

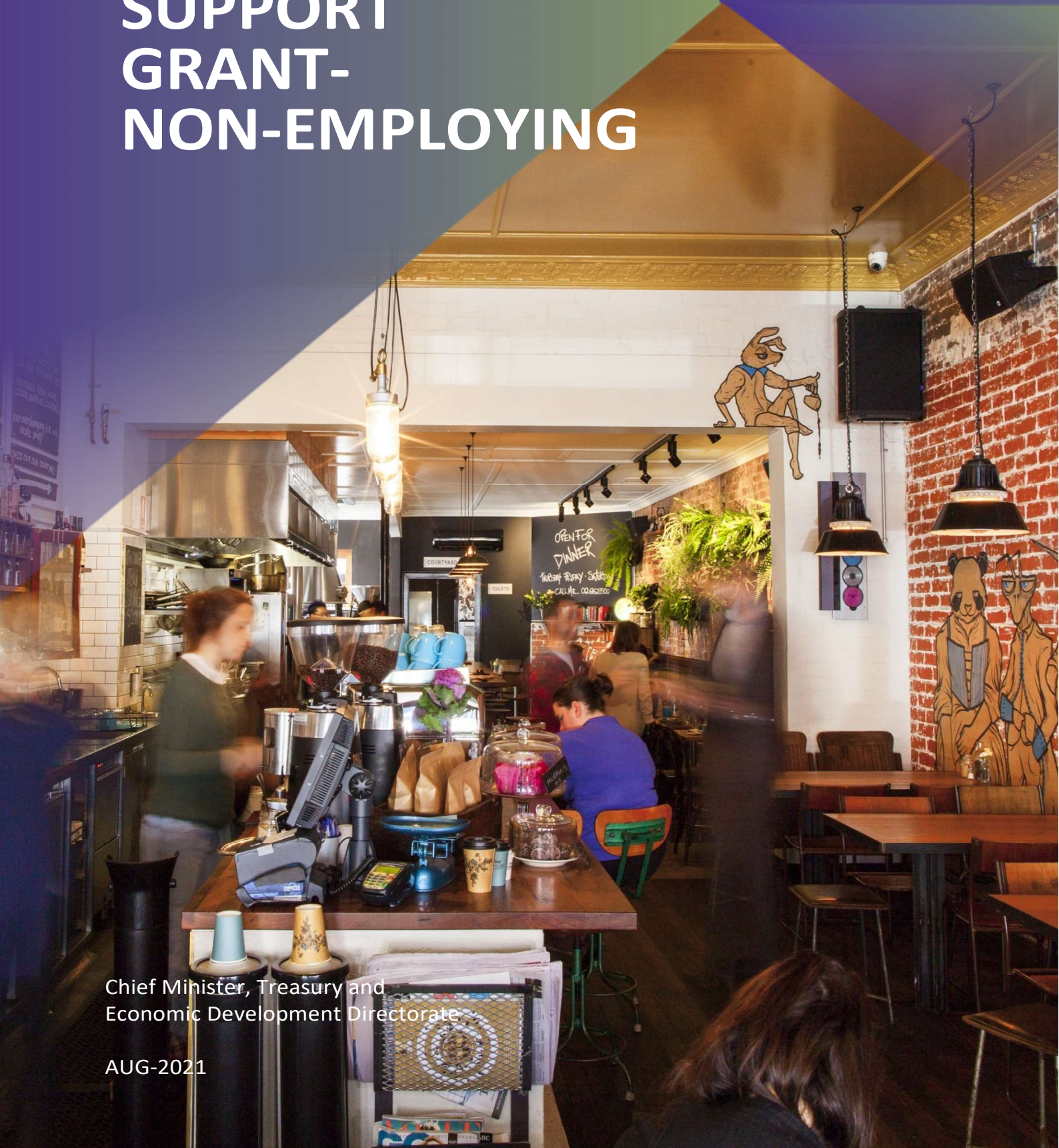


Applications

open on 26-08-2021

close on 07-10-2021

COVID-19 BUSINESS SUPPORT GRANT- NON-EMPLOYING



Chief Minister, Treasury and
Economic Development Directorate

AUG-2021

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ABOUT THE PROGRAM

1. PURPOSE

The purpose of the COVID-19 Business Support Grant program (**Program**) is to provide short term support for small to medium businesses operating primarily in the Australian Capital Territory (ACT) whose turnover has significantly declined as a result of public health measures in place since 12 August 2021 to respond to COVID-19.

