

Live Performance Support Program (Presenters) Round Two

Program Summary

The *Live Performance Support Program (Presenters) Round Two* provides grants to eligible businesses that have been impacted by the cancellation or postponement of events as a result of May-June 2021 circuit breaker action commencing 11:59 pm on 27 May 2021 and subsequent lockdown that commenced at 11.59pm on 15 July 2021.

The *Live Performance Support Program (Presenters) Round Two* extends support for Presenters of Live Performance Events. Note that eligibility and requirements differ from the *Live Performance Support Program (Presenters) Round One*, which closed on 16 July 2021.

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

1 Standard Eligibility Criteria

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

- a) be located within Victoria¹;
- b) hold an Australian Business Number (ABN) registered in Victoria and held that ABN on and from 27 May 2021;
- c) be the 'Presenter' of a 'Live Performance Event' that meets the definition in Section 7 of this document that was scheduled take place between 11:59pm on 27 May 2021 and 11:59pm on 2 September 2021 and was unable to proceed due to lockdown or COVID-19 health restrictions that commenced on or after 11.59pm on 27 May 2021;
- d) Have incurred losses and/or unrecoverable costs² as a result of the COVID-19 lockdown or health restrictions equal to or greater than the amount applied for in respect of each Live Performance Event that is the subject of the application (either \$7,000 or \$5,000³ for one and an additional \$5,000 for a second event where applicable).
- e) be registered for Goods and Services Tax (GST) on 27 May 2021⁴;
- f) be trading solvently at the time of application;

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

² 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 goods or any other unrecoverable costs related to the cancelled Live Performance Event due to the May-June 2021 circuit breaker action and subsequent COVID19 restrictions to 2 September, 2021. 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.

³ The value of the grant for one event will depend on the level of losses or costs incurred. If the Presenter incurred losses and costs of between \$5,000 and \$6,999 (ex GST) the grant amount is \$5,000. If the Presenter incurred losses and costs of \$7000 or more (ex GST), the grant amount is \$7,000. For the second event, the applicant must have incurred losses and/or costs of at least \$5,000 (ex GST).

⁴ 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.

- g) be registered with the responsible Federal or State regulator⁵; and
- h) gain consent from the key Contracted Suppliers for the affected event to give the following business details in the application: business name and ABN

And if it is an employing business⁶, it must also -

- i) be registered with WorkSafe Victoria⁷;
 - j) have an annual Victorian payroll of up to \$10 million in 2019-20 on an ungrouped basis; and
 - k) attest that the business is supporting its workers to access any paid leave entitlements, or to work from home during the COVID-19 lockdown or health restrictions, and supporting their casual workers, where possible.
- 1.2 Businesses that received a grant for a Live Performance Event under *Live Performance Support Program (Presenters) Round One* that closed 16 July 2021 are not eligible to apply for a grant in respect of the same event, but may apply for one additional event (Event Two at para 3.4 - \$5000 grant) under this Program.

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 after 2 September 2021. 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 affected event/s 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 losses and/or unrecoverable costs, each application must include up to three attachments showing evidence of losses and/or unrecoverable costs, for example, ticket reimbursement, paid marketing and advertising costs or a contractual obligation related to the affected event. In the case of contracts, these could include written agreement, agreement via email or text or verbal agreement where the parties, on request from the Department, could attest to this in a Statutory Declaration.
- 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.

⁵ 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.

⁶ 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'.

⁷ 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.

- 2.5 **Identity Documents:** Applicants must provide details of a current proof of identity document. This must be one of the following:
- Driver licence or learner permit (issued by any Australian state or territory)
 - Medicare Card
 - Pensioner Concession Card
 - Health Care Card
 - Australian passport
 - Australian visa
 - International passport.
- 2.6 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 business⁸.
- 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 closing date, the application will not be considered by the Department for this Program.

3 Available funding

- 3.1 Subject to paragraph 1.2, a business as defined by its ABN can apply for a grant for up to two Live Performance Events.
- 3.2 Applicants can apply for either \$7,000 or \$5,000 for one event, and a further \$5,000 for a second event.
- 3.3 **Applications being made for one event (Event One)**
- 3.3.1 Applicants can apply for a grant of either:
- a) **\$7,000** where the business incurred losses and/or unrecoverable costs in respect of Event One of \$7000 or more; **or**
 - b) **\$5,000** where the business incurred losses and/or unrecoverable costs in respect of Event One of between \$5000 and \$6999.
- 3.3.2 The total value of a grant available to a business for Event One which has received no funding through BCAP2⁹ **or** LHVF21¹⁰ is \$7,000 or \$5,000 depending on eligibility under 3.3.1.
- 3.3.3 Subject to section 3.3.4. where the business has received prior funding through BCAP2 **or** LHVF21, the grant amount for Event One will be \$3,500.

⁸ 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.

⁹ Business Costs Assistant Program Round Two (May to June 2021) [excluding top-up or July extension]

¹⁰ Liquor Hospitality Venue Fund 21 (May to June 2021) [excluding top-up or July extension]

3.3.4 The minimum support available to an eligible business under this program that has also received support through BCAP2 or LHVF21 is \$7,000, including the amount of the grant(s) received under BCAP2 or LHVF21.¹¹.

3.4 Applications made for a second event (Event Two)

3.4.1 The total value of a grant available to a business for Event Two is \$5,000.

3.5 The losses and/or unrecoverable costs evidenced for a grant under this *Live Performance Support Program (Presenters) Round Two* must be new costs incurred only in relation to the events the subject of this application, and not in relation to any funding received under *Live Performance Support Program (Presenters) Round One*. The losses and/or unrecoverable costs evidenced in respect of Event One must be unique to Event One, and separately incurred and accounted for from those in respect of Event Two.

3.6 Businesses successful in receiving support under the following 2021 circuit breaker action programs may be entitled to a *Live Performance Support Program (Presenters) Round Two* 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

3.7 Businesses may apply for assistance under the Program whether or not they have received assistance through previous lockdown or Circuit Breaker programs (prior to 27 May 2021), the Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs.

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.

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)

¹¹ For example, if a business previously received \$2,500 under BCAP2 it may be eligible to receive a further \$4,500 under this program for Event One. If a business previously received \$7,000 under the LVHF21 or \$5,000 under BCAP2, it may be eligible to receive a further \$3,500 for Event One under this program.

including the Victorian State Revenue Office, WorkSafe Victoria, the Australian Business Register and the Commonwealth Department of Home Affairs.¹²

- 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 an application has been made 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.

7 Definitions

- 7.1 A “**Live Performance Event**” is an event able to be attended by members of the public that is:
- a) Planned and announced to be delivered on a specific date/s;
 - b) intended for a live, in-person audience;
 - c) held indoor or outdoor

¹² 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.

- d) created for an audience of at least 75 people or, in the case of a performance that is repeated across multiple days or a season at the same location, a minimum aggregate audience of 200.

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, private or educational events, whether or not creative/cultural content is included.

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 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 a contract to supply goods and services to a live performance event that was unable to proceed due to the lockdown or other COVID-19 health restrictions that commenced on or after 11.59pm on 27 May 2021. This contract could be in the form of a written agreement, agreement via email or text or verbal agreement where the parties, if requested by the Department, could attest to this in a Statutory Declaration.

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
- relies on a final outcome of an application under a different program.

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 Wednesday 8 September 2021, whichever is earlier.
- 9.2 Applicants are required to submit an application online via the Business Victoria website (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 or contact the Business Victoria Hotline at 13 22 15.