

CHECKLIST OF COVID-19 MEASURES



1. Commonwealth Government incentives (excluding superannuation)

- JobKeeper payment
(\$1,500 per fortnight per employee wage subsidy)
- Boosting cash flow for employers
(\$20k to \$100k tax free payments based on PAYG withholding)
- Instant asset write-off
- Accelerated depreciation
- Wage subsidies for apprentices and trainees

2. Superannuation measures

- Temporary early release of superannuation
- Temporary reduction in minimum draw down requirements
- SMSFs - Issues and ATO guidance

3. WA Government incentives and relief

- Payroll tax – Waiver / deferral
- Payroll tax – Grant payment
- Payroll tax – Threshold increase
- Interest-free payment arrangements and late penalty tax remission
- Electricity bill relief
- Waiver of license fees
- Rent relief for tenants in Government-owned buildings

4. ATO administrative relief

- Payment deferrals and low interest payment plans
- Varying PAYG instalments to nil
- Moving from quarterly to monthly GST reporting to access refunds sooner
- Interest and penalty remission
- Corporate residency

5. Financing measures

- SME guarantee scheme
- Bank relief

6. Other measures

- Temporary relief for financially distressed businesses
- Temporary changes to the foreign investment framework
- 6-month moratorium on evictions for commercial and residential tenancies

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+61 8 9489 2555

info@maximadvisory.com.au

maximadvisory.com.au

1298 Hay Street, West Perth, WA 6005

PO Box 237, West Perth, WA 6872

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1. Commonwealth Government incentives (excluding superannuation)

JobKeeper payment (\$1,500 per fortnight per employee wage subsidy)

Details	<p>The JobKeeper payment is intended to provide wage subsidies to businesses that are significantly affected by COVID-19. The Government will provide \$1,500 per fortnight (before tax) per employee for up to 6 months (regardless of how much the employee ordinarily earns). An entity can also receive the JobKeeper payment for one specified individual that is actively involved in the business but is not an employee (e.g. a director of a company or beneficiary of a trust).</p> <p>JobKeeper payments will be payable during the period 30 March 2020 to 27 September 2020. Payments will be made to the employer monthly in arrears by the ATO, with the first payment to be made in the first week of May 2020.</p> <p>Entities can receive JobKeeper payments based on 'paid employees' or 'business participation' or both.</p>
Eligibility based on paid employees	<p><u>Eligibility based on paid employees</u></p> <p>An employer is entitled to the JobKeeper payment for an employee for a fortnight between 30 March 2020 and 27 September 2020 if:</p> <ol style="list-style-type: none"> 1. the employer has qualified for the JobKeeper scheme on or before the end of the fortnight; 2. the employee is an eligible employee for the fortnight; 3. the wage condition is satisfied (i.e. the employee is paid at least \$1,500 before tax during the fortnight); and 4. the notification and information requirements are satisfied. <p>1. Employer requirements</p> <p>An employer qualifies for JobKeeper payments if it satisfies all of the following requirements:</p> <ol style="list-style-type: none"> (a) On 1 March 2020, the employer carried on business in Australia (or was a non-profit body that pursued its objectives principally in Australia). (b) The employer satisfies the 'decline in turnover test' during or before the relevant fortnight. Broadly this requires the employer's GST turnover to fall by a specified amount (30% for most entities) in comparison to the prior year. In more detail: <ul style="list-style-type: none"> ○ The employer's modified 'projected GST turnover' for the 'turnover test period' (i.e. either the current month or quarter) has fallen by at least the specified percentage from the employer's modified 'current GST turnover' for the 'comparison period' (i.e. same month or quarter in 2019). ○ The specified percentage is: <ul style="list-style-type: none"> ▪ if the employer is an ACNC-registered charity (regardless of turnover) – by 15% or more; ▪ if the employer's aggregated turnover (both current and prior income year) is \$1 billion or less – by 30% or more; or ▪ If the employer's aggregated turnover (either current or prior income year) exceeds \$1 billion – by 50% or more. ○ The Commissioner may determine that an alternative decline in turnover test applies if there is not an appropriate comparison period.

JobKeeper payment (continued)

Eligibility based on paid employees (continued)

- (c) The employer is not:
- subject to the *Major Bank Levy Act 2017* (Cth);
 - a government entity; or
 - a company in liquidation or a bankrupt individual.

- (d) The employer elects to participate in the JobKeeper scheme and complies with all the notice and information requirements.

2. Eligible employees

If the employer has qualified for the JobKeeper scheme, the employer will receive the JobKeeper Payment for each eligible employee they employ during the fortnight and meet the 'wage condition' for (see below). An individual is an eligible employee during a fortnight if all of the following are satisfied:

- (a) On 1 March 2020, the individual was:
- a permanent employee of the employer, or a casual employee of the employer who had been employed on a "regular and systemic basis" for at least the previous 12 months (there are provisions that deal with internal restructures and businesses that have changed hands);
 - at least 16 years old;
 - an Australian resident; and
 - an Australian citizen, the holder of a permanent visa or a Special Category (Subclass 444) Visa.
- (b) The individual is employed by the employer at any time during the fortnight. This includes employees who are stood down, or who were laid off and have been re-hired.
- (c) The individual agrees to be nominated by the employer as an eligible employee and has complied with the notice requirement. An employee can only receive the JobKeeper payment from one employer.
- (d) The individual is not:
- in receipt of 'parental leave pay' for a PPL period that overlaps with the fortnight;
 - paid 'dad and partner' pay during the fortnight; or
 - totally incapacitated for work and in receipt of workers compensation for a period that overlaps with the fortnight.

