

# GUIDELINES

## Business Costs Assistance Program Round Two

### COVID-19 assistance to businesses

#### Program Summary

On 30 May 2021, the Victorian Government announced a \$250.7 million Circuit Breaker Business Support Package to support Victorian businesses most affected by the May-June 2021 circuit breaker action. An additional \$209.3 million was announced by the Acting Premier on 2 June 2021.

The \$371 million second round of the Business Costs Assistance Program (the Program) will provide grants of either \$2500 or \$5,000 for eligible businesses directly affected by the circuit-breaker industry restrictions.

#### 1 Standard Eligibility Criteria

1.1 To be eligible for the Program, a business must:

- a) Be located within Victoria<sup>1</sup>; and
- b) Be registered as operating in an eligible industry sector identified in the **List of Eligible ANZSIC classes** (as defined by the ANZSIC class linked to the business' ABN<sup>2</sup>); and
- c) Have incurred direct costs<sup>3</sup> as a result of the circuit breaker action and the business cannot predominantly operate remotely; and
- d) Have an annual Victorian payroll of up to \$10 million in 2019-20 on an ungrouped basis<sup>4</sup>; and
- e) Be registered for Goods and Services Tax (GST) on 27 May 2021<sup>5</sup>; and
- f) Hold an Australian Business Number (ABN) and have held that ABN at 27 May 2021.
- g) Be registered with the responsible Federal or State regulator<sup>6</sup>.

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<sup>1</sup> Business location is determined using the ABN registered 'primary operating address' or, if required, workplace addresses registered with WorkSafe Victoria.

<sup>2</sup> Your industry ABN registration includes your self-nominated ANZSIC industry classification, and this will be used to determine your eligibility for this criterion. Applicants must certify that they have checked that these details are up to date and reflect their current business activity prior to submitting their application. Superannuation trusts are not considered to be operating in an eligible ANZSIC class.

<sup>3</sup> For example, but not limited to: booking cancellations, utilities, wages, paid leave for staff unable to attend work, rent or the loss of perishable good or any other direct costs affecting the operation of the business related to the May-June 2021 circuit breaker action. These costs may have been incurred prior to, on or after 27 May 2021. The costs must be incurred by the applying business, as defined by its ABN.

<sup>4</sup> Where a business is in a payroll group, the payroll eligibility criteria applies to each business in the payroll group. That is, any member of a group with an annual Victorian taxable payroll of up to \$10 million in 2019-20 can apply.

<sup>5</sup> A business or enterprise must register for GST if it has a GST turnover of \$75,000 or more. Not-for-profit entities with annual turnover between \$75,000 and \$150,000 that are not registered for GST and are registered with the Australian Charities and Not-for-Profit Commission are eligible to apply. Businesses with annual 2019-2020 turnover of \$75,000 or more that are not required by relevant taxation legislation to be registered for GST are eligible to apply, subject to provision of a statutory declaration from a registered tax agent.

<sup>6</sup> Where required by relevant and applicable legislation. Responsible regulators are the Australian Securities and Investment Commission (ASIC); the ACNC for charities and not-for-profits; and Consumer Affairs Victoria (CAV) for incorporated associations.

For employing businesses only<sup>7</sup>:

- h) Be registered with WorkSafe Victoria<sup>8</sup>; and
- i) Attest that the business is supporting its workers to access any paid leave entitlements, or that if a person can work from home, to work from home during the circuit breaker action, and supporting their casual workers, where possible.

## 2 Other eligibility conditions

- 2.1 Businesses that have received assistance through the Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs may apply for assistance under the Program.
- 2.2 Businesses that receive a grant under the 2021 round of the Licensed Hospitality Venue Fund (LHVF21) are not eligible for a grant under the Program.
- 2.3 Organisations that operate a private gender-exclusive club where membership is only by invitation or nomination by an existing member are not eligible for assistance under the Program.

## 3 Demonstration of eligibility

- 3.1 Applicants must attest that they meet the eligibility criteria at the time of application and intend to remain trading at the end of the circuit breaker action. Applicants will also need to meet the eligibility criteria at the time the application is assessed by the Department of Jobs, Precincts and Regions (DJPR).
- 3.2 Industry sector: To be eligible, an Applicant's primary business activity must be in an eligible industry sector and this must be reflected in the Applicant's ABN registration information. Applicants should check that their details on the [Australian Business Register website](#) are correct prior to submitting an application. This includes ensuring that the industry classification (ANZSIC class code) linked to their ABN registration correctly captures their primary business activity.
- 3.3 Identity Documents: Applicants must provide details of a current proof of identity document. This must be one of the following:
  - a driver licence or learner permit issued in any Australian jurisdiction; or
  - an Australian Passport; or
  - a Medicare Card; or
  - a foreign passport for those issued with an Australian Visa.

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<sup>7</sup> Employing businesses are defined as those businesses required to be registered for WorkCover insurance or equivalent. Sole traders, individuals in partnerships and individual trustees of trusts must employ persons other than themselves to be eligible in this category of 'employing businesses'.

