

Jobs Rescue and Recovery Plan

Small Business Survival Fund

Terms and Conditions

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Service providers and Recipients please note – The Department is committed to ensuring that the overall objective, intent and expectations of the Fund are met, and for that reason the Terms and Conditions of the Fund are subject to change without notice. It is your responsibility to check this website frequently for notifications about changes that may have been made to the Terms and Conditions or any other aspect of Fund documentation. If you do not agree with any changes, then you may opt out of the Fund by providing notice in writing to that effect to the Department.

Introduction

The Jobs Rescue and Recovery Plan's Small Business Survival Fund ('Fund') is a \$50 million initiative to help Northern Territory small businesses survive the physical distancing requirements determined by the National Cabinet in response to the coronavirus (COVID-19) pandemic.

1. General

1.1. Objectives

The Fund is specifically targeted to support Territory small businesses that have experienced significant impact as a result of the physical distancing requirements determined by the National Cabinet in response to the coronavirus (COVID-19) pandemic.

The Fund has three goals:

1. Helping local businesses survive through the partial or full shut-down period (e.g. support in meeting unavoidable fixed costs).
2. Helping local businesses adjust to the new consumer environment (e.g. expanding online services, take-away and delivery)
3. Helping local businesses to prepare for the anticipated economic rebound (e.g. undertaking innovation, future skilling, structural adjustments).

The Small Business Survival Fund is available to eligible businesses in addition to other support, including the Jobs Rescue and Recovery Plan, the Tourism Resilience Package, etc.

1.2. Definitions

Audit or **Spot Audit** means the Department's right to check original documents and undertake onsite inspections of property where works are completed, or verify that goods were purchased and services provided in line with a quotation and otherwise in accordance with the terms of the Fund. As a condition of being registered to participate in the Fund, the Business agrees to present, upon request by the Department within 10 working days of the request, any documentation required by the Department that is related to the eligibility to apply for and expenditure of any grant made to the business.

Department means the Northern Territory Government, Department of Trade, Business and Innovation.

An Eligible Recipient:

- (a) is a legal entity and holds a valid Australian Business Number (ABN) as at 23 March 2020; and
- (b) is a Territory Enterprise; and
- (c) has an annual Turnover of less than \$10 million; and

- (d) usually operates in one of the industry sectors identified in the social gathering restrictions announced on 22 March 2020 and 24 March 2020 (visit business.nt.gov.au/recovery for a full list of eligible industry sectors); and/or
- (e) has been significantly impacted by the physical distancing requirements in response to coronavirus pandemic (e.g. staffing, Turnover).

NB Businesses with an annual turnover exceeding \$10 million will be assessed on a case by case basis having regard to the criteria in (d) and (e) and such other relevant matters as the Department may decide in its absolute discretion.

Related means:

- (a) in relation to a company:
 - i. a director or member of the body or of a related body corporate, or
 - ii. a Relative of a director or member, or
 - iii. a Relative of the spouse of a director or member, or
 - iv. an employee of the company or a Relative of an employee of the company.
- (b) in relation to any other kind of legal entity,
 - i. a proprietor, partner or any other person exercising control (whether on their own or jointly with others) over the management of the Business, or
 - ii. a Relative of any person falling within (b)i. above, or
 - iii. an employee of the Business or a Relative of an employee of the Business.
- (c) in relation to a person, means a Relative of that person.

Relative in relation to a person, means the spouse, parent or grandparent, child or grandchild or brother or sister of the person.

A Territory Enterprise is a business that satisfies all of the following:

- operating in the Northern Territory - the enterprise is currently engaged in productive activities out of premises within the Northern Territory (i.e. production of goods or delivery of services); and
- has a significant permanent presence - the enterprise maintains an office, manufacturing facilities or other permanent base within the Northern Territory; and
- employs Northern Territory residents

Turnover means all ordinary income earned by the business in the ordinary course of its operations.

1.3. How to Apply

Applications must be made to the Department and comply with all processes and procedures contained in these Terms and Conditions and that the Department may otherwise set from time to time.

The application form for the first tranche of support and other information for applicants will be online at businessrecovery.nt.gov.au on Friday, 27 March 2020 before 5pm.

1.4. Eligibility criteria and processes – Eligible Recipient

1.4.1. Eligibility

To participate in the Fund, the business must be an Eligible Recipient. Sole traders as well as corporate entities are eligible to apply.

1.4.2. Application process

In order to apply, go to business.nt.gov.au/recovery and follow the links to fill out the online forms and upload the required supporting documentation, as per below steps:

- Follow the link to start a new online application
- Fill out the required details and upload required documents
- Submit application

1.4.3. Declaration as to facts of application

The Recipient must complete the declaration which states:

- the Recipient's turnover has been adversely impacted by the restrictions being put in place by governments
- that monies granted to the Recipient from the Fund will be used solely for the Approved Purpose
- that monies granted to the Recipient from the Fund will not be provided to a Related entity
- that the Recipient will obtain all legally required permits and certifications, will otherwise comply with all applicable regulations and make copies available to the department if requested
- such other declarations as may be contained in the form of declaration in the application form

Recipients may be asked to upload documentary information supporting their application or otherwise provide it to the Department at any time. For assistance with online applications, Recipients may [contact us](#)¹ and a response will be provided within three to five business days.

