

Jobs Rescue and Recovery Plan

Business Hardship Register

Terms and Conditions

Contents

Important Note:	3
Introduction	3
1. General	4
1.1. Objectives	4
1.2. Definitions	4
1.3. How to Apply for the Business Hardship Register	5
1.4. Eligibility criteria and processes	5
1.4.1. Eligibility	5
1.4.2. Application process	5
1.5. Business Hardship Register eligibility criteria.....	5
1.6. Changes to conditions.....	6
1.7. Privacy	6
1.8. Due Diligence, Audit and Compliance with Law.....	6

Important Note:

The Department is committed to ensuring that the overall objective, intent and expectations of the Business Hardship Package are met, and for that reason the Terms and Conditions of the Business Hardship Package 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 Business Hardship Package documentation. If you do not agree with any changes, then you may opt out of the Business Hardship Package by providing notice in writing to that effect to the Department.

Introduction

The Jobs Rescue and Recovery Plan Business Hardship Package ('Hardship Package') is an initiative to help Northern Territory businesses that have experienced significant hardship as a result of the coronavirus (COVID-19) pandemic.

The Hardship Package is the result of a once-off commitment of the NT Government to provide urgent relief to Northern Territory Businesses, including:

1. waiving or deferring payment of payroll tax;
2. reducing utilities bills;
3. providing incentives for commercial landlords to reduce rents;
4. reducing or deferring rates; and
5. other concessions from time to time as agreed to by the responsible Minister.

To access the Hardship Package, in addition to any other eligibility criteria of the Relevant Authority administering components of the Hardship Package, Eligible Businesses must be able to demonstrate, as a pre-requisite, they have experienced significant hardship.

Businesses will be able to apply for inclusion on the Business Hardship Register which will allow access to the Hardship Package.

Applications for the Business Hardship Register and Package open on 1 May 2020 at 9am.

The Hardship Package will be in place until 1 July 2021.

1. General

1.1. Objectives

To expedite assessment of eligibility for the Hardship Package, the Department has developed the Business Hardship Register.

Businesses able to demonstrate they have experienced significant Hardship may apply to be listed on the Business Hardship Register. Once an Eligible Business has been placed on the Business Hardship Register they will receive a Business Hardship Certificate. Eligible Businesses may then approach Relevant Authorities administering the Hardship Package and the Relevant Authority will recognise the Certificate (as presented by the Eligible Business) as confirmation of hardship for the purpose of accessing relevant concessions under the Hardship Package.

The Hardship Package is available to an Eligible Business on the Business Hardship Register in addition to other support, including the broader Jobs Rescue and Recovery Plan, the Tourism Resilience Package and other Commonwealth and NT Government initiatives.

Note that if a business opts out of the Business Hardship Package, or is found to be ineligible (whether as a result of an Audit or otherwise), its Business Hardship Certificate will be revoked and it will cease to be entitled to any of the Business Hardship Package benefits (such as payroll tax relief and reduced utilities bills).

1.2. Definitions

Audit means the Department's right to check original documents and undertake inspections of the books of account of an Eligible Business upon giving the Eligible Business reasonable notice, as well as make enquiries of any other Northern Territory Government Department to ascertain compliance with any laws of the Territory relevant to the Eligible Business.

Business Hardship Register is a register of all businesses assessed as an Eligible Business, to be used by a Relevant Authority to assist Eligible Businesses to apply for the Hardship Package.

Business Hardship Certificate is a certificate that will be issued by the Department to an Eligible Business to confirm that it has been included on the Business Hardship Register.

Department means the Northern Territory Government, Department of Industry, Tourism and Trade.

An Eligible Business:

- is a legal entity and holds a valid Australian Business Number (ABN) as at 23 March 2020; and
- is a Territory Enterprise; and
- is not a Government agency, Government owned body, statutory corporation, or local government body; and
- has an annual turnover of no more than \$50 million; and
- meets the eligibility criteria at Section 1.5.

Hardship means the business has suffered a reduction in Turnover of 30 per cent or more as a result of the Coronavirus (COVID-19) pandemic.

Regulated Utilities Price means the regulated tariffs as set out in Pricing Orders issued under the *Electricity Reform Act 2000* and the *Water Supply and Sewerage Services Act 2000* with effect from 1 April 2020.

Relevant Authority means the Northern Territory Government agency, Local Government body, utilities retailer or any other entity that may provide concessions under the Hardship Package.

