shorter period of time, such as one day per week (rather than the usual one month at a time), and
* without the requirement to give one month of notice to the employee to commence their LSL.

An employee must mutually agree to both the period of LSL being less than one month and to take LSL without receiving one month of notice from the employer about the start date of their LSL.

Making use of easier access to leave entitlements can assist Members to maintain their workforce at this time. The new LSL laws are in place for the next six months, with a possibility of extension to 12 months.

**Employment Separation Certificates for employees when employment has not been terminated**
Employers may be asked to complete an Employment Separation Certificate in circumstances other than the termination of employment. Centrelink explain this on their website as ['Circumstances other than termination of employment'](https://www.servicesaustralia.gov.au/organisations/business/services/centrelink/centrelink-business-online-services/employment-separation-certificates-employers#a4).

In these circumstances, when completing the [Employment Separation Certificate form](https://www.servicesaustralia.gov.au/individuals/forms/su001), employers should use the space at **Question 4: Reason for separation**, which lists a number of options. Employers should mark 'other' and, depending on the circumstances, may set out the relevant reason as:

* "stood down under section 524 of the Fair Work Act 2009 due to COVID-19", or
* "stood down under clause 16.14 of the Performers Collective Agreement due to COVID-19", or
* "reduced hours of work due to COVID-19".

If an employer has issued an Employment Separation Certificate which has not been completed this way, it still does not amount to a termination of employment, and a new Employment Separation Certificate may be reissued to the employee.

Whether Centrelink waive the rules for providing an Employment Separation Certificate or not, completing the Employment Separation Certificate does not mean that an employer has terminated employment, or that an employee’s continuous service has been broken, for the purpose of calculating leave entitlements.

LPA has prepared a [template letter](https://liveperformance.com.au/wp-content/uploads/2020/03/letter-accompanying-separation-certificate.docx) that you can provide to your employees when issuing an Employment Separation Certificate.