

Tourism Survival Fund

Terms and Conditions

Effective 13 October 2021

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All participants 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 purpose of the Tourism Survival Fund ('Fund') is to support touring companies, professional conference organisers, businesses with a focus on exhibition booth builds and eligible attractions who have experienced mass cancellations due to restrictions put in place by interstate governments on travel.

The Fund is available for sectors that have been impacted the most, and in particular, that have suffered a loss of peak season 2021 revenue due to their high reliance on international and interstate traveller markets. The Fund is offered in addition to the Territory Tourism Voucher scheme, Summer Sale incentive program and marketing funding for Central Australia as funded by the Australian and NT Governments.

1. Objective

In recognition of the devastating financial impact interstate lockdowns and other restrictions have had on tourism in the NT, including lost visitor expenditure, the Northern Territory Government has developed a multi-pronged approach to support the Territory's tourism industry. The Tourism Survival Fund has been introduced specifically to assist businesses in the sector which have not benefitted from the Territory Tourism Voucher scheme.

2. Definitions

Approved Purpose means the meeting of fixed business costs and/or for the purpose of staff retention (ie for payment of or towards the payment of wages to employees) as the case may be.

Audit or Spot Audit means the Department's right to check original documents and undertake onsite inspections of property from which a recipient of grant/s from the Fund operates. As a condition of being registered to participate in the Fund, the Eligible Recipient 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. Participants should note that Audits may be carried out by Tourism NT in place of, or as well as, the Department.

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

Eligible Attraction means a business that is supported by the Australian Government's Zoos and Aquariums support package, being Alice Springs Reptile Centre, Crocodylus Park and Crocosaurus Cove as at the commencement date of the Fund.

An Eligible Recipient:

- a) is a Territory Enterprise; and
- b) held a valid Australian Business Number (ABN) and was registered for Goods and Services Tax (GST) as at 1 July 2019; and
- c) is a Touring Company, a Professional Conference Organiser or an Eligible Attraction; and
- d) is actively trading with an annual turnover of more than \$75,000 and less than \$10 million; and
- e) has had to temporarily cease or significantly reduce trading (ie. suffers a drop of 30% or more in turnover for 1-31 July 2021 as compared to the same period in 2019) as a direct result of the downturn in visitor numbers to the Northern Territory (whether because of government imposed restrictions or not); and

- f) is listed on the Australian Tourism Data Warehouse (ATDW) or has applied for a listing; and
- g) does not have an outstanding debt due and payable to Tourism NT or the Northern Territory Government.

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.

The Department will decide in its absolute discretion whether an applicant is an Eligible Recipient.

Excluded Recipients are businesses that have already received (or are expected to receive on approval of a current application) support through either the Arts and Culture COVID-19 Interruption Support Package or the Visitation Reliant Small Business Support Program.

Professional Conference Organiser means a business whose revenue is earned solely from fees received for the organisation of business conferences and/or exhibitions held at venues in the Northern Territory (including businesses whose sole revenue is earned from the building of exhibition booths).

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.

Touring Company means an Eligible Recipient that provides tours to leisure travellers or the domestic education market via any means of conveyance including by air, over land or water, and including tag-along tours.

Turnover means all ordinary gross revenue earned by the business in the ordinary conduct of its operations.

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 support and other information for applicants will be available online at businessrecovery.nt.gov.au from 9am on 27 August 2021.

4. Eligibility criteria and processes – Eligible Recipient

4.1 Eligibility

To obtain grant/s from the Fund, the business must be an Eligible Recipient. Sole traders as well as corporations are eligible to apply.

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:

1. Follow the link to start a new online application
2. Fill out the required details and upload required documents, which will include details of trading turnover for the periods:
 1. 1-31 July 2019
 2. 1-31 July 2021
 3. 1 July 2018 – 30 June 2019
3. Submit application

4.3 Declaration as to facts of application

The Recipient must complete the declaration which states, among other things:

- That any facts in relation to the applicant's Turnover are true and correct in every particular and will remain true and correct for the period of participation in the Fund;
- That monies granted from the Fund will be used solely for the Approved Purpose/s;
- that monies granted from the Fund will not be provided to a Related entity in whole or in part;
- that the Recipient will obtain and maintain all legally required permits and certifications, will otherwise comply with all applicable regulations and make copies available to the department if requested; and
- 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](https://businessrecovery.nt.gov.au/contacts) (<https://businessrecovery.nt.gov.au/contacts>) and a response will be provided within three to five business days.

4.4 Fund principles

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

- Adequate documented evidence of impact on the business of travel cancellations, in particular in relation to Turnover, staffing levels and fixed costs of the business; and
- Provision of other appropriate evidence to support the application to the Fund.

5. What support is available

Eligible Recipients will be able to receive the following one-off, scaled payment based on their annual pre-COVID Turnover:

| Pre-COVID Turnover (2018-19) | One-off payment |
|--|-----------------|
| From \$75,000 and up to \$250,000 Turnover | \$5,000 |
| From \$250,001 up and to \$1 million Turnover | \$10,000 |
| From \$1,000,001 and up to \$5 million Turnover | \$20,000 |
| From \$5,000,001 and up to \$10 million Turnover | \$30,000 |

6. Audit of information

The Department or Tourism NT 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.

7. Goods and Services Tax

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

8. 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. All purchasing and payment decisions carried out by a Recipient are entirely at its own risk in all things.

9. 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.

10. 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:

- i. storing information, including personal information (such as names and personal contact details);
- ii. using the information, including personal information for the purposes mentioned under the paragraph above;
- iii. transferring some of this information, including personal information, outside of the Northern Territory (but not outside Australia) for the purpose storing it; and
- iv. 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.

11. Due diligence, audit and compliance with law

All Recipients acknowledge:

- 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 an Eligible Recipient, 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
- 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.

12. 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 at 9am on 27 August 2021 and the Fund will close either at 5pm on 31 October 2021, when grant monies are fully committed, whichever is sooner, or when the Northern Territory Government decides to close it.

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