
CIRCULAR NO. GEN/23/CCV/2021
DATE: 9 September 2021
SUBJECT: Regional Victoria Restrictions Update
ATTENTION: Club Managers

Victorian Premier Daniel Andrews has announced that from **11.59pm on Thursday 9 September** there will be an easing of some restrictions in regional Victoria, except for the Greater Shepparton area.

For most of regional Victoria, the five reasons to leave the home will be removed, and there will be no limit on the distance that people can travel from home (restrictions remain on entry to metropolitan Melbourne).

The Authorised Worker list will no longer apply, but for businesses and venues that reopen there will be capacity and density limits. Restaurants and cafes can reopen for seated service with patron caps (20 outdoor and 10 indoor subject to density limits).

Retail, hairdressing, entertainment venues and community facilities will open in line with density limits and patron caps.

Every business that is open must check the IDs of everyone they serve.

Regional Victorians must continue to work from home if they can work from home, but office workers will be permitted to return to up to 25 per cent or up to 10 people, whichever is greater.

Regional schools are reopening for onsite learning for Prep to Grade 2 and Year 12 students and remote learning will continue for all other levels.

Funerals will be permitted for up to 20 people and weddings will be permitted for up to 10 people, plus those required to conduct the service. If people from Melbourne are in attendance, the government has stated that stricter number limits will apply.

Masks will continue to be required indoors and outdoors, apart from private residences, unless an exception applies.

In order to protect regional Victorians from the current outbreak, the government has advised that there will be an increased police presence to stop Melbournians from entering regional Victoria illegally.

Fair Work Act stand down measures

Where a business is affected by:

a stoppage of work for any cause for which the employer cannot reasonably be held responsible

an employer can rely on the stand down provisions in the Fair Work Act 2009 (Cth) (**FW Act**) (s.524).

If a Club is unable to operate because of the restrictions, then it will follow that your workforce (or a significant portion of it) will fall under the scope of the section 524 stand down provision. That is, there is a stoppage of work *caused by* the Government health directives.

Broadly, the stand down provisions will not apply in circumstances where a business is permitted to open but doing so would not be financially viable.

If a business is required to *temporarily* cease all or part of its operations **due to a government directive**, the employer **generally** has a right to stand down affected employees that cannot usefully be employed as a result without pay:

- where the stoppage of work is outside the control of the employer, refer s.524(1)(c) of the FW Act; BUT
- subject to any shut down provisions contained in an applicable enterprise agreement or contract of employment.

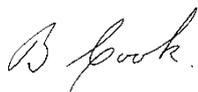
An obligation to redeploy staff to other useful duties - including remote working – in lieu of standing them down (if duties are available and it is safe to do so) remains. We note that workplace health and safety obligations continue to apply to remote work. Useful resources are available online at worksafe.vic.gov.au.

An employee who is stood down is still employed and will continue to accrue leave entitlements during the period (even where they are not paid for work). Where an employee has applied for leave (or is on leave) prior to the stand down taking effect they are still entitled to that leave.

Employers and employees may agree for full and part-time employees to access accrued annual leave (and in certain circumstances long service leave) to cover their absence. After a stand down takes effect employers do not have to approve leave requests but it is good practice to allow employees to take their paid leave accruals by agreement.

For specific advice, please contact SIAG and we will assess whether or not the stand down provisions apply to your Club's particular circumstances.

The Information provided in this e-mail is generic advice. For advice in respect of your specific situation, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 742 447.



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