3. Wage condition

To receive the JobKeeper payment for an eligible employee for a fortnight, the employer must pay the employee at least \$1,500 (before tax) for that fortnight. This means if the employee ordinarily earns less than \$1,500 (before tax) per fortnight, or is currently being stood down without pay, it will be necessary to top the employees pay up to \$1,500 (before tax) to be eligible to receive the JobKeeper Payment for that employee. This will create a cash flow issue as the payments generally need to be made each fortnight and the ATO will only be reimbursing employers monthly in arrears starting from May. In more detail:

JobKeeper payment (continued)

Eligibility based on paid employees (continued)

- (a) The sum of the following must equal or exceed \$1,500:
 - salary, wages, commissions, bonuses or allowances paid to the employee during the fortnight;
 - amounts withheld from payments made to the employee during the fortnight (i.e. PAYG withholding)
 - superannuation contributions made by the employer for the benefit of the employee during the fortnight under a salary sacrifice arrangement; and
 - amounts which reduced the payments made to the employee during the fortnight and were applied or dealt with as the employee agreed (e.g. social club contributions or donations as part of a workplace giving program).
- (b) If the employee is ordinarily paid less frequently than fortnightly (e.g. monthly), then payments are allocated to fortnights in a reasonable manner.
- (c) The Commissioner has the discretion to treat an amount in item (1) above to be included in a different fortnight than it ordinarily would be included, if he considers it reasonable to do so.

Eligibility based on business participation

Eligibility based on business participation

An entity is entitled to the JobKeeper payment for an individual based on business participation for a fortnight between 30 March 2020 and 27 September 2020 if:

1. the entity is not a non-profit body;
2. the entity has qualified for the JobKeeper scheme on or before the end of the fortnight (this includes the same turnover test that applies to employers);
3. the individual is the 'eligible business participant' for the entity for the fortnight; and
4. the notification and information requirements are satisfied.

There can only be one eligible business participant per entity. That means, if a company has 2 or more working directors, the company can only receive the JobKeeper payment in respect of one of them.

2. Entity requirements

An entity qualifies for the JobKeeper payment when it first satisfies all of the following requirements:

- (a) On 1 March 2020, the entity carried on business in Australia.
- (b) The entity held an ABN on 12 March 2020 and either:
 - earned assessable business income in FY 2019; or
 - made a taxable, GST-free or input-taxed supply (assuming the entity was registered for GST if you weren't) in a tax period that started on or after 1 July 2018 and ended before 12 March 2020.

JobKeeper payment (continued)

Eligibility based on business participation (continued)

- (c) The entity satisfies the 'decline in turnover test' during or before the relevant fortnight. Broadly this requires the entity's GST turnover to fall by a specified amount (30% for most entities) in comparison to the prior year. In more detail:
 - The entity's modified 'projected GST turnover' for the 'turnover test period' (i.e. either the current month or quarter) has fallen by at least the specified percentage from the entity's modified 'current GST turnover' for the 'comparison period' (i.e. same month or quarter in 2019).
 - The specified percentage is:
 - if the entity's aggregated turnover (both current and prior income year) is \$1 billion or less – by 30% or more; or
 - If the entity's aggregated turnover (either current or prior income year) exceeds \$1 billion – by 50% or more.
 - The Commissioner may determine that an alternative decline in turnover test applies if there is not an appropriate comparison period.
- (d) The entity is not:
 - subject to the *Major Bank Levy Act 2017* (Cth);
 - a government entity; or
 - a company in liquidation or a bankrupt individual.
- (e) The entity elects to participate in the JobKeeper scheme and complies with all the notice and information requirements.

3. Eligible business participant

If the entity has qualified for the JobKeeper scheme, the entity will receive the JobKeeper payment for one eligible business participant for a fortnight if all of the following are satisfied:

- (a) The individual is not employed by the entity at any time in the fortnight (i.e. the entity cannot also receive a payment for the individual on the basis they are a paid employee).
- (b) The individual is 'actively engaged in the business' carried on by the entity during the fortnight.
- (c) The individual has one of the following roles during the fortnight:
 - If the entity is a sole trader, the individual is the sole trader.
 - If the entity is a partnership, the individual is a partner in the partnership.
 - If the entity is a trust, the individual is an adult beneficiary of the trust.
 - If the entity is a company, the individual is a shareholder in, or a director of, the company.
- (d) On 1 March 2020, the individual was:
 - i. 'actively engaged in the business' carried on by the entity;
 - ii. in one of the specified roles;
 - iii. at least 16 years old;
 - iv. an Australian resident; and

- v. an Australian citizen, the holder of a permanent visa or a Special Category (Subclass 444) Visa.

