

# GUIDELINES

## Live Performance Support Program - Presenters

### COVID-19 assistance to businesses

#### Program Summary

The *Live Performance Support Program* provides grants to eligible businesses that have been impacted with the cancellation or postponement of events as a result of May-June 2021 circuit breaker action.

These guidelines are for *Live Performance Support Program – Presenters* stream that supports presenters of live performance events. The estimated cost of this stream is \$7 million.

Information on *Live Performance Support Program - Suppliers* can be found [here](#).

#### 1 Standard Eligibility Criteria

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

- a) be located within Victoria<sup>1</sup>;
- 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>);
- c) be the 'Presenter' of a 'Live Performance Event' that meets the definition in Section 7 of this document that was scheduled to take place between 11:59pm on 27 May 2021 and 11:59pm on 24 June 2021 and was cancelled due to the circuit breaker action that commenced at 11.59pm on 27 May 2021;
- d) have incurred unrecoverable costs<sup>3</sup> as a result of the circuit breaker action greater than \$7,000 for the Live Performance Event that is the subject of the application; and
- e) be registered for Goods and Services Tax (GST) on 27 May 2021<sup>4</sup>;
- f) hold an Australian Business Number (ABN) registered in Victoria and have held that ABN at 27 May 2021;
- g) be trading solvently at the time of application;

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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: performance or other contract cancellations, booking cancellations, event marketing costs, utilities, wages, paid leave for staff unable to attend work, rent or the loss of perishable good or any other unrecoverable costs related to the cancelled Live Performance Event due 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> 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.

- h) be registered with the responsible Federal or State regulator<sup>5</sup>; and
- i) agree to gain consent from the key Contracted Suppliers for the cancelled event to give the following business details in the application: name and ABN

And if it is an employing business<sup>6</sup>, it must also -

- j) be registered with WorkSafe Victoria<sup>7</sup>
- k) have an annual Victorian payroll of up to \$10 million in 2019-20 on an ungrouped basis
- l) 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 Demonstration of eligibility

- 2.1 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).
- 2.2 Details of the cancelled event including event name, scheduled date/s and number of live performances included as part of the event, venue name and address, number of people expected to attend and website and/or social media page.
- 2.3 Evidence of unrecoverable key costs, each application must include up to three attachments showing evidence of unrecoverable costs, for example, ticket reimbursement, paid marketing and advertising costs or a contractual obligation related to the cancelled event.
- 2.4 Details of key suppliers contracted to supply goods and/or services for the event: name of the business and ABN. See section 7 for the definition of a 'Contracted Supplier'. Up to 10 different suppliers may be noted in the application.
- 2.5 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.
- 2.6 Identity Documents: Applicants must provide details of a current proof of identity document. This must be one of the following:

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<sup>5</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.

<sup>6</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>7</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.

- 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.

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>8</sup>.

- 2.7 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.

### 3 Available funding

- 3.1 Businesses may apply for assistance under the Program whether or not they have received assistance through the Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs.
- 3.2 The total value of a grant available to applicants **who have not** received funding through BCAP2 or LHVf is \$7,000.
- 3.3 Subject to section 3.4, the total value of a grant available to applicants **who have** received funding through BCAP2 or LHVf is \$3,500.
- 3.4 The minimum support available to an eligible business under the Live Performance Support Program that has also received support through BCAP2 or LHVf is \$7,000, including the value of BCAP2 or LHVf<sup>9</sup>.
- 3.5 Businesses successful in receiving support under the following 2021 circuit breaker action programs may be entitled to a grant no higher than the maximum amount for which the business is eligible under any one of those programs:
- Independent Cinema Support Program
  - Impacted Public Event Support Program
  - Sustainable Event Business Program

### 4 Funding use

- 4.1 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.

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<sup>8</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>9</sup> For example, if a business previously received \$2,500 under BCAP2 it may be eligible to receive a further \$4,500 under this program. If a business previously received \$7,000 under the LHVf or \$5,000 under BCAP2, it may be eligible to receive a further \$3,500 under this program.

## 5 Assessment Process

- 5.1 Funding will be allocated through a grant application process.
- 5.2 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>
- 5.3 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).
- 5.4 Businesses must ensure that their ABN registration information is current and accurate as at the time of application.
- 5.5 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>.
- 5.6 Only final applications that are lodged with the Department will be considered and assessed, and applications in draft stage will not be considered.

## 6 Compliance and Audit

- 6.1 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.
- 6.2 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.

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<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.

## 7 Definitions

- 7.1 A “**Live Performance Event**” is an event able to be attended by members of the public and that is:
- a) planned for, and delivered on a specific date/s;
  - b) intended for a live, in-person audience;
  - c) accessed by a member of the public by transaction, such as by the issue of a ticket in advance or on arrival at the venue;
  - d) that may be indoor or outdoor
  - e) created for a paying audience of at least 200 people, either at a single performance or across repeat performances, days or a season.

A Live Performance Event presents creative/cultural content and may include but is not limited to music, singing, theatre, opera, dance, comedy or arena event. For the purposes of this program, it does not include sporting, business or educational events.

- 7.2 A “**Presenter**” is a person or organisation:
- a) with the right to hold, cancel, re-schedule, collect the proceeds from ticket sales, and/ or re-locate a given Live Performance Event(s). The Presenter could be a range of possible entities, including a producer, promoter, venue owner or artist promoting their own show;
  - b) but not a Government owned or funded organisation.
- 7.3 A “**Contracted Supplier**” to a Live Performance Event is a business:
- a) whose primary activity is the provision of featured or advertised performance and/or appearance; or ancillary goods and/or services to support delivery of a Live Performance Event. Contracted suppliers may include performers, crew, venues, merchandise sellers, technicians and engineers;
  - b) that had entered into a contract to supply goods and services to a cancelled live performance event.

## 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 15 business days from close of the Program. 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 event
  - 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 the date the Program funds are exhausted or 11.59pm on Friday 16 July 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.