

# GUIDELINES

## Business Costs Assistance Program Round Four - Construction COVID-19 assistance to businesses

### Program Summary

The Victorian Government's Business Costs Assistance Program Round Four - Construction (BCAP4-C) assists eligible construction sector businesses affected by the 2-week shutdown for the period 21 September 2021 to 4 October 2021.

The Program is open to businesses that have not previously received funding through other Victorian Government COVID-19 programs, such as the Business Costs Assistance Program Round Two (BCAP2) or Small Business Covid Hardship Fund.

Non-employing businesses will receive a \$2000 grant and employing businesses will receive grants ranging from \$2800 to \$8400 depending on their payroll size.

### 1 Standard Eligibility Criteria

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

- a) hold an Australian Business Number (ABN) and have held that ABN on and from 24 September 2021 and be registered with the responsible Federal or State regulator<sup>1</sup>;
- b) operate a business location in Victoria<sup>2</sup>;
- c) be registered for Goods and Services Tax (GST) on and from 24 September 2021<sup>3</sup>;
- d) have an annual Victorian payroll of \$10 million or less in 2019-20 on an ungrouped basis;
- e) 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'

<sup>1</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. Businesses that backdate their ABN registration or re-activate an ABN after 24 September will not be eligible.

<sup>2</sup> Victorian business location may be confirmed through premises listed in ABN information on the Australian Business Register (ABR) and workplace addresses registered with WorkSafe, and applicants may be requested to demonstrate location and operation if required.

<sup>3</sup> A business or enterprise must be registered for GST on and from 24 September 2021. Businesses that backdate their GST registration date will not be eligible.

ABN)<sup>4</sup>;

- f) have been contracted (prior to the restriction period being announced) to undertake, or supply workers to undertake, work at an impacted construction site located in the following areas shut down due to COVID restrictions announced 20 September 2021<sup>5</sup> including:
  - 1. Local Government Areas (LGAs) in metropolitan Melbourne
  - 2. City of Greater Geelong
  - 3. Mitchell Shire, and
  - 4. Surf Coast Shire
- g) have been unable to operate the business or provide services remotely at the contracted work site during the restricted period;
- h) incurred direct costs because of the health restrictions in effect from 21 September to 4 October 2021, that have not been and will not be partially or fully recovered or otherwise reimbursed<sup>7</sup>;

For employing businesses:<sup>8</sup>

- i) be registered for WorkCover with WorkSafe Victoria<sup>9</sup>
- j) attest that the business supported its workers to access any paid leave entitlements during the construction sector shutdown, and supported their casual workers, where possible.

For non-employing businesses

- k) the business owner must hold a Construction Induction Training Card obtained in Victoria (also known as a “White Card” “Red Card” or “Ticket”) or interstate equivalent issued by a comparable authority in another Australian state or territory.

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<sup>4</sup> See Section 3.2 of these guidelines.

<sup>5</sup> The Workplace (Additional Industry Obligations) Directions (Nos. 44, 45 and 46) (Directions) which came into force at 11.59pm on 21 September 2021 and end at 11:59pm on 4 October 2021 or as varied (COVID restricted period)

<sup>6</sup> Businesses with multiple affected construction sites may only apply for one grant.

<sup>7</sup> For example contract penalties, equipment rental, wages, paid leave for staff unable to attend work or any other direct costs affecting the operation of the business related to COVID-19 restrictions. These costs may have been incurred prior to, on or after 20 September 2021, but must be costs incurred only in relation to the construction sector shutdown. The costs must be incurred by the applying business, as defined by its ABN [must be used in the application].

<sup>8</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>9</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

## 2 Other eligibility conditions

- 2.1 Businesses undertaking construction work at Fully Exempt State Critical Infrastructure Projects are not eligible for a grant.<sup>10</sup>
- 2.2 Businesses undertaking exempt construction work at shutdown construction sites are not eligible for a grant.<sup>11</sup>
- 2.3 Businesses will not be eligible to receive a Business Costs Assistance Program Round Four – Construction grant if they have received support under any of the following programs:
  - Business Costs Assistance Program Round Two
  - Business Costs Assistance Program Round Two July Extension
  - Small Business COVID Hardship Fund.
- 2.4 If an eligible business has previously applied for support under programs listed above and has not received an outcome on assessment, it will be eligible for the grant that provides the higher amount should the business be assessed as being eligible for more than one.

## 3 Demonstration of eligibility

- 3.1 Applicants must attest that the business meets the eligibility criteria at the time of application and has remained trading following the construction sector shutdown. 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).
- 3.2 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 the business's ABN registration correctly captures the primary business activity.
- 3.3 WorkSafe: Employing businesses must provide a WorkCover Employer Number (WEN) or WorkSafe Application Reference Number (WRN). Non-employing businesses must give the Construction Induction Training Card obtained in Victoria (also known as a "White Card" "Red Card" or "Ticket") or interstate equivalent issued by a comparable authority in another Australian state or territory, number of the business owner and provide a copy of the Card.
- 3.4 Construction site location: Applicants must provide the address of the impacted work site address in an eligible area.

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<sup>10</sup> See the Fully Exempt State Critical Infrastructure List at: [Construction Sector Guidance at coronavirus.vic.gov.au](https://www.coronavirus.vic.gov.au/construction-sector-guidance)

<sup>11</sup> Exempt activities are set out in the Directions and include activities critical for critical and essential infrastructure health or public safety reasons; safety and essential maintenance works; water, sewer, water treatment, electricity and gas supply and transmission and distribution projects

- 3.5 **Identity Documents:** 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>12</sup>

The person applying must provide details of a current proof of identity document. This must be one of the following:

- 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.

- 3.6 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.

#### 4 Available funding

- 4.1 The determination of whether a business is an employing business is based on registration with WorkSafe Victoria.
- 4.2 For employing businesses, the payment amount will be based on the annual payroll size for 2019-20 as advised by the State Revenue Office (SRO).<sup>13</sup>
- 4.3 An eligible business as defined by its ABN can only receive one grant under the Program.<sup>14</sup>
- 4.4 The following grant amounts are available depending on payroll size:

2019-20 Payroll Size	Grant amount
Non-employing business	\$2,000
Payroll below \$650,000	\$2,800
Payroll between \$650,000 and less than \$3 million	\$5,600
Payroll between \$3 and \$10 million	\$8,400

#### 5 Funding use

- 5.1 Grant funds must be used to assist the business, for example on:
- meeting business costs, including utilities, wages or rent;

<sup>12</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>13</sup> If the business' payroll status can not be verified for 2019-2020, 2020-21 information may be reviewed and/or further evidence may be requested.

<sup>14</sup> Where the eligible business operates as a trust, the business eligible for the grant must be described by the ABN of the trust, not the ABN of the trustee.

- seeking financial, legal or other advice to support business continuity planning; or
- any other supporting activities related to the operation of the business.

## 6 Application and Assessment Process

- 6.1 The person making the application must be a person identified on the Australian Business Register as owner, co-owner, associate or authorised contact of the applicant business.
- 6.2 Funding will be allocated through a grant application process.
- 6.3 Businesses must ensure that their ABN registration information is current and accurate at the time of application.
- 6.4 As part of the assessment process, any information provided by Applicants may be shared and subject to verification with other government agencies (state and federal) including the Australian Taxation Office, Victorian State Revenue Office, WorkSafe Victoria, the Australian Business Register and the Commonwealth Department of Home Affairs.<sup>15</sup>
- 6.5 Any of the following circumstances may be taken into consideration in any decision whether to award a grant:
  - duplicate applications by a trustee and a trust;
  - fraudulent amendments to public registers describing the business;
  - 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).
- 6.6 Each application will be carefully considered and assessed against the eligibility criteria. The Department's decisions on all matters pertaining to the award of funding under this Program is at the Department's absolute discretion.
- 6.7 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>.
- 6.8 Only final applications that are lodged with the Department will be considered and assessed. Applications in draft stage will not be considered.

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<sup>15</sup> DJPR is not responsible for any delays caused by third party validation of an Applicant's eligibility. By making an application the Applicant consents to the assessment and verification process.

## 7 Payment Processing

- 7.1 Grants to successful applicants will be paid into the bank account nominated on the application form.

## 8 Compliance and Audit

- 8.1 Applications may be subject to audit by the Victorian Government, its representatives or the relevant Auditor-General and applicants will be required to produce evidence, such as a contract for works on the impacted construction site during the relevant period and evidence of direct costs incurred and not recovered or reimbursed, at the request of the Victorian Government for a period of four years after the grant has been approved.
- 8.2 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.

## 9 Notification of Funding Outcome

- 9.1 DJPR will endeavour to notify all Applicants of the outcome of their complete application within eight weeks of the Program close date. There may be delays in notification of the outcome of the application if it:
- does not meet the eligibility criteria;
  - is incomplete;
  - is a duplicate application for the same business;
  - 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.
  - requires further information to verify or validate the claim for funding.

## 10 Other information about this Program

- 10.1 DJPR reserves the right to amend these guidelines and application terms at any time as it deems appropriate.

## 11 Closing date and how to apply

- 11.1 The Program will be open for applications until program funds are exhausted or **11:59pm Tuesday 9 November 2021**, whichever is earlier.
- 11.2 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 the requested information must be provided to ensure timely assessment and payment of the grant, if successful.

11.3 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.