JobKeeper payment (continued)

Eligibility based on business participation (continued)	<ul style="list-style-type: none"> (e) The individual agrees to be nominated by the entity as the eligible business participant and has complied with the notice requirement. (f) The individual is not an employee (other than a casual employee) of another entity, and has not nominated as the eligible business participant of another entity, at the time the individual provides the entity with the nomination notice. Only one entity can be entitled for the JobKeeper payment for an individual. (e) The individual is not: <ul style="list-style-type: none"> i. in receipt of 'parental leave pay' for a PPL period that overlaps with the fortnight; ii. paid 'dad and partner' pay during the fortnight; or iii. totally incapacitated for work and in receipt of workers compensation for a period that overlaps with the fortnight.
Application form	At this stage, employers can register their interest to claim the JobKeeper payment on the ATO's website: https://www.ato.gov.au/general/gen/JobKeeper-payment/ .
Legislation	<p>Coronavirus Economic Response Package (Payments and Benefits) Bill 2020 (Cth)</p> <p>Coronavirus Economic Response Package Omnibus (Measures No. 2) Bill 2020 (Cth)</p> <p>Explanatory Memorandum</p> <p>The Treasurer's rules, which will contain the detailed provisions about the JobKeeper scheme, are not officially available yet.</p>
Links	<p>ATO - Information about the JobKeeper Payment</p> <p>The Treasury - Supporting businesses to retain jobs</p> <p>The Treasury - Information for employers</p> <p>The Treasury - Support for sole traders</p> <p>The Treasury - Information for employees</p> <p>The Treasury - Frequently asked questions</p>

Boosting cash flow for employers (\$20k to \$100k tax free payments based on PAYG withholding)

Details	<p>Small and medium businesses that have employees may be eligible for tax-free payments of between \$20,000 and \$100,000 between April 2020 and October 2020. The payments will be delivered in 2 rounds.</p> <p><u>First-round payment(s)</u></p> <p>The first-round payment(s) will be calculated as:</p> <ul style="list-style-type: none"> • for small withholders (i.e. quarterly remitters) – 100% of PAYG withheld in their March and June 2020 activity statements; or • for medium or large withholders (i.e. monthly or more frequent remitters) – 300% of PAYG withheld in their March 2020 activity statement and 100% in their April to June 2020 activity statements, <p>up to a maximum of \$50,000. A \$10,000 minimum payment will apply in the first period the business is eligible (generally this will be the March 2020 activity statement) even if their withholding for that period is less than \$10,000.</p> <p>The payments are delivered as an automatic credit which will be applied against liabilities on the business' activity statement. If the credit puts the business into a refund position, the ATO will pay that refund within 14 days after the due date of the activity statement (even if the return is lodged before the due date).</p> <p><u>Second-round payments</u></p> <p>The second-round payments will be for an amount equal to the total of the business' first-round payment(s). That is, if an employer received the maximum \$50,000 payment in the first-round, they would receive another \$50,000 in the second round, making the total payments received \$100,000. If an employer received the minimum \$10,000 in the first-round, they would receive another \$10,000 in the second round, making their total payments received \$20,000.</p> <p>The second-round payments will be delivered as equal credits which will be applied against liabilities on the business' activity statements between June to September 2020 (i.e. 2 equal credits for quarterly remitters and 4 equal credits for monthly remitters).</p> <p>The second-round payments are not linked to PAYG withholding in the July to September activity statements.</p>
Eligibility	<p>Businesses must satisfy all the following:</p> <ul style="list-style-type: none"> • carry on a business; • aggregated annual turnover under \$50 million (generally based on the most recent year for which there is an income tax assessment); • make certain payments (such as salary, wages or director fees) subject to PAYG withholding (even if no withholding is required);

Boosting cash flow for employers (continued)

Eligibility (continued)	<ul style="list-style-type: none"> held an ABN on 12 March 2020 and either: <ul style="list-style-type: none"> earned assessable business income in FY 2019; or made a taxable, GST-free or input-taxed supply (assuming you were registered for GST if you weren't) in a tax period that started on or after 1 July 2018 and ended before 12 March 2020, and the Commissioner was notified of this (e.g. by lodging a return or activity statement) prior to 12 March 2020 (or such further time as he allows);¹ and did not enter into a scheme for the sole or dominant purpose of becoming eligible for the payment (or increasing the amount of the payment). <p>It is possible for multiple entities within a group to all benefit from the cash flow boost.</p> <p>The cash flow boost will be applied as an automatic credit in the activity statement system. No new registrations or forms are required. Businesses just need to lodge their activity statements.</p>
Issues	<p>\$50 million turnover test: The test is based on a modified 'small business entity' definition for the <i>most recent income year for which there is an income tax assessment</i>. The test can also be met if the Commissioner is satisfied the test would be satisfied in the <i>current income year</i>. If turnover has fluctuated above and below the threshold in recent years, further analysis is required to determine if the turnover test is satisfied.</p> <p>Label W2: Not all amounts reported at label W2 will be eligible for the cash flow boost. Only amounts withheld under Subdivisions 12-B, 12-C or 12-D in Schedule 1 to the TAA 1953 qualify.</p> <p>Contractors: Payments to contractors are only included if they are subject to a voluntary withholding agreement.</p> <p>'Active business' requirement: As well as holding an ABN on 12 March 2020, the business must have notified the Commissioner of the assessable income or supply requirement prior to 12 March 2020. This will generally be through lodging their 2019 income tax return or an activity statement for a tax period that started on or after 1 July 2018 and ended before 12 March 2020. Businesses that have not yet lodged their 2019 income tax return may not be able to satisfy this requirement if they:</p> <ol style="list-style-type: none"> are not registered for GST; are registered for GST but lodge annual GST returns; have not lodge an activity statement for a period from 1 July 2018 (late lodgers); or are a new business established after 1 January 2020. <p>The Commissioner has a discretion to provide the entity with more time to provide him with notice that the 'active business' requirement has been satisfied. This is likely to be granted for items 1 and 2 above (entities not registered for GST or annual lodgers). Late lodgers (item 3) are unlikely to be provided with further time and it may not be possible (even with extra time) for new businesses established after 1 January 2020 (item 4) to satisfy the requirement.</p>