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

- operating in the Northern Territory - the enterprise is or would normally be 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 the gross ordinary income received by the Eligible Business for the relevant period, and, for the avoidance of doubt, includes any amounts received from a State, Territory or the Commonwealth Government (including, but not limited to, JobKeeper payments).

1.3. How to Apply for the Business Hardship Register

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 and other information for Eligible Businesses will be available online at businessrecovery.nt.gov.au and applications will open on Friday 1 May 2020 at 9am.

1.4. Eligibility criteria and processes

1.4.1. Eligibility

To be entered on the Business Hardship Register, the business must be an Eligible Business.

1.4.2. Application process

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

- Follow the link to start a new online application (if you have already applied and been approved and are seeking an extension, you do not need to complete a new online application – See Clause 1.5)
- Fill out the required details and upload required documents
- Submit application

1.5. Business Hardship Register eligibility criteria

The following criteria will be used to assess applications to be included as an Eligible Business on the Business Hardship Register:

- The business is able to evidence a reduction in Turnover of more than 30 percent in February 2021 in comparison to February 2020.

- If the business is a commercial landlord, is able to evidence a reduction in Turnover of more than 30 percent **and** that it has negotiated in good faith with all of its tenants for rent relief in line with the [Mandatory Code of Conduct](#)¹ for commercial tenancies, agreed to by National Cabinet.

Applications from businesses that meet the intent and principles, but which are outside the parameters set out here, will be assessed on a case-by-case basis.

The Business Hardship Package has been extended until 1 July 2021. Businesses that are still experiencing hardship after 30 September 2020 will need to contact the department via email at hardshipregister@nt.gov.au and provide evidence of continued reduction in turnover.

1.6. Changes to conditions

The Department reserves the right to:

- vary these terms and conditions, the eligibility criteria or any other documented rule or procedure relating to the Business Hardship Register at any time;
- accept or reject any application for participation in the Business Hardship Register in its absolute discretion;
- revoke an Eligible Business' Business Hardship Certificate at any time, including as a result of Audit or otherwise;
- cease the Business Hardship Register at any time should Northern Territory Government policy change.

1.7. Privacy

When applying to be listed on the Business Hardship Register, a business may be required to provide personal information that will be used to assess its eligibility, including conducting due diligence. Where a business is eligible, personal information collected by the Department may be stored on the Business Hardship Register and used for the purpose of administering the Business Hardship Register and issuing Business Hardship Certificates. Personal information will only be disclosed to Relevant Authorities administering the Relief Package, only to the extent required.

The Department has a legal obligation under the *Information Act (NT)* not to disclose personal information other than for the primary purpose for which it was collected, unless otherwise agreed to, or authorised by law.

The Department will handle personal information in accordance with its [Privacy Policy](#)² which outlines how a person can access or seek to correct personal information, or lodge a complaint about a breach of the Northern Territory's Privacy Principles. To access or find out more about how the Department manages your personal information, contact the Privacy Officer at the Department of Trade, Business and Innovation, via GPO Box 3200, Darwin, NT 0801, or by telephoning (08) 8999 1792 or emailing Centralrecords.DTBI@nt.gov.au.

1.8. Due Diligence, Audit and Compliance with Law

¹ <https://www.pm.gov.au/sites/default/files/files/national-cabinet-mandatory-code-ofconduct-sme-commercial-leasing-principles.pdf> ² <https://business.nt.gov.au/publications/policies/privacy-policy>

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

Businesses applying for registration on the Business Hardship Register acknowledge:

- (a) that the Department will conduct such due diligence enquiries on Eligible Businesses as it sees fit in order to ensure integrity of the Business Hardship Register and Business Hardship Package. 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, searches of the courts and/ or the trustee in bankruptcy, and obtaining information from other Northern Territory Government Departments. Where the Department requires the Eligible Business to provide authority to a third party to release information about the Business, the Business is required to do so as a condition of being entered on the Register; and
- (b) that it is a condition of the Business Hardship Register that Eligible Businesses comply with all relevant laws, and, without limitation, that Eligible Businesses 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 Business Hardship Register and Hardship Package ends.

By applying to participate in the Business Hardship Register, Eligible Businesses 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.

The foregoing does not fetter the ability of other Northern Territory Government agencies, Government Owned Corporations, Local Government Authorities, or other relevant entities from conducting due diligence, audits or other compliance activity as may be required to assess eligibility for or compliance with one or more of the assistance schemes mentioned in these terms and conditions.