



LIVE MUSIC AND EVENT CANCELLATION FUND GUIDELINES

TURNING UP LIVE MUSIC IN SA.

OCTOBER 2022



**Government of
South Australia**

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1. Introduction

The South Australian Government has outlined a clear set of priorities for the live music and events industry, and a framework for assistance that will provide a much-needed boost following the devastating impacts of COVID-19 on the music and performing arts sector.

This funding support forms part of the South Australian Government's broad \$10 million plan, which also includes supporting major live music events during the pandemic, getting performers back up on stage, returning live music to the Royal Show, mental health support, and venue improvements grants.

The Department of Treasury and Finance (DTF), working together with the Department for Industry, Innovation and Science (DIIS), has established and will administer the Live Music and Event Cancellation Fund (the Fund).

The Fund aims to provide certainty to South Australia's live music and events industry by introducing funding support for event organisers of major events.

Under the Fund, event organisers can seek financial assistance of between \$10,000 and \$250,000 if a major ticketed event is cancelled or rescheduled as a result of the introduction of new COVID-19 health restrictions by either the South Australian Government or the Australian Government. The Fund seeks to limit associated financial losses by assisting event organisers with legitimately incurred costs and expenses directly associated with the cancelled or rescheduled event.

Applications for financial assistance from the Fund may only be made if either the South Australian or Australian governments introduce New COVID-19 Restrictions that may result in an Event Organiser suffering losses as a result of a COVID-19 Incident.

Before applying, potential applicants must read and understand these guidelines to determine their eligibility and suitability. The Fund will be available until 30 June 2023 or until \$5 million has been approved to be provided to successful applicants.

2. Eligibility criteria

2.1 Who is eligible to apply?

To be eligible to apply for financial assistance from the Fund, an applicant must be:

- a non-government business:
 - with a principal activity of promoting and financing the delivery of an Event in South Australia; or
 - who organises and owns the rights to the Event;
- (“**Event Organiser**”)
- based in Australia and have an active Australian Business Number (ABN); and
 - registered for Goods and Services Tax (GST) at the scheduled time of the **Event**.

2.2 Who is not eligible to apply?

- Local councils and local government associations
- Instrumentalities of the Crown in Right of South Australia
- Australian Government entities

2.3 What types of events may be eligible?

To be eligible for financial assistance from the Fund, the planned **Event** must be:

- a major ticketed event delivering a program of entertainment to more than 5000 people**
- able to be attended by members of the public
- planned to be held in South Australia at an indoor or outdoor venue
- scheduled to take place between 1 July 2022 and 30 June 2023
- well-planned and organised, and readily demonstrating rigorous business and COVID-19 risk management planning, financial management, including keeping of financial records, administration and event management practices.

Examples of eligible Events include live music, festivals, the Beer and BBQ Festival, Homebrew, Winter Reds, Van Gogh Alive or Illuminate.

** Consideration may be given, on a case by case basis, to major ticketed events for less than 5000 people (but no less than 1000 people).

2.4 What types of events are ineligible?

Examples of events that would not be eligible for financial assistance from the Fund include sporting, business, private or educational events.

2.5 What is an eligible incident?

A COVID-19 Incident may arise if the South Australian Government or the Australian Government introduce New COVID-19 Restrictions after 19 June 2022 which:

- force the Event Organiser to cancel or reschedule an Event; or
- require the patron capacity of an Event to be reduced by 50 per cent or more, which results in the Event Organiser deciding to cancel or reschedule the Event.

An Event Organiser suffering financial losses as a result of a COVID-19 Incident may be eligible to apply to the Fund for financial assistance to reduce those financial losses.

“New COVID-19 Restrictions” means South Australian or Australian Government COVID-19 related health restrictions introduced which are more restrictive than COVID-19 health restrictions in force as at 19 June 2022, such as [the Emergency Management \(COVID-19 Requirements\) \(Consolidated Measures\) Direction 2022](#).

Consideration may be given to introduction of equivalent health restrictions by other states and territories of Australia.

2.6 What is an eligible financial loss?

Applicants can seek financial assistance from the Fund for eligible losses from \$10,000 up to \$250,000 incurred as a result of a COVID-19 Incident.

Eligible losses for a cancelled or rescheduled Event are costs and expenses that have been reasonably incurred in organising the Event, and which cannot be recovered or reapplied by the applicant. The eligible costs and expenses must be directly associated with the Event and may include:

- costs directly associated with promoting, staging, organising and holding the Event
- additional costs directly associated with having to postpone, reschedule and reorganise the Event.

For example, an eligible loss may include the Event Organiser's reasonable costs that cannot be recovered or refunded, including:

- deposits for artist appearance fees and travel costs
- cancellation fees
- hire fees for event venue and equipment
- works carried out by contractors with a contract to supply goods and services to an Event, including performers, crew, venue providers, merchandise sellers, technicians and engineers
- suppliers of non-reusable or perishable goods that cannot be reapplied or repurposed
- marketing and communications costs
- administration and/or processing fees associated with the refund of tickets
- incremental employee or staff costs relating specifically to hours worked on the Event.

