

GUIDELINES

Independent Cinema Support Program

COVID-19 assistance to businesses

Program Summary

The *Independent Cinema 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.

The estimated cost of this stream is \$0.9 million.

1 Standard Eligibility Criteria

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

- a) be located within Victoria¹;
- b) be registered as operating an independent cinema in Victoria within the ANZSIC class code of 5513 (as defined by the ANZSIC class linked to the business' ABN²);
- c) be registered for Goods and Services Tax (GST) on 27 May 2021³;
- d) hold an Australian Business Number (ABN) registered in Victoria and have held that ABN at 27 May 2021;
- e) be trading solvently at the time of application;
- f) be registered with the responsible Federal or State regulator⁴; and
- g) have incurred direct costs and loss of income greater than \$12,000 because of the circuit breaker action and restrictions that commenced in Victoria at 11.59pm on 27 May 2021.

If an employing business⁵

- a) be registered with WorkSafe Victoria⁶
- b) have an annual Victorian payroll of up to \$10 million in 2019-20 on an ungrouped basis

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

² 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.

³ 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.

⁴ 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.

⁵ 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'.

⁶ 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.

- c) 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 Other Eligibility Conditions

- 2.1 Eligible cinema applicants must:
 - be privately owned, based in Victoria; and
 - operate one or more cinemas in Victoria, as the primary activity of the business.
- 2.2 Businesses that have received assistance through the Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs may apply for assistance under the Program.

3 Demonstration of eligibility

- 3.1 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).
- 3.2 Industry sector: To be eligible, the Applicant must be operating an independent cinema in Victoria. 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.
- 3.3 Identity Documents: Applicants 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.

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 business⁷.

- 3.4 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.

4 Available funding

- 4.1 The total value of a grant available to each applicant is \$12,000 per cinema premises and not per screen or auditorium.

⁷ 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.

- 4.2 Businesses must apply for each premises for which they are seeking funding.
- 4.3 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 programs⁸:
- Live Performance Event Program - Suppliers
 - Independent Cinema Support Program
 - Impacted Public Event Support Program
 - Sustainable Event Business Program
 - Licensed Hospitality Venue Fund (2021)
 - Business Costs Assistance Program Round 2.

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;
 - 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.

6 Assessment Process

- 6.1 Funding will be allocated through a grant application process.
- 6.2 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.⁹
- 6.3 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).
- 6.4 Businesses must ensure that their ABN registration information is current and accurate as at the time of application.
- 6.5 Each application will be carefully considered and assessed against the eligibility criteria. If an unsuccessful Applicant considers that their application has been

⁸ For example, if an applicant is awarded a Business Costs Assistance Program Round 2 Grant of \$5,000, the maximum that would be paid under this program would be \$7,000 for the first eligible venue and \$12,000 for any subsequent eligible venue).

⁹ 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.

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>.

- 6.6 Only final applications that are lodged with the Department will be considered and assessed, and applications in draft stage will not be considered.

7 Definitions

- 7.1 A “cinema” is a venue primarily used to exhibit films for public entertainment, and where entry is transactional, with the issue of a ticket in advance or on arrival at the venue.

8 Compliance and Audit

- 8.1 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.
- 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 Other information about this Program

- 9.1 DJPR reserves the right to amend these guidelines and application terms at any time as it deems appropriate.
- 9.2 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
 - 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.

10 Closing date and how to apply

- 10.1 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
- 10.2 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.

10.3 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.