

Business Hardship Register - 2.0

Terms and Conditions

Effective 5 March 2022

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Important Note:

The Department is committed to ensuring that the overall objective, intent and expectations of the Business Hardship Register are met. For that reason, the Terms and Conditions of the Business Hardship Register are subject to change without notice. It is your responsibility to check the Department's website frequently for notifications about changes that may have been made to the Terms and Conditions or any other aspect of Business Hardship Register documentation. If you do not agree with any changes, you may opt out of the Business Hardship Register by providing notice in writing, to that effect, to the Department.

Introduction

The Business Hardship Package ('Hardship Package') is an initiative to help Northern Territory businesses that have experienced significant hardship as a result of the omicron strain of the coronavirus (COVID-19) pandemic.

The Hardship Package is the result of the continued commitment of the NT Government to provide urgent relief to eligible Northern Territory Businesses across all sectors. The Hardship Package provides this support through a:

1. Business Hardship Grant payment to qualifying businesses;
2. waiver of payroll tax (for payroll below \$5 million) for January 2022 to March 2022 payroll tax return periods; and
3. reduction in regulated utility charges by 30% for January 2022 to March 2022

To access the Hardship Package, Eligible Businesses must be able to demonstrate, as a pre-requisite, they have experienced significant hardship as a result of the coronavirus (COVID-19).

Businesses will be able to apply for inclusion on the Business Hardship Register which will allow access to the Hardship Package, including the Business Hardship Grant payment.

Businesses should apply only once to the Business Hardship Register. Businesses with **multiple locations** will be able to add their business locations that are under the same ABN, to the one application. Should an Eligible Business have multiple locations, the Business Hardship certificate enables the business to claim the reduction of regulated utilities for each location.

1. The **Business Hardship Grant** provides direct support with a one-off payment for eligible small business as follows:

Type of business	One-off payment per business
Business with no employees other than the owner, including sole traders	\$1,000
Business employing at least one person other than the owner	\$3,000

Businesses with multiple locations and/or trading names under one ABN will only receive the Business Hardship Grant payment once.

2. The **Business Hardship Grant Top up Payment** provides additional support to eligible businesses with an annual turnover between \$75,000 and \$2 million for the 20/21 financial year through a one-off top up payment. The one-off payment will be scaled depending on the type of business and the % decline in turnover as determined in Clause 3.3, as follows:

Type of business	One-off top up payment per business where decline in turnover is between 40% and 60%	One-off top up payment per business where decline in turnover is 60% or more
Business with no employees other than the owner, including sole traders	\$1,000	\$2,000
Business employing at least one person other than the owner	\$3,000	\$6,000

Businesses with multiple locations and/or trading names under one ABN will only receive the Business Hardship Grant top up payment once.

Note: Businesses do not need to re-apply for the Business Hardship Grant top up payment, as payments will be made to all approved businesses based on their submitted application.

3. The **payroll tax waiver** measure provides eligible small businesses support through the waiver of payroll tax for 3 months (January 2022 to March 2022) for payroll below \$5 million.
4. The **reduction of regulated utilities** charges provides eligible small business support through the reduction in regulated utility tariffs of 30% for 3 months (January 2022 to March 2022).

Applications open on 7 February 2022 at 10am.

Applications close on 21 March 2022 at 5pm, or such time as determined by the Department (refer to Clause 4).

1. General

1.1. Objectives

Businesses able to demonstrate they have experienced significant Hardship may apply to be listed on the Business Hardship Register. Once an Eligible Business has been placed on the Business Hardship Register they will receive a Business Hardship Certificate.

Eligible Businesses may then approach Relevant Authorities administering the Business Hardship Package and the Relevant Authority will recognise the Certificate (as presented by the Eligible Business) as confirmation of hardship for the purpose of accessing relevant concessions under the Hardship Package for the Eligible Period.

Note that if a business opts out of the Business Hardship Register, or is found to be ineligible (whether as a result of an Audit or otherwise), its Business Hardship Certificate will be revoked and it will cease to be entitled to any of the Business Hardship Package benefits (such as payroll tax relief and reduced utilities bills).

1.2. Definitions

Audit means the Department's right to check original documents and undertake inspections of the books or account of an Eligible Business upon giving the Eligible Business reasonable notice, as well as make enquiries of any other Northern Territory Government Department to ascertain compliance with any laws of the Territory relevant to the Eligible Business.

Business Hardship Register is a register of all businesses assessed as an Eligible Business, to be used by a Relevant Authority to assist Eligible Businesses to apply for the Business Hardship Package.

Business Hardship Certificate is a certificate that will be issued by the Department to an Eligible Business to confirm that it has been included on the Business Hardship Register.

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

An Eligible Business:

- holds a valid Australian Business Number (ABN) as at 31 January 2022; and
- is a Territory Enterprise; and
- actively trading for 12 months or more as at 31 January 2022; and
- is not a Government agency, Government owned body, statutory corporation, or local government body; and
- has an annual turnover of more than \$75 000 and no more than \$10 million for the 20/21 financial year; and
- meets the eligibility criteria at Section 3.

Eligible Period means the period that the business is eligible to the concessions of the Business Hardship Register.

- Eligible period for payroll tax waiver and reduction of regulated utilities is January 2022 to March 2022

Hardship means the business has suffered a reduction in Turnover of 40% or more as a result of the Coronavirus (COVID-19) pandemic.

Regulated Utilities Price means the regulated tariffs as set out in Pricing Orders issued under the *Electricity Reform Act 2000* and the *Water Supply and Sewerage Services Act 2000* for the Eligible Period.

Relevant Authority means the Northern Territory Government agency, Local Government body, utilities retailer or any other entity that may provide concessions under the Hardship Package.

Territory Enterprise is a business that satisfies all of the following:

- operating in the Northern Territory - the enterprise is or would normally be 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.

Turnover means the gross ordinary income received by the Eligible Business for the relevant period, and, for the avoidance of doubt, includes any amounts received from a State, Territory or the Commonwealth Governments (including, but not limited to, JobKeeper payments).

2. How to apply for the Business Hardship Register

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 and other information for Eligible Businesses will be available online at nt.gov.au/industry/business-grants-funding.

Applications will open on **7 February 2022** at 10am.

3. Eligibility criteria and processes

3.1. Eligibility

To be entered on the Business Hardship Register, the business must be an Eligible Business.

3.2. Application process

In order to apply, go to nt.gov.au/industry/business-grants-funding and follow the links to fill out the online form and upload the required supporting documentation, as per below steps:

- Follow the link to start a new online application
- Fill out the required details and upload supporting documents.
- Submit application

3.3. Business Hardship Register eligibility criteria

The following criteria will be used to assess applications to be included as an Eligible Business on the Business Hardship Register:

- The business is able to evidence a reduction in turnover of 40% or more as a result of the coronavirus (COVID-19) pandemic.
- Business that were actively trading before December 2019 must demonstrate a 40% reduction in turnover to the business by providing evidence against one of the following:
 - Turnover from December 2019 against December 2021; or
 - Turnover from January 2020 against January 2022; or
 - Turnover between December 2019 and January 2020 against turnover between December 2021 and January 2022
- Business that do not fit in the above criteria but were actively trading for 12 months or more as at 31 January 2022 who can demonstrate a 40% reduction in turnover to the business by providing evidence against one of the following:

- Turnover from December 2020 against December 2021; or
- Turnover from January 2021 against January 2022; or
- Turnover between December 2020 and January 2021 against turnover between December 2021 and January 2022

4. Changes to conditions

The Department reserves the right to:

- vary these terms and conditions, the eligibility criteria or any other documented rule or procedure relating to the Hardship Register at any time;
- accept or reject any application for participation in the Business Hardship Package, including the Hardship Register in its absolute discretion;
- revoke an Eligible Business' Business Hardship Certificate at any time, including as a result of Audit or otherwise;
- cease the Hardship Package, including the Business Hardship Register at any time should Northern Territory Government policy change.

5. Privacy

In this section, a reference to “you” is a reference to a participant and/or business (eligible or otherwise).

In this section, a reference to “Program” is a reference to the Business Hardship Package and/or registration on the Business Hardship Register.

The Department is bound by the *Information Act 2002 (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 Policy](#)¹ and by providing information to the Department under the Program, Businesses and Recipients agree to the following Privacy Statement:

Information collected as part of the Program application process is collected in accordance with the Program's terms and conditions and for the purposes of assessing participant eligibility, audit; monitoring; evaluation; and reporting.

By applying to participate in the Program, you consent to the Northern Territory Government:

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

¹ <https://industry.nt.gov.au/publications/business/policies/privacy-policy>

- (d) 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.

6. Due Diligence, Audit and Compliance with Law

In this section, a reference to "Program" is a reference to the Business Hardship Package and/or registration on the Business Hardship Register.

All businesses applying for the Program acknowledge:

- (a) that the Department will conduct such due diligence enquiries as it sees fit in order to ensure integrity of the Program 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 a Business, related property or other assets, onsite inspections of any business premises, searches of the courts and/ or the trustee in bankruptcy, and obtaining information from other Northern Territory Government departments.
- (b) where the Department requires the Business to provide authority to a third party to release information about the Business, the Business is required to do so as a condition of being entered on the Register; and
- (c) that it is a condition of participation in the Program that Businesses and Recipients comply with all relevant laws, including the *Payroll Tax Act 2009* and *Taxation Administration Act 2007* and, without limitation, that Businesses ensure they are aware of their obligations under the *Independent Commissioner Against Corruption Act 2017* (the Act) 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 Program ends.

By applying to participate in the Program, Businesses 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.

The foregoing does not fetter the ability of other Northern Territory Government agencies, Government Owned Corporations, Local Government Authorities, or other relevant entities from conducting due diligence, audits or other compliance activity as may be required to assess eligibility for or compliance with one or more of the assistance schemes mentioned in these terms and conditions.

7. Mandatory vaccine requirements

It is a further condition of this agreement that the Mandatory Vaccination Requirements (COVID 19) – Version 1 at [Government contracts: COVID-19 mandatory vaccination requirements²](#), which condition is incorporated by reference with the same force and effect as though fully set out in this document.

² <https://nt.gov.au/industry/procurement/understanding-the-rules/conditions-contract/covid-19-mandatory-requirements>