



# NEW SOUTH WALES BUSHFIRES

## Information for Tourism Businesses

A natural disaster, such as a bushfire, can disrupt and impact your tourism business in many ways.

You should contact your customers, employees, contractors and suppliers to keep them informed of the situation and if you are open for trade, or when you plan to reopen.

Keeping valued customers and suppliers informed on the impact of the bushfires and future options available to customers and suppliers will aid the recovery of your business.

### Duty of care – safety first

Employers must exercise a duty of care to ensure the safety of staff, contractors and visitors when on their property or undertaking a service. You should be aware of your obligations under the *Work Health and Safety Act 2011*.

For advice and detailed information on your obligations, contact Safe Work NSW on 13 10 50 or visit:

[safework.nsw.gov.au](http://safework.nsw.gov.au)

### Your obligations to employees

Keep in touch with your employees and advise them of the impact the bushfire has had on your business. Check in with your employees to see if they are able to work or have also been impacted by the bushfires.

If your employee is unable to work as a result of the natural disaster, they may be able to access entitlements under their award or agreement. If no entitlements are available, there are options available to employers and employees under the *Fair Work Act 2009* depending on the circumstances.

If you need to temporarily close your business as a result of the natural disaster, you will need to consider how to manage your employees during this time. This may include offering the choice of taking accrued paid leave or, in some cases, standing down employees.

More information about your options and employee leave entitlements during natural disasters or emergencies, and what to do if your business temporarily closes, is available from the Fair Work Ombudsman by calling 13 13 94 or visiting: [fairwork.gov.au](http://fairwork.gov.au)

### Your obligations to customers – cancellations and refunds

Some guests may not be able to access your business or they may want to defer, postpone or cancel their booking due to the bushfires. These customers may be entitled to a refund. Each situation is different and is dependent on the cancellation and refunds policy you provided at the time of booking or available from your business website.

As per the Australian Consumer Law's Travel and Accommodation Guide, the customer and yourself may be released from the contract in an emergency if:

- the accommodation (or business) has been destroyed
- access roads have been closed
- the authorities have advised that the area is not safe to enter
- other circumstances occur in which you are required to leave an area, or are prevented from entering.

In these instances, the customer may be able to:

- request a full refund
- seek reimbursement for the difference between the value of the services provided compared to the price paid.



As the business owner, you may also be entitled to retain any reasonable expenses incurred before the booking/trip is cancelled due to the current emergency.

Consumers are not entitled to a refund due to poor or less-than-ideal weather as this would be unlikely prevent the booking from going ahead. Businesses may also be entitled to retain any reasonable expenses incurred before you cancelled due to the current emergency.

More information on your obligations in relation to cancellations and refunds is available from NSW Fair Trading and the Australian Competition and Consumer Commission websites:

- NSW Fair Trading, *Bushfires* [fairtrading.nsw.gov.au](http://fairtrading.nsw.gov.au)
- ACCC, *Travel and accommodation* industry guide to the Australian Consumer Law (p. 9) [accc.gov.au](http://accc.gov.au)

### **Advice and information for members of industry associations**

If you are a member of an industry association, you may be able to seek more detailed advice and information on employment contracts, alternative suppliers and consultants who may be able to help you. Some associations that may be able to help are:

- NSW Business Chamber Workplace Advice Line (for employer obligations), 13 29 59
- NSW Business Chamber Business Hotline (for business owners facing unique issues and are uncertain about what action to take), 13 26 96
- Australian Hotels Association NSW (pubs), (02) 9281 6922
- Tourism Accommodation Australia (accommodation), (02) 8218 1847
- Accommodation Association (02) 8666 9015 or 1300 304 397
- ClubsNSW, 1300 730 001
- Caravan and Camping Industry Association of NSW, (02) 9615 9999
- Restaurant and Catering Australia, 1300 722 878

### **Financial and legal assistance**

It is important that you contact your bank/financial institution, insurance provider and, if necessary, seek independent legal advice early to assess the impacts, discuss options and determine the practical steps needed to manage the impacts on your business.

**Bank / financial institution** – Depending on who you bank with, your financial provider may have a disaster or financial relief package available.

**Insurance provider** – Depending on your individual insurance policy, you may be able to make a claim for business interruption to compensate you for lost income, revenue or profit during the bushfires, in addition to any loss or damage to property or assets.

**Australian Taxation Office (ATO)** – The ATO has announced that it will grant a two-month lodgement and payment deferral to taxpayers impacted by the catastrophic bushfires in NSW. [ato.gov.au](http://ato.gov.au)

**Legal advice** – You may consider seeking legal assistance to help manage your employment agreements, leases, supply contracts, and/or insurance policies. The Disaster Response Legal Service NSW will offer free assistance via its helpline 1800 801 529. [legalaid.nsw.gov.au](http://legalaid.nsw.gov.au)

### **Government assistance**

Practical support is available to all businesses affected by the NSW bushfires, from damaged or destroyed property to disrupted business and reduced income.

- Recovery toolkits
- Dispute resolution services
- Tax Assistance and Stamp Duty Relief
- Disaster Recovery Grants
- Natural Disaster Relief Loans
- Utility payments hardship support such as payment deferrals
- Replacement of licences and certificates
- Australian Government Disaster Recovery Allowance and Payments



More information and details on how to access this assistance is available from the NSW Small Business Commissioner website: [smallbusiness.nsw.gov.au](http://smallbusiness.nsw.gov.au)

### **More information on the bushfire recovery**

More information on the NSW Bushfire Recovery, including financial support for businesses and individuals (including affected employees), is available online: [emergency.nsw.gov.au](http://emergency.nsw.gov.au)

### **Misinformation**

Businesses should beware of false information circulating about bushfire relief and to only access information directly from Government and official websites and sources.

### **Mental health services**

If you are worried about your own mental health, or that of a loved one, please utilise one of the following free services, which are available 24 hours a day, seven days a week:

- Mental Health Line 1800 011 511
- Lifeline 13 11 14
- Mensline 1300 789 978
- Kids Helpline 1800 55 1800
- Beyondblue 1300 22 4636

\*\*

Information provided by Destination NSW is a guide only and is prepared in good faith. Destination NSW has sought to ensure that the information is true and correct at the time of publication. It is your and your management's responsibility to decide, based on your full knowledge and understanding of your business situation, how relevant the information is. Destination NSW recommends you consider seeking independent professional advice (legal, financial or otherwise).

*Last updated 14 January 2020*