2. FUNDING PARAMETERS

The ACT COVID-19 Business Support Grants will deliver support of up to \$4,000 for non-employing businesses over the three-week lockdown period where those businesses' turnover has declined by 30 per cent or more as a result of the COVID-19 public health measures.

Businesses can apply at any time and will not have to submit individual applications for each week. Payment will be made in a lump sum on average within 30 days of receiving a correctly lodged application. If we need to seek further or updated information from you to correctly assess your claim, this timeline will be reset. Note that we expect high initial demand and the timeframe may need to be extended.

Where multiple non-employing businesses meeting the eligibility criteria are controlled by one individual, company, partnership, or trustee, funding will be restricted to one grant for all non-employing businesses controlled by the individual, company, partnership, or trustee.

3. ELIGIBILITY REQUIREMENTS

3.1 Who is eligible to apply?

To be eligible for this Grant, businesses must meet the following criteria:

1. have a valid and active ABN as recorded on the Australian Business Register and be registered for GST on or before April 2021;
2. be able to demonstrate primary operation in the ACT as at 1 April 2021;
3. not employ* people in the business as at 1 April 2021
4. have an annual turnover of more than \$75,000 (excluding GST) in either the 2019-20 or 2020-21 financial year; and
5. have experienced at least a 30 per cent reduction in revenue due to restricted trading conditions, to be assessed by comparing a consecutive seven-day period in the declared lockdown (between Friday 13 August and Thursday 2 September), with a consecutive 7-day period in April 2021 to August 2021 for which comparable business activity would have occurred.

**To be considered an employee, staff must be under the control of the business, receive regular PAYG salary or wages, and have Pay As You Go Withholding amounts as well as superannuation paid by the employer. Individuals who may have been considered “Eligible Business Participants” in the JobKeeper program <https://www.ato.gov.au/General/JobKeeper-Payment/Partnerships,-trusts-and-companies/> are not considered employees for the purpose of this Program.*

Specifically, an owner, partner, director or shareholder in a company is not considered to be an employee for the purpose of this grant. A beneficiary of a trust is also not considered to be an employee for the purpose of this grant.

3.2 Who is not eligible to apply?

The following businesses and entities are not eligible to apply for a Grant:

- a. Government Business Entities (either Australian or Foreign);
- b. association or industry groups (membership or non-membership);
- c. businesses with an annual payroll of greater than \$10,000,000;
- d. business with annual turnover of less than \$75,000;
- e. employing businesses;
- f. entities that primarily earn passive income (rents, interest, or dividends);
- g. companies in liquidation or provisional liquidation, administration or under any scheme of arrangement with its creditors;
- h. Any business that has received a comparable payment from another State or Territory Government.
- i. A business is, or notice has been given that it will be, placed under external administration;
- j. There is a petition for bankruptcy or to wind up or deregister a company or business; and
- k. The business is or becomes deregistered or unregistered (including cancellation or lapse in registration or any relevant permit).

4. APPLICATION PROCESS

4.1 Business eligibility

Applications including all support material, must be made through SmartyGrants [available 26 August]:

1. Business must attest that they meet the eligibility criteria at the time of application and are continuing to trade per Section 3, Eligibility Requirements.
2. Businesses must retain evidence for at least two years for future checks.