¹ This requirement does not apply to ACNC-registered charities

Boosting cash flow for employers (Continued)

Issues (continued)	<p>‘Active business’ requirement: As well as holding an ABN on 12 March 2020, the business must have notified the Commissioner of the assessable income or supply requirement prior to 12 March 2020. This will generally be through lodging their 2019 income tax return or an activity statement for a tax period that started on or after 1 July 2018 and ended before 12 March 2020. Businesses that have not yet lodged their 2019 income tax return may not be able to satisfy this requirement if they:</p> <ol style="list-style-type: none"> are not registered for GST; are registered for GST but lodge annual GST returns; have not lodge an activity statement for a period from 1 July 2018 (late lodgers); or are a new business established after 1 January 2020. <p>The Commissioner has a discretion to provide the entity with more time to provide him with notice that the ‘active business’ requirement has been satisfied. This is likely to be granted for items 1 and 2 above (entities not registered for GST or annual lodgers). Late lodgers (item 3) are unlikely to be provided with further time and it may not be possible (even with extra time) for new businesses established after 1 January 2020 (item 4) to satisfy the requirement.</p> <p>Integrity rule: If a business is considering starting to pay a salary to a controller of a family-run business after the announcement of this measure (e.g. to a controller who had previously taken dividends or trust distributions) or is considering moving employees between related entities with the effect of making the entity eligible for the cash flow boost (or increasing its entitlement), the integrity rule might apply and professional advice should be sought.</p> <p>Sole traders and partners: Sole traders and partners will not be eligible in respect of their own drawings from the business. However, they will be eligible if they pay employees.</p> <p>PSI attribution: PSI income that is attributed to a taxpayer will not qualify for the cash flow boost. However, if an actual salary or wage is paid, the withholding on the salary or wage will qualify.</p> <p>Tax-free payments: As the payments will be tax-free, there may not be sufficient franking credits if these funds are paid out of a company as a dividend, or CGT event E4 may apply to units trusts if the funds are paid out as a distribution. If the funds are retained within the company or trust, this will not cause an immediate problem.</p> <p>Downward PAYG withholding variations: Employers are disadvantaged if employees have a downward PAYG withholding variation in place (as is common where employees have negatively geared property).</p>
Legislation	<p><i>Boosting Cash Flow for Employers (Coronavirus Economic Response Package) Act 2020 (Cth)</i></p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00023/323de104-bf69-4007-a87c-b7888918221e EM: https://www.legislation.gov.au/Details/C2020B00035/7dda92d3-08d5-4093-bda2-5a09055225d8 <p><i>Coronavirus Economic Response Package Omnibus Act 2020 (Cth)</i></p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Links	<p>ATO: https://www.ato.gov.au/Business/Business-activity-statements-(BAS)/In-detail/Boosting-cash-flow-for-employers/</p>

	Treasury: https://treasury.gov.au/sites/default/files/2020-04/fact_sheet-boosting_cash_flow_for_employers.pdf
Instant asset write-off	
Details	<p>The Instant asset write-off has been enhanced to provide businesses with an aggregated annual turnover less than \$500 million (previously \$50 million) an immediate deduction for the acquisition of a depreciating asset (or improvement) with a GST exclusive cost of less than \$150,000 (previously \$30,00).</p> <p>Small business entities (turnover of less than \$10 million) that use the simplified depreciation rules in Division 328 of the ITAA 1997, can claim an immediate deduction for the balance of the 'General Small Business Pool' if the pool balance is less than \$150,000 at 30 June 2020.</p> <p>The maximum cost that can be depreciated for a car remains at \$57,581 (for 2019-20). This has not been changed by the amendments to the instant asset write-off.</p>
Eligibility	<p>Businesses with an aggregated annual turnover less than \$500 million (previously \$50 million).</p> <p>The asset must be first used or installed ready for use between 12 March 2020 and 30 June 2020.</p>
Legislation	<p><i>Coronavirus Economic Response Package Omnibus Act 2020</i> (Cth)</p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Links	<p>ATO: https://www.ato.gov.au/Business/Depreciation-and-capital-expenses-and-allowances/Simpler-depreciation-for-small-business/Instant-asset-write-off/</p> <p>Treasury: https://treasury.gov.au/sites/default/files/2020-03/Fact_Sheet-Delivering_support_for_business_investment.pdf</p>