1.5. Fund principles and criteria

The following principles and criteria will be used to assess applications to the Fund:

- The affected business must be operating in a defined industry sector (visit business.nt.gov.au/recovery for more details of eligible sectors)
- Demonstration of significant impact, in particular in relation to Turnover, staffing levels and fixed and operational costs
- Applicants will be required to provide appropriate evidence to support their application to the Fund
- Eligible Recipients must comply with the NT Government's 'Buy Local' policy requirements
- Businesses that meet the Fund's Objective (Clause 1.1), intent and principles will be assessed on a case-by-case basis.

¹ <https://businessrecovery.nt.gov.au/contacts>

- Eligible Recipients with an annual turnover of less than \$75 000 per annum will be entitled to the payments described in Sections 1.6.1 to 1.6.3, but are not eligible for the payment described in Section 1.6.4.
- Unless otherwise stated, the calculation of FTE employees is based on the pay period immediately preceding 22 March 2020.

1.6. What support is available

Eligible businesses will be able to apply for four payments:

1.6.1 An Immediate Survival Payment of between \$2000 and \$50 000 to help offset the immediate costs pressures on businesses

- \$2000 for businesses with only one full-time equivalent (FTE) employee (including sole traders),
- \$5000 for businesses with 2 to 4 FTE
- \$20 000 for businesses with 5 to 19 FTE
- \$50 000 for businesses with more than 20 FTE

1.6.2 A Rapid Adaption Payment of up to \$5000 to assist businesses make the necessary changes it chooses to help adapt to the new operating environment, as per below:

- A payment of up to \$1000 for businesses with one full-time equivalent (FTE) employee and up to \$5000 for other eligible businesses to offset costs incurred in adapting their current business model to suit restrictions
- Application based, paid direct to business
- Paid on provision of appropriate invoice. Buy local provisions will be highlighted to businesses
- Expenditure to occur post announcement and applications close 1 May 2020
- After this time businesses have full access to Improvement and Immediate Works grants under the Jobs Rescue and Recovery package

1.6.3 An Operational Boost payment of between \$2800 and \$42 000 to help offset the ongoing cost pressures on businesses:

- \$2800 for businesses with only one full-time equivalent (FTE) employee (including sole traders),
- \$8400 for businesses with 2 to 4 FTE
- \$16 800 for businesses with 5 to 9 FTE
- \$28 000 for businesses with 10 to 14 FTE
- \$42 000 for businesses with more than 15 FTE

Businesses that are eligible for the Immediate Survival Payment are automatically eligible for the Operational Boost payment.

1.6.4 Three (3) Operational Support payments to assist with business operating costs, paid fortnightly.

Businesses will be able to apply on a fortnightly basis for these payments, providing an estimate of FTE employees actively engaged in operating the business during the relevant two-week period prior. Employees who are stood down or not undertaking any paid hours of work during that period will not be included as FTE.

Covering three fortnightly payments over a 6-week period, the number of FTE employees will be used as evidence of business activity and a nominal value of \$1000 per FTE will be paid per fortnight, up to a maximum of \$15 000 per payment.

1.6.5 A Rebound Support Grant for new activities that adapt or rebound the business to operate effectively in the new economic environment.

Eligible businesses will be able to apply once for this grant with quotes for up to five different activities. Once these grants become active, the Small Business Survival Fund will close to new applicants.

To be eligible, a business must be an existing approved applicant under the Fund and/or the Business Hardship Register and will receive funding outlined in the below table. Excluding the 'Base NTG Contribution', the 'Additional Matched NTG Contribution' must be matched dollar for dollar by the Eligible Recipient ('Required Recipient Contribution').

Important Note: Where an applicant has been registered on the Business Hardship Register but is not approved to participate in the Fund, that business will not receive a 'Base NTG Contribution', but will be eligible to access the Matched NTG Co-contribution on a dollar for dollar basis. To be eligible, the turnover of the business seeking a Rebound Support Grant must be over \$75 000 per annum and below \$10 million per annum.

Pre-COVID size	Base NTG Contribution	Additional Matched NTG Co-contribution	Required Recipient Contribution
Survival Fund Applicants			
1 FTE	\$1000	\$10 000	\$10 000
2 - 4 FTE	\$2000	\$10 000	\$10 000
5 - 9 FTE	\$3000	\$10 000	\$10 000
10 - 14 FTE	\$4000	\$10 000	\$10 000
15+ FTE	\$5000	\$10 000	\$10 000
Business Hardship Register Applicants			
Any size	\$0	\$10 000	\$10 000

What can the payments be used for?

These payments are to assist applicants with undertaking new activities in specific categories that help the business to be able to operate effectively in the new economic environment as the Territory recovers from the effects of COVID-19 restrictions.

For the avoidance of doubt, these payments are for new expenditure on capital items or services, and are not to be used for payments of existing outstanding invoices, wages, debts owing to related entities of the recipient, stock purchases, or other recurrent business expenses. Expenditure must

not occur until after a Grant is approved. If a payment is used partially or wholly for moveable items (such as home office infrastructure, computers and any portable device), the recipient must be able to give the Department evidence showing that item will be used solely to operate the business.

The grant provides up to \$15,000 worth of support depending on your business size, and activities such as capital works or purchases are allowable in the following categories:

- Access/ Egress Management
- Increase capacity(incl. alfresco)
- Redesign/Refurbishment
- Advertising and marketing
- OHS/ Security
- Re-configuring layouts for physical distancing
- Cashless 'No Touch' Payment
- Partitioning
- Training
- Hygiene and hygiene advice
- Professional services (accounting, legal, business planning)

Recipients of these payments must expend the money in line with the Territory's Buy Local principles, that is, goods and services (including labour components) must be obtained from businesses that are Territory Enterprises, unless it is impractical for technical reasons. Records of all expenditure using these payments must be retained and the Territory may audit that information at any time in accordance with section 1.7 of these Terms and Conditions.

1.7. Audit of Information

The Department may request an Eligible Recipient to provide an up to date accounting position of the relevant business and the use to which any grants from the Fund have been put, at any time during the period up until 12 months from the cessation of the Fund. If the Department requests an Eligible Recipient to show its books of account, it must provide copies of the relevant information to the Department certified true and correct by a Certified Practising Accountant or Auditor within two (2) business days of the day on which the request is made.

1.8. No incentives to be offered or accepted

A Recipient must not ask for or accept from any business providing it with goods or services (supplier) any offer of a benefit (whether monetary or otherwise) to the Recipient or any third party, as inducement to the Recipient to purchase the goods or services sought from that supplier.

1.9. GST

Grant payments under the Fund are not subject to the Goods and Services Tax (GST).

1.10. All supplies using grants at risk of Recipient

The Department makes no representation or gives any warranty whatsoever in relation to the use of grants from the Fund or the use of any supplier whatsoever. All purchasing decisions carried out by a Recipient are entirely at their own risk in all things.

1.11. Fund changes

The Department reserves the right to:

- vary these terms and conditions, the eligibility criteria or any other documented rule or procedure relating to the Fund at any time;
- accept or reject any application for participation in the Fund in its absolute discretion;
- cease the Fund at any time should Northern Territory Government policy change.

1.12. Privacy

The Department is bound by the *Information Act (NT)* and will only ever use information in accordance with the Northern Territory Government's Information Privacy Principles. These principles are available at www.infocomm.nt.gov.au/privacy/information-privacy-principles or by contacting the Information Commissioner Northern Territory on 1800 005 610.

Recipients should read the Department's [Privacy Policy²](#) and by providing information to the Department under the Fund, Recipients agree to the following Privacy Statement:

Information collected as part of the Fund application process is collected in accordance with the Fund's terms and conditions and for the purposes of assessing participant eligibility, audit; monitoring; evaluation; and reporting.

By applying to participate in the Fund, you consent to the Northern Territory Government:

- (a) storing information, including personal information (such as names and personal contact details)
- (b) using the information, including personal information for the purposes mentioned under the paragraph above;
- (c) transferring some of this information, including personal information, outside of the Northern Territory (but not outside Australia) for the purpose storing it; and
- (d) releasing non-sensitive information, de-identified data in accordance with the Northern Territory Government's open data policy.

If you have provided personal information of another individual to the Northern Territory Government, you warrant that you have informed the person to whom the personal information relates that the personal information will be provided to the Northern Territory Government, and of the Northern Territory Government's intended use of this personal information, and that you have obtained consent from all such persons to allow the Northern Territory Government to use and disclose their personal information in this manner.

² <https://business.nt.gov.au/business/publications/policies/privacy-policy>

1.13. Due Diligence, Audit and Compliance with Law

All Recipients acknowledge:

- (a) that the Department will conduct such due diligence enquiries on recipients as it sees fit in order to ensure both integrity of the Fund and that the allocated funding is used strictly in accordance with the intent of the relevant government policy. Such enquiries may include (but are not necessarily limited to) company and business name searches on a Business, related property or other assets, onsite inspections of any business premises, checks on any works being carried out at a business premises, searches of the courts and/ or the trustee in bankruptcy; and
- (b) that it is a condition of accepting a grant from the Fund that Recipients comply with all relevant laws, and, without limitation, that Recipients ensure they are aware of their obligations under the *Independent Commissioner Against Corruption Act 2017* and that none of their officers, employees, and/ or members engage in improper conduct as that term is defined in the Act.

The Department reserves the right to conduct an Audit at any time during and within 12 months after the Fund ends.

By applying to participate in the Fund, Recipients declare that they agree to the Department having access to any private register of information in relation to their business, and to the Department using, storing and releasing for lawful purposes, their information, including personal information.

1.14. Beginning and End of Fund

The Fund is the result of a once-off commitment of the NT Government to provide urgent relief to Northern Territory Businesses. Applications for grants from the Fund open on 27 March 2020 and the Fund will close when grant monies are fully committed or when the Northern Territory Government decides to close it, whichever is sooner.