4.2 Applicants must provide:

1. The ABN for the business, used to confirm business registration.
2. For businesses not registered in the ACT, proof that the business’ primary operation is in the ACT.
3. A Business Activity Statement (BAS), Australian income tax return, Notice of Assessment or other documentation demonstrating annual (or annualised)

- turnover of more than \$75,000 (excluding GST) in either 2019-20 or 2020-21 and total Australian payroll.
4. Evidence to demonstrate 30 per cent reduction in turnover revenue in a consecutive seven-day period in the declared lockdown (between Friday 13 August and Thursday 2 September), compared to a prior consecutive 7-day period in April 2021 to August 2021, due to restricted trading conditions.
 5. Evidence for the purpose of section 4.2(4) may include, but is not limited to:
 - a. extracts from accounting software of turnover comparison data for the comparable week to the assessment period.
 - b. Emails or texts to or from clients or suppliers detailing cancelled or postponed orders or appointments;
 - c. Receipts for refunds provided;
 - d. Invoices or delivery dockets;
 - e. Appointment/scheduling platform, demonstrating cancelled appointments or bookings; and / or
 - f. Screenshots of cancelled events.
 6. Information required to register for payment through ACT Government finance systems, including bank account details and GST paying status.
 - a. Applicants will be required to upload a bank statement to evidence their bank account details and link to the business' ABN.
 7. Provide details of your qualified accountant, registered tax agent or registered BAS agent, if applicable.
 8. Lodge other supporting documents as required to demonstrate you meet the eligibility criteria.
 9. Declaration that the business meets the eligibility criteria;
 10. Details of a current proof of identity document. This must be one of the following:
 - a. a driver licence issued in any Australian jurisdiction; or
 - b. an Australian Passport; or
 - c. a Medicare Card; or
 - d. a foreign passport for those issued with an Australian Visa.
 11. The identity document details provided should be for a person listed on the Australian Business Register as either the owner or co-owner of the business or authorised contact of the business; and
 12. Declaration that the applicant is authorised act on behalf of the business and that the information provided is true and accurate.
 - a. Or, in the event that a Qualified Agent is making the application, the applicant business has confirmed to the Qualified Agent that the statements set out and information provided in this application are true and correct.

5. ASSESSMENT

When the ACT Government receives your application, it will be assessed to ensure eligibility for grant payment (refer to Section 3 for Business Eligibility requirements).

All applicants must provide documentation at the time of application.

Applications that meet all eligibility requirements will be advised on the outcome of their application via email.

Payment will be made in a lump sum on average within 30 days of receiving a correctly lodged application. If we need to seek further or updated information from you to correctly assess your claim, this timeline will be reset.

The ACT Government may conduct a more detailed review of your eligibility at a later date. Refer to Section 7 for further information.

6. ACCEPTING PAYMENT

6.1 Payment process

Businesses approved for a Grant will be notified via email and the payment will be made directly into the bank account provided through the application process.

6.2 Conditions of payment

The declaration on the Application form certifies that all information provided in the Application is true and correct. Action may be taken for repayment of any payment made where information contained in the Application is subsequently found to be false or misleading.

All businesses are accountable for payments received from the Territory and must adhere to all terms and conditions, and guidelines of the Program.

Before applying to this Program, Applicants should check the eligibility requirements of the Commonwealth Government's COVID-19 Disaster Payment as a successful Application to the Program may impact access to financial support from the Commonwealth.

7. AUDIT AND COMPLIANCE

Businesses are required to retain supporting information for two years and produce this information at the request of the Territory.

In addition to the information provided as part of the application (refer Section 4), evidence of information that could be made available if required includes records and documents submitted with the Application including:

- revenue comparison data for the consecutive 7 day period in April 2021 to August 2021 to the assessment period;

- emails or texts to or from clients or suppliers detailing cancelled orders or appointments;
- receipts for refunds provided;
- invoices or delivery dockets;
- appointment/scheduling platform, demonstrating cancelled appointments or bookings; and / or
- screenshots of cancelled events.

Applicants must declare that they meet the eligibility criteria when submitting the online application.

Grant recipients will be subject to a spot check by the Territory and will be required to produce evidence on request by the Territory.

8. GRANT USE

Grants are provided to support eligible businesses that have been adversely impacted by public health measures enacted by Territory or Commonwealth Government due to COVID-19 in meeting the business' costs. These business costs may include, but are not limited to:

- utilities, salaries, rent;
- seeking financial, legal or other advice to support business continuity planning; and/or
- other supporting activities related to the operation of the business.