Accelerated depreciation	
Details	<p>Accelerated depreciation for new depreciating assets. 50% of the cost is immediately deductible. The remaining 50% balance is depreciated under the ordinary depreciation rules (commencing from when the asset was first used or installed ready for use). For example, small business entities (turnover of less than \$10 million) that use the simplified depreciation rules in Division 328 of the ITAA 1997, can deduct 57.5% of the cost in the first year).</p> <p>Unlike the instant asset write-off there is no cost limit (i.e. it applies to assets that cost more than \$150,000) and it applies until 30 June 2021 (the instant asset write-off is set to revert back to \$1,000 and only be available for small business entities from 1 July 2020).</p>
Eligibility	<p>Businesses with an aggregated annual turnover less than \$500m.</p> <p>The asset must be first used or installed ready for use between 12 March 2020 and 30 June 2021.</p> <p>Does not apply to second-hand assets, or buildings and other capital works depreciable under Division 43 of the ITAA 1997.</p>

Legislation	<p><i>Coronavirus Economic Response Package Omnibus Act 2020 (Cth)</i></p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Links	<p>ATO: https://www.ato.gov.au/Business/Depreciation-and-capital-expenses-and-allowances/Backing-business-investment---accelerated-depreciation/</p> <p>Treasury: https://treasury.gov.au/sites/default/files/2020-03/Fact_Sheet-Delivering_support_for_business_investment.pdf</p>
Wage subsidies for apprentices and trainees	
Details	A 50% wage subsidiary for employers of apprentices and trainees for 9 months (1 January 2020 to 30 September 2020) up to a maximum of \$21,000 (\$7,000 per quarter) per eligible apprentice or trainee.
Eligibility	<p>Employers must have less than 20 full time employees. Employers must retain the apprentice or trainee. The apprentice or trainee must have been in training as at 1 March 2020.</p> <p>Employers of any size that re-engage an eligible apprentice or trainee, who could not be retained by a small employer, are also eligible for the subsidy.</p> <p>Employers can register for the subsidy from early April 2020.</p>
Issues	Interaction with the JobKeeper payment.
Legislation	<p>Coronavirus Economic Response Package Omnibus Act 2020 (Cth)</p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Link	https://treasury.gov.au/sites/default/files/2020-04/fact_sheet-supporting_apprentices_and_trainees_0.pdf

2. Superannuation measures

Temporary early release of superannuation	
Details	<p>Eligible individuals will be able to apply online through myGov to access up to \$10,000 of their superannuation before 1 July 2020.</p> <p>They will also be able to access up to a further \$10,000 from 1 July 2020 until 24 September 2020.</p> <p>The amounts withdrawn will be tax free.</p>
Eligibility	<p>To apply for early release you must satisfy any one or more of the following requirements:</p> <ul style="list-style-type: none"> • you are unemployed; or • 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: <ul style="list-style-type: none"> ○ you were made redundant; ○ your working hours were reduced by 20 per cent or more; or ○ if you are a sole trader — your business was suspended or there was a reduction in your turnover of 20% or more. <p>Apply to the ATO through MyGov (https://www.my.gov.au/) from 2 April 2020.</p>
Legislation	<p>Coronavirus Economic Response Package Omnibus Act 2020 (Cth)</p> <ul style="list-style-type: none"> • Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba • EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Links	<p>ATO: https://www.ato.gov.au/individuals/super/withdrawing-and-using-your-super/early-access-to-your-super/</p> <p>ATO: https://www.ato.gov.au/Super/APRA-regulated-funds/In-detail/News/CRT-Alerts/2020/CRT-Alert-004/2020---COVID-19-economic-response-package---early-release-of-super/</p> <p>Treasury: https://treasury.gov.au/sites/default/files/2020-03/Fact_sheet-Early_Access_to_Super_2.pdf</p>

Temporary reduction in minimum draw down requirements

Details	The Government is temporarily reducing superannuation minimum drawdown requirements for account-based pensions and similar products by 50% for the 2019-20 and 2020-21 income years. This will reduce the need to sell investment assets in a depressed market to fund the minimum drawdown amount.
Eligibility	All taxpayers receiving an account-based pension or similar products.
Legislation	Coronavirus Economic Response Package Omnibus Act 2020 (Cth) <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Links	ATO: https://www.ato.gov.au/Rates/Key-superannuation-rates-and-thresholds/?anchor=Minimumannualpaymentsforsuperincomestrea Treasury: https://treasury.gov.au/sites/default/files/2020-03/factsheet6providingsupportforretireestomanagemarketvolatility-25march2.pdf