<sup>8</sup> Businesses operating within Victoria that hold an equivalent worker's compensation policy in another Australian jurisdiction in accordance with Victorian WorkCover legislation are eligible. Evidence of the valid interstate insurance policy and operation located within Victoria is required.

The identity document details must be for a person listed on the Australian Business Register as either the owner, co-owner, associate or authorised contact of the business<sup>9</sup>.

- 3.4 If the current proof of identity is unable to be confirmed, Applicants will receive a follow-up email with instructions to amend their proof of identity details. If the applicant does not then rectify proof of identity details before the Program close date, the application will not be considered by the Department for this Program.

#### **4 Available funding**

- 4.1 From 4 June 2021, changes to the existing industry circuit breaker restrictions (from 28 May 2021) affect businesses differently depending on the businesses location and industry type.
- 4.2 The total value of a grant under the Program is up to \$5,000. For businesses that meet the standard eligibility criteria:
- businesses that were directly affected by the circuit breaker industry restrictions between 28 May up to and including 3 June 2021 will be eligible for funding of \$2,500;
  - businesses that remain directly affected by the circuit breaker industry restrictions on and from 4 June 2021 will be eligible for funding of \$5,000.
- 4.3 The Department will determine the value of the grant based on an assessment of the Applicant's business location and ANZSIC class.
- 4.4 A business as defined by its ABN can only receive one grant under the Program.

#### **5 Funding use**

- 5.1 Grant funds must be used to assist the business, for example on:
- Meeting business costs, including utilities, wages or rent;
  - Seeking financial, legal or other advice to support business continuity planning;
  - Developing the business through marketing and communications activities; or
  - Any other supporting activities related to the operation of the business.

#### **6 Assessment Process**

- 6.1 Funding will be allocated through a grant application process, through which businesses are invited to apply for a grant.
- 6.2 As part of the assessment process, any information provided by Applicants will be shared and subject to verification with other government agencies (state and federal) including the Victorian State Revenue Office, WorkSafe Victoria, the Australian Business Register and the Commonwealth Department of Home Affairs.<sup>10</sup>

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<sup>9</sup> For employing businesses, in the event that the Proof of Identity documents cannot be verified against the Australian Business Register, the Department will rely on an accurate Workcover Employer Number (i.e. WorkSafe registration) for the Applicant.

<sup>10</sup> DJPR is not responsible for any delays caused by third party validation of an Applicant's eligibility. By making an application the business and Applicant consents to the assessment and verification process.

- 6.3 Any of the following circumstances may be taken into consideration in any decision whether to award a grant:
- Any adverse findings by a Government agency or local council regarding a business or its operation;
  - A business is, or notice has been given that it will be, placed under external administration;
  - There is a petition for bankruptcy or to wind up or deregister a company or business; and
  - The business is or becomes deregistered or unregistered (including cancellation or lapse in registration or any relevant permit).
- 6.4 Businesses must ensure that their ABN registration information is current and accurate as at the time of application.
- 6.5 Each application will be carefully considered and assessed against the eligibility criteria. If an unsuccessful Applicant considers that their application has been incorrectly assessed, they will have the opportunity to lodge a complaint. More information on the complaints process and a complaint form can be found at <https://business.vic.gov.au/contact-us/complaints>.
- 6.6 Only final applications that are lodged with the Department will be considered and assessed, and applications in draft stage will not be considered.

## **7 Compliance and Audit**

- 7.1 Applications may be subject to audit by the Victorian Government, its representatives or the relevant Auditor-General and will be required to produce evidence (such as payroll reports to demonstrate impact) at the request of the Victorian Government for a period of four years after the grant has been approved.
- 7.2 If any information in the application is found to be incomplete, inaccurate, false or misleading, or grants are not applied for the purposes of the business in accordance with the terms of funding as set out in these Guidelines and any attached application, the grant will be repayable on demand.

## **8 Other information about this Program**

- 8.1 DJPR reserves the right to amend these guidelines and application terms at any time as it deems appropriate.
- 8.2 DJPR will endeavour to notify all Applicants of the outcome of their submitted application within 10 business days. There may be delays if your application:
- does not meet all the eligibility criteria
  - does not have correct evidence or documentation
  - requires you to make changes
  - is a duplicate application for the same business
  - has incorrect information, such as ABN or bank details (for successful Applicants)

- does not include current or accurate information registered with relevant regulators or partner agencies, such as the State Revenue Office, Australian Business Register or WorkSafe Victoria.

## 9 Closing date and how to apply

- 9.1 The Program will be open for applications until program funds are exhausted or 11.59pm Thursday 24 June 2021, whichever is earlier.
- 9.2 Applicants are required to submit an application online via the Business Victoria website ([business.vic.gov.au](https://business.vic.gov.au)). All questions in the application need to be completed and requested information is to be provided to ensure timely assessment and grant payment.
- 9.3 If you have any queries about your application or require further information on the program visit [business.vic.gov.au](https://business.vic.gov.au) or contact the Business Victoria Hotline at 13 22 15.