9. IMPORTANT INFORMATION FOR APPLICANTS

9.1 Accessibility

The Territory is committed to making its information, services, events and venues, accessible to as many people as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in an alternative format – such as large print or audio – please telephone Access Canberra Contact Centre – 13 22 81.

If English is not your first language and you require the translating and interpreting services please telephone 131 450.

If you are deaf or hearing impaired and require the National Relay Service please telephone 1800 555 727.

9.2 When to submit your application

- **Applications open 9am on 26 August 2021.**
- **Applications close 5pm on 7 October 2021.**

Late applications will not be accepted.

9.3 How to submit your application

All Applications must be submitted via online application portal that can be accessed on Thursday 26 August.

Hardcopy or email applications will not be accepted.

10.CONFIDENTIALITY

All material submitted to the Territory is provided in confidence.

However, applicants should be aware that the provisions of the Freedom of Information Act 2016 (ACT) may apply to documents in the Territory's possession.

11.FURTHER INFORMATION

For more information on the Program Guidelines, eligibility requirements or to lodge a complaint, please contact the Territory's Economic Development Division:

Via email: business.mailbox@act.gov.au

If you are having difficulty in accessing the online application form or if an error occurs, please contact the 13 22 81 for assistance.

TERMS AND CONDITIONS

1. GENERAL

- 1.1** These terms and conditions apply to the Program.
- 1.2** By submitting an Application, and again by accepting any Grant, the Applicant agrees to comply with these terms and conditions.
- 1.3** In consideration of the Applicant agreeing to comply with these terms and conditions, the Territory will, on and subject to these terms and conditions, receive and consider the Application.

2. TERRITORY RIGHTS

- 2.1** The Territory reserves the right for any reason, at any time and from time to time, to (in whole or in part) cancel the Program or to (in whole or in part) vary, supplement, supersede or replace the Program, the Guidelines or these terms and conditions.
- 2.2** The Territory is under no obligation to approve any Application for provision of a Grant and may reject any Application at the Territory's absolute discretion, including without limitation:
 - 2.2.1** if an Applicant fails to satisfy the eligibility criteria for, or its Application fails to comply with the requirements of, the Program;
 - 2.2.2** if an Application is incomplete or contains information or representations that are false or misleading; or
 - 2.2.3** if the Territory decides to cancel the Program.
- 2.3** After an Application is received, the Territory may request additional information from the Applicant in relation to the content of its Application for the purpose of clarifying or assessing the Application. The Applicant must comply with such a request within 5 business days of the date on which the request is made.

3. APPLICATIONS

- 3.1** In order for its Application to be assessed by the Territory, the Applicant must submit a complete Application electronically through SmartyGrants on or before the Application Closing Time.
- 3.2** Receipt of the Application will be determined by the date and time shown that the complete Application is electronically submitted.
- 3.3** The Applicant, in submitting an Application, warrants and represents to the Territory that all information and representations (in whatever form) given to the Territory under, as part of or in connection with the Program or the Application are true and correct, complete and up-to-date, and in no way misleading or deceptive.

3.4 The Territory reserves the right, at its absolute discretion, to offer a Grant to an Applicant even if the Applicant does not satisfy one or more eligibility criteria for a Grant under the Program. The Territory may request additional information from an Applicant in connection with exercising this right.

3.5 The Applicant may withdraw its Application at any time by email to business.mailbox@act.gov.au.

4. AUDITS

4.1 The Territory may, at its cost and absolute discretion:

- 4.1.1 conduct random or specific audits of or in respect of any or all of the information provided by the Applicant, which audits may involve the Territory contacting third parties;
- 4.1.2 consider any information in any form which is provided to the Territory by a third party or which otherwise comes to the knowledge of the Territory, notwithstanding how that information is provided or otherwise comes to the knowledge of the Territory; and
- 4.1.3 request additional information from the Applicant if the Territory reasonably believes that any of the information provided, or a representation made, by the Applicant may be incomplete, false or misleading,

and if the Territory determines in its absolute discretion that:

- 4.1.4 the Applicant did not at the time of making of the Application, or at the time of payment of a Grant, satisfy the eligibility criteria for a Grant under the Program;
- 4.1.5 there is insufficient evidence to verify that the Applicant satisfied the eligibility criteria for a Grant under the Program at the time of making of the Application or at the time of payment of a Grant;
- 4.1.6 the Applicant made or provided any false, incomplete, misleading or deceptive representation, statement or information;
- 4.1.7 the Grant has not been used in accordance with the Guidelines; or
- 4.1.8 the Applicant otherwise received the Grant in error,

the Territory may in writing require the Applicant to repay any Grant or part thereof paid to the Applicant within 10 business days and the Applicant must pay to the Territory the amount of the Grant or part thereof together with all costs incurred by the Territory arising from, or in connection with, recovery of that amount. The obligation for an Applicant to repay a Grant to the Territory represents a debt due and payable by the Applicant to the Territory.

4.2 The Applicant must allow all persons who are nominated by the Territory to conduct an audit under these terms and conditions to:

- 4.2.1 have full access to all records and premises in the control or possession of the Applicant for the purpose of carrying out the audit;

- 4.2.2 make and take copies of any record in the control or possession of the Applicant relating in any way to the Application or the Grant; and
- 4.2.3 the Applicant must provide all reasonable assistance to those persons while they are conducting an audit.

4.3 If the Applicant receives a Grant, the Applicant must, for the period of 2 years from the Application date, retain records to verify that it satisfied the eligibility criteria for the Grant under the Program at the time of making of the Application and at the time of payment of the Grant.

5. DISCLOSURE OF INFORMATION

5.1 The Applicant warrants that all relevant third parties have consented to the disclosure of information relating to them in respect of the Application.

5.2 The Applicant agrees and acknowledges by submitting its Application that the Territory may disclose the Application and any information or document provided by the Applicant in relation to the Application as deemed necessary or desirable by the Territory, including without limitation:

- 5.2.1 to the extent necessary to assess and verify the matters represented in the Application, including disclosing to any government agency;
- 5.2.2 pursuant to the requirements of any law, including the *Freedom of Information Act 2016 (ACT)*;
- 5.2.3 under a court order; or
- 5.2.4 upon request by a Minister, the ACT Legislative Assembly or any committee of the Legislative Assembly or by way of the Minister responsible for the Program disclosing to the Legislative Assembly as deemed necessary or desirable by the Minister.

5.3 The Applicant acknowledges and agrees that information collected by the Territory through the application process may be used for internal reporting purposes.

6. EXCLUSION OF LIABILITY

6.1 To the extent permitted by law, the Applicant:

- 6.1.1 will have no right of recovery against the Territory in respect of any matter or thing in relation to the Program, including without limitation, any aspect of the assessment or review of the Application or the disclosure of its Application and information or documents; and
- 6.1.2 releases the Territory from all liability for any loss, injury, damage, liability, costs or expense arising in connection with any matter or thing in relation to the Program.

7. LAWS

7.1 These terms and conditions are governed by, and must be construed according to, the laws of the Australian Capital Territory.

8. DEFINITIONS

The following definitions apply in the Guidelines and these terms and conditions:

Applicant means the party applying for a Grant under the Program pursuant to the relevant Application and includes the party after a Grant has been made to the party.

Application means an application for a Grant under the Program.

Application Closing Time has the meaning given in Section 9.2 of the Guidelines.

Annual turnover means all ordinary income earned in the ordinary course of running the business in the relevant financial year.

Grant means a non-employing business grant which is available, payable or paid (as the case may be) in response to a successful Application under the Program.

Guidelines means the Program guidelines set out in pages 3 to 8 of this document (as may be varied in accordance with the terms and conditions).

Lockdown means the Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 4) made by the Chief Health Officer on 18 August 2021 under section 120 of the *Public Health Act 1997* (ACT). That direction restricted ACT residents to only leave home for 6 essential reasons.

Program has the meaning given in Section 1 of the Guidelines.

Territory means the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth).



Chief Minister, Treasury and Economic
Development Directorate

Aug - 2021