

FREQUENTLY ASKED QUESTIONS (FAQs) - STAY AT HOME DIRECTIONS

Overnight, the State Government released the [Emergency Management \(Stay at Home\) \(COVID-19\) Direction 2020](#) - otherwise known as the 'Stay at Home Directions' which outline permitted activities for the next 6 day period.

We have put together a summary of some of the most commonly asked questions we are receiving from members today:

Question - What constitutes vehicle and mechanical repair and services?

Answer:

We have been advised by the Premier's Office that for the next six days general servicing should not proceed.

The Premier's office have advised that vehicle repair and mechanical services may operate but only to the extent necessary to facilitate other essential work or activities. For example, if a freight truck breaks down it can be serviced, but discretionary servicing which is not necessary for critical vehicle safety should wait 6 days.

To put the spirit of the directions into context, exercise and funerals are not allowed during this period, which indicates the severity of the stay at home direction and the guiding principle that people should be staying at home and not seeking loopholes to operate.

Question - For petrol stations, where does the provision of food end? Can I sell a mars bar and an iced coffee, a pie from the pie warmer, a slushie drink?

Answer:

The Police Commissioner has advised that service stations with food outlets are not allowed to operate takeaway services, but they can sell grocery items.

This advice would appear to exclude the sale of pies/pasties/sausages rolls from a pie warmer and other food normally prepared onsite to the general public.

Truckstops and roadhouses are permitted to provide food for seated consumption or take away to truck drivers.

Question - What do I pay my employees if I am required to close my business due to the lockdown?

Answer:

During the lockdown, if you are required to close your business (or a part of your business), and presuming your employees cannot be usefully employed working from home, then this would be treated as a stand down as you cannot provide useful employment for your employees.

As such, employees will be unpaid, but this will not break continuity of service, and they will accrue leave as normal during this period. Employees can also access accrued annual leave or long service leave entitlements.

Question - Can some of my staff be on stand down, and some working?

Answer:

Yes, provided that the staff on stand down cannot usefully be employed. If you need only some staff from a particular department, but not all, there must be reasonable grounds and consultation in selecting the staff who will be working, and those who will be stood down.

Question - How much notice do I need to give my employees to return to work after standing them down?

Answer:

You must give your employees reasonable notice when requiring them to return to work after being stood down. You could certainly require them back tomorrow, but today might need to be by negotiation. Notice would normally be expected to be at least twelve hours (i.e. the following day for work), but might be earlier by negotiation.

Question - Does "agriculture" include "aquaculture"?

Answer:

Agriculture includes aquaculture as it is a primary industry. Vehicle is also defined to include a boat but remember that repair and mechanical services may operate but only to the extent necessary to facilitate other

essential work or activities.

Question - Can I have someone on site to receive deliveries given freight is still running?

Answer:

If this is necessary as part of freight deliveries, then yes, but the employee should only be on site for that purpose, and only for the period necessary.

Question - Do essential workers need to carry a permit?

Answer:

The directions do not require staff to carry a letter from their employer stating that they are attending work to undertake an essential service. However, we have provided a template letter on our website which can be used for staff if they wish. To access the template, please [click here](#).

Question - Do employees need to wear a mask?

Answer:

At present, masks are strongly recommended when outside of the home but are not mandatory. However, the State Government has flagged that it is considering stricter requirements for the wearing of masks in the future.

Question - Can an employer require an employee to wear a mask? Can an employee refuse? Is it a reasonable direction?

Answer:

Masks have not been declared as mandatory, but are recommended for all people to wear outside the home. It is a reasonable direction for an employer to require an employee working to wear a mask.

Question - What are the fines for businesses and individuals for disobeying or breaching the directions?

Answer:

Authorities are able to issue fines to individuals (\$1,060) and businesses (\$5,060) who disregard restrictions.

In the first instance, authorities are likely to adopt an educative rather than punitive approach, unless it is clear and blatant, or there is an ignoring of an initial direction from a SAPOL officer. However, fines can also be issued immediately.

We understand that members currently have many questions about what this means for their business operations, and so we will be providing FAQ answers where possible via email alerts, SMS and via the COVID-19 portal on our website at mtasant.com.au/news/COVID19

We are ready to answer any questions you may have regarding the directions and can be contacted now by telephone on 8291 2000 or by email to mta@mtasant.com.au.