SMSFs – Issues and ATO guidance

Details	<p><u>Temporarily reducing rent</u></p> <p>The ATO has stated that it will not take compliance action for the 2019-20 and 2020-21 financial years if a SMSF which owns real property gives a related party tenant a reduction in rent because of the financial impacts of the COVID-19.</p> <p>Notwithstanding this, the rent reduction should be commercially justifiable (i.e. consistent with the approach taken by arm's-length landlords) and you should keep evidence of the tenant's inability to pay (which should be reviewed regularly). The Trustee's decision to reduce the rent should be properly documented (e.g. in a trustee minute) and the lease should be formally amended.</p> <p>The ATO website does not provide any express relief for an SMSF that owns property via an interposed unit trust.</p> <p><u>In-house asset restrictions</u></p> <p>If an SMSF exceeds the 5% in-house asset threshold as at 30 June 2020 (e.g. because of falls in asset values), a plan must be prepared and implemented on or before 30 June 2021. However, the ATO will not undertake compliance activity if the rectification plan was unable to be executed because the market has not recovered, or it was unnecessary to implement the plan as the market had recovered.</p> <p><u>Investment strategies</u></p> <p>Trustees should review their investment strategy and consider whether it needs to be updated in light of the COVID-19 situation. The ATO does not consider that short term variations to your articulated investment approach, including to specified asset allocations whilst you adjust your investments, constitutes a variation from your investment strategy.</p>
Eligibility	All SMSFs.

Link

<https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=Selfmanagedsuperfunds#Selfmanagedsuperfunds>

3. WA Government incentives and relief

Payroll tax – Waiver / deferral	
Details	<p>Payroll tax will be waived from March to June 2020 for employers, or groups of employers, whose Australian taxable wages are less than \$7.5 million at 30 June 2020.</p> <p>(This measure was initially announced on 16 March 2020 as a <i>deferral</i> of payroll tax.)</p>
Eligibility	<p>Employers with Australian taxable wages less than \$5 million at 29 February 2020 will have their payroll tax for March to June 2020 automatically waved.</p> <p>Employers with Australian taxable wages of \$5 million or more at 29 February 2020, or new employers from 1 March, but who expect their wages will be less than \$7.5 million at 30 June 2020, must apply for a lodgment and payment deferral until 21 July 2020. If 2019-20 annual Australian taxable wages end up being:</p> <ul style="list-style-type: none"> less than \$7.5 million – no tax will be payable for March to June 2020; or \$7.5 million or more – employers will need to pay tax for the months that were deferred. <p>The Treasurer encourages eligible businesses not negatively affected by COVID-19 to keep paying tax as normal so the funds allocated to this initiative can be used to assist other businesses that are not so fortunate.</p>
Application form	https://www.wa.gov.au/government/publications/application-defer-payroll-tax-covid-19
Link	https://www.wa.gov.au/government/multi-step-guides/payroll-tax-employer-guide/covid-19-relief-payroll-tax-employer-guide
Payroll tax – Grant payment	
Details	A one-off grant of \$17,500. Grants will automatically be paid by cheque from July.
Eligibility	<p>Employers, or groups of employers, whose annual Australian taxable wages are more than \$1m and up to \$4m.</p> <p>For a group of employers, a single grant will be payable to the designated group employer.</p>
Link	https://www.wa.gov.au/government/multi-step-guides/payroll-tax-employer-guide/covid-19-relief-payroll-tax-employer-guide

Payroll tax – Threshold increase

Details	The payroll tax threshold will be raised from \$950k to \$1m from 1 July 2020 (six months earlier than planned).
Eligibility	All employers.
Link	https://www.wa.gov.au/government/multi-step-guides/payroll-tax-employer-guide/covid-19-relief-payroll-tax-employer-guide

Interest-free payment arrangements and late penalty tax remission

Details	<p>From 23 March 2020, taxpayers whose financial circumstances are directly or indirectly impacted by COVID-19 can apply for:</p> <ul style="list-style-type: none">• an interest-free payment arrangement; and• late payment penalty tax to be remitted, <p>for payroll tax, transfer duty, landholder duty, vehicle licence duty and land tax.</p>
Eligibility	Businesses impacted by COVID-19.
Links	https://www.wa.gov.au/government/publications/covid-19-relief-penalty-tax-and-payment-arrangements https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/\$1-billion-COVID-19-economic-and-health-relief-package-unveiled-.aspx

Electricity bill relief

Details	<p>A one-off \$2,500 credit will be allocated from 1 May 2020 to reduce current and future electricity bills.</p> <p>In addition, small businesses facing financial difficulty due to COVID-19 will not have their power or water disconnected due to late payments, and no interest will be charged on deferred bill payments.</p>
Eligibility	<p>Small businesses that consume less than 50 megawatt hours (MWh) per annum and who were current customers of Synergy or Horizon as of 31 March 2020.</p> <p>Groups on community service and charitable accommodation electricity tariffs are also eligible for the credit.</p>
Link	https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/\$1-billion-COVID-19-economic-and-health-relief-package-unveiled-.aspx

Waiver of license fees

Details	<p>Licences for the following will be waived for small and medium-sized businesses in COVID-19 impacted industries for the next 12 months:</p> <ul style="list-style-type: none">• 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. <p>Liquor licence renewal fees for 2020 will be waived and refunds provided for businesses that have already paid.</p>
Eligibility	Small and medium-sized businesses in COVID-19 impacted industries.
Link	https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/\$1-billion-COVID-19-economic-and-health-relief-package-unveiled.aspx

Rent relief for tenants in Government-owned buildings

Details	Rental payments for small businesses and not-for-profit groups in Government-owned buildings will be waived for 6 months.
Eligibility	<p>Small businesses and not-for-profit groups in Government-owned buildings.</p> <p>Small businesses include those owned and operated by an individual, partnership or proprietary company with a relatively small market share and are not a subsidiary of a larger business, as defined by the <i>Small Business Development Corporation Act 1983</i> (WA). Not-for-profits include all charities and associations defined by the <i>Associations Incorporation Act 2015</i> (WA).</p>
Link	https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/Rent-relief-for-small-businesses-and-not-for-profits.aspx

4. ATO administrative relief

Payment deferrals and low interest payment plans

Details	<p>The ATO has options available to support businesses having difficulty paying their tax. These include deferring tax payments that were due after 23 January 2020 by up to 6 months (this does not include super guarantee obligations), stopping interest accruing and low interest payment plans (for debts due both before and after 23 January 2020).</p> <p>Lodgment deadlines have not been deferred.</p>
Eligibility	Businesses impacted by COVID-19.
Links	<p>https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=COVID19supportavailable#Paymentdeferrals</p> <p>https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=COVID19supportavailable#Lowinterestpaymentplans</p> <p>https://www.ato.gov.au/individuals/dealing-with-disasters/in-detail/specific-disasters/covid-19/?page=6#Payments to us</p> <p>https://www.ato.gov.au/individuals/dealing-with-disasters/in-detail/specific-disasters/covid-19/?page=8#Interest and penalties</p> <p>https://www.ato.gov.au/Media-centre/Media-releases/ATO-releases--one-stop-shop--for-essential-tax-and-super-info-on-COVID-19-stimulus-measures/</p>

Varying PAYG instalments to nil

Details	Businesses can vary their PAYG installment amount to zero for the March 2020 quarter. They can also claim a refund for any instalments paid in the September 2019 and December 2019 quarters. The ATO has confirmed that interest and penalties will not be imposed on the varied PAYG Instalments.
Eligibility	All small and medium businesses.
Issues	For corporate entities, consider the impact of the variation on the company's franking account balance and whether this could leave the company in a deficit as at 30 June 2020.
Links	<p>https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=COVID19supportavailable#Varypayasyougoinstalments</p> <p>https://www.ato.gov.au/Media-centre/Media-releases/ATO-releases--one-stop-shop--for-essential-tax-and-super-info-on-COVID-19-stimulus-measures/</p>

Moving from quarterly to monthly GST reporting to access refunds sooner

Details	<p>Businesses on a quarterly reporting cycle can opt into monthly GST reporting in order to get quicker access to GST refunds they are entitled to.</p> <p>The change must take effect from the start of a quarter, so a change now will take effect from 1 April 2020.</p>
Eligibility	All businesses with quarterly reporting obligations.
Link	https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=COVID19supportavailable#ChangingyourGSTreportingcycle

Interest and penalty remission

Details	The ATO will consider remitting interest and penalties incurred on and after 23 January 2020.
Eligibility	Businesses impacted by COVID-19.
Links	https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?anchor=COVID19supportavailable#Remittinginterestandpenalties https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?page=8#Interest_and_penalties

Corporate residency

Details	The ATO has stated that if the only reason for holding board meetings in Australia or directors attending board meetings from Australia is because of impacts of COVID-19, then it will not apply compliance resources to determine if central management and control is in Australia.
Eligibility	All businesses.
Link	https://www.ato.gov.au/Individuals/Dealing-with-disasters/In-detail/Specific-disasters/COVID-19/?page=10#International_business

5. Financing measures

SME guarantee scheme

Details	<p>The Government will provide a guarantee of 50% to participating lenders for new unsecured loans to small and medium enterprises to be used for working capital. Loans will be made on the following terms:</p> <ul style="list-style-type: none"> • maximum total size of loans of \$250k per borrower; • the loans will be up to 3 years, with an initial 6-month repayment holiday; and • the loans will be unsecured (i.e. borrowers will not have to provide an asset as security for the loan). <p>As part of the loan products available, the Government will encourage lenders to provide facilities to SMEs that only have to be drawn if needed by the SME. This will mean that the SME will only incur interest on the amount they draw down. If they do not draw down any funds from the facility, no interest will be charged, but they will retain the flexibility to draw down in the future should they need to.</p> <p>The Scheme will commence by early April 2020 and be available for new loans made by participating lenders until 30 September 2020.</p>
Eligibility	<p>Small and medium enterprises with a turnover of up to \$50m.</p> <p>Loans will be subject to lenders' credit assessment processes with the expectation that lenders will look through the cycle to sensibly take into account the uncertainty of the current economic conditions.</p>
Link	https://treasury.gov.au/sites/default/files/2020-03/Fact_sheet-Supporting_the_flow_of_credit_1.pdf

Bank relief

Details	<p>Most lenders are offering some or all of the following relief to business customers:</p> <ul style="list-style-type: none"> • loan repayment deferrals for up to 6 months; • reduced interest rates on new and existing loans; • merchant terminal fee relief; • increased term deposit rates; and • not enforcing non-financial breaches of the loan contract (such as changes in valuations).
Eligibility	Varies by bank.
Links	<p>ANZ: https://www.anz.com.au/promo/covid-19/</p> <p>CBA: https://www.commbank.com.au/latest/coronavirus/business-support.html</p> <p>NAB: https://www.nab.com.au/personal/customer-support/covid19-help/business-support</p> <p>Westpac: https://www.westpac.com.au/business-banking/small-business-relief/</p> <p>Australian Banking Association: https://www.ausbanking.org.au/covid-19-relief-faqs/</p>

6. Other measures

Temporary relief for financially distressed businesses

Details	<p>The following temporary changes will apply for 6 months to assist financially distressed businesses to trade through the COVID-19 crisis:</p> <ul style="list-style-type: none"> an increase in the threshold at which creditors can issue a statutory demand on a company (from \$2,000 to \$20,000) and the time companies have to respond to statutory demands they receive (from 21 days to 6 months); an increase in the threshold for a creditor to initiate bankruptcy proceedings (from \$5,000 to \$20,000), an increase in the time period for debtors to respond to a bankruptcy notice (from 21 days to 6 months), and extending the period of protection a debtor receives after making a declaration of intention to present a debtor's petition (from 21 days to 6 months); and relief for directors from any personal liability for trading while insolvent. <p>For owners or directors of a business that are currently struggling due to COVID-19, the ATO will tailor solutions for their circumstances, including temporary reduction of payments or deferrals, or withholding enforcement actions including Director Penalty Notices and wind-ups.</p>
Legislation	<p>Coronavirus Economic Response Package Omnibus Act 2020 (Cth)</p> <ul style="list-style-type: none"> Act: https://www.legislation.gov.au/Details/C2020A00022/80665638-cc9c-4a50-9dcc-ed27662032ba EM: https://www.legislation.gov.au/Details/C2020B00036/ac4e2541-9da4-4f72-909c-5cf894bb0d47
Link	https://treasury.gov.au/sites/default/files/2020-03/Fact_sheet-Providing_temporary_relief_for_financially_distressed_businesses.pdf

Temporary changes to the foreign investment framework

Details	<p>From 29 March 2020, all proposed foreign investments into Australia that are subject to the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) will require approval, regardless of value or the nature of the foreign investor. This temporary change will be achieved by reducing the monetary screening threshold to \$0 for all foreign investments. This will ensure the Australian Government has appropriate oversight over all proposed foreign investment</p> <p>To ensure sufficient time for screening applications, the Foreign Investment Review Board (FIRB) will work with existing and new applicants to extend timeframes for reviewing applications from 30 days to up to six months. In doing so, the Government will prioritise urgent applications for investments that directly protect and support Australian businesses and jobs.</p> <p>The Treasurer will continue to review foreign investment proposals against the national interest on a case-by-case basis. Where appropriate, conditions will be applied proportionately to address identified risks on a non-discriminatory basis.</p>
Link	https://treasury.gov.au/sites/default/files/2020-03/Fact_sheet-Foreign_Investment_Screening_0.pdf

6-month moratorium on evictions of commercial and residential tenants

Details	<p>There will be a 6-month moratorium on evictions of commercial and residential tenants who are unable to meet their commitments due to the impact of COVID-19.</p> <p>Commercial tenants, landlords and financial institutions are encouraged to sit down together to find a way through to ensure that businesses can survive and be there on the other side.</p> <p>A set of principles has been agreed by the National Cabinet to underpin and govern intervention to aid commercial tenancies as follows:</p> <ul style="list-style-type: none">• a temporary 6-month moratorium on eviction for non-payment of rent to be applied across commercial tenancies impacted by severe rental distress due to COVID-19;• tenants and landlords are encouraged to agree on rent relief or temporary amendments to the lease;• the reduction or waiver of rental payment for a defined period for impacted tenants;• the ability for tenants to terminate leases and/or seek mediation or conciliation on the grounds of financial distress;• commercial property owners should ensure that any benefits received in respect of their properties should also benefit their tenants in proportion to the economic impact caused by COVID-19;• landlords and tenants not significantly affected by COVID-19 are expected to honour their lease and rental agreements; and• cost-sharing or deferral of losses between landlords and tenants, with Commonwealth, state and territory governments, local government and financial institutions to consider mechanisms to provide assistance.
Link	https://www.pm.gov.au/media/national-cabinet-statement

If you would like more information, then feel free to contact either Gino Terriaca, Tony Cassettai or Silvia Caratti of Maxim Private Advisory on (08) 9489 2555.

Please note that this is general information only and professional advice should be obtained before acting on any information contained herein.

Updated 17th April 2020