Applicants will be expected to prioritise payments for employee benefits for hours worked, and South Australian-based contractors for production services and supplies provided for the Event.

Losses that **will not be eligible for financial assistance** include, but are not limited to:

- loss of revenue, lack of ticket sales or any other forgone, variable benefits from holding the Event
- non-cash expenses including depreciation, amortisation or opportunity costs
- any amount incurred in respect of the application to the Fund for assistance
- a loss that is eligible for a claim against the applicant's policy of insurance
- a loss in respect of which the applicant otherwise is entitled to claim reimbursement or funding from other South Australian or Australian Government sources
- purchase of goods or other assets that can be repurposed
- operational expenditure items determined by the South Australian Government as usual or direct business operational costs, including employee wages and salaries not directly relating to organising or holding the Event.

3. Application, assessment, approval and payment

3.1 Applications

If either the South Australian or Australian Governments introduce New COVID-19 Restrictions that result in Event Organisers suffering losses, applications under the Fund are to be made by online form, available via <https://business.sa.gov.au/live-music/cancellation-fund>.

Applications should be submitted no later than 30 days after a COVID-19 Incident.

The online application form asks questions that relate to the eligibility criteria. The amount of detail provided in the application should be relative to the Event size, complexity and assistance amount being requested.

Applicants may be required to provide (including, but not limited to):

- applicant's legal entity detail (name, ACN, ABN)
- contact information
- the Event detail (name, dates, location, costs, actual and forecast ticket sales)
- estimate of losses
- a declaration that no insurance claim has been paid or is payable by an insurer with respect to the same COVID-19 Incident and losses claimed
- a declaration detailing any financial assistance, paid or payable to the applicant, from other South Australian or Australian Government sources in respect of:
 - operational funding, insurance or investment
 - the Event
 - the same COVID-19 Incident and losses claimed.

3.2 Assessment

Applications that meet eligibility criteria may be contacted by the Department of Treasury and Finance, South Australian Government Financing Authority (“**SAFA**”) to provide additional information and/or supporting evidence. Such additional information and/or supporting evidence may include:

- corporate structure and business ownership detail
- financial statements
- event cash flow forecast
- evidence that the Event was well-planned, including business, event and risk management, and COVID-19 risk mitigation for the Event
- loss detail (amount, supporting calculations, invoices/receipts, bank statements, amount of employee benefits incurred, costs incurred in respect of South Australian-based contractors for production services and supplies provided for the Event, etc.)
- evidence that the applicant has taken steps to mitigate the amount of the loss since the New COVID-19 Restrictions were introduced
- event insurance documents
- any relevant permits and/or licences required for the Event
- any further information reasonably required by SAFA.

The timeframes involved in the application process depend on several factors, including the assistance amount requested, the quality of the applications and the complexity of the required evaluation and assessment.

3.3 Approval

An assessment panel conducted by DIIS and DTF will evaluate applications against the eligibility criteria and the following criteria:

- Good planning: demonstration that the Event was well planned.
- Financial responsibility: demonstration that the financial information provided is realistic and reasonable.

In recommending the amount of the financial assistance, the assessment panel may consider factors including, but not limited to:

- the applicant's aggregate financial loss incurred, claimed, and evidenced – applicants will be expected to prioritise payments for employee benefits for hours worked, and contractors for production services and supplies provided for the Event
- savings the applicant could achieve to mitigate the losses
- the dates that the costs and expenses were incurred, Event scheduling and the introduction of the New COVID-19 Restrictions
- any financial assistance, paid or payable to the applicant, from other South Australian or Australian Government sources in respect of:
 - operational funding, insurance or investment
 - the Event
 - the same COVID-19 Incident and losses claimed.

The assessment panel will also consider the aggregate applications received by the Fund and the remaining available financial assistance in the Fund.

If an application is recommended for assistance, it will be sent to the Treasurer of South Australia ("**Treasurer**") or a delegated representative to consider approving the assistance.

An applicant will not be notified of the assessment panel's decision until it is reviewed, noted and/or approved by the Treasurer or delegated representative.

The final decision to approve financial assistance is at the sole discretion of the Treasurer or delegated representative. There is no obligation to approve any assistance under the Fund.

SAFA will at the earliest opportunity inform an applicant of the Treasurer's decision to approve or not approve the assistance.

3.4 Payment

Successful applicants to the Fund will receive a single, ex-gratia payment.

To receive payment, an approved applicant will be required to sign a Discharge and Release (or such other agreement determined by the South Australian Government) that stipulates any and all conditions of payment.

4. Additional information

- 4.1 The South Australian Government reserves the right to amend these Guidelines and application terms as required.
- 4.2 Any information contained in, or relating to, an application or conditions of payment entered into, including information identified by an applicant as confidential information for the purposes of applying for and/or receiving funding under the Fund, may be disclosed by the Department of Treasury and Finance (DTF) and the Department for Industry, Innovation and Science (DIIS):
- to employees, advisers or third parties in order to manage the Fund (including, but not limited to, for the purposes of evaluating and assessing the applications and administering payments)
 - within the South Australian Government where this serves the legitimate interest of DTF and DIIS
 - in response to a request by a House or Committee of the Parliament of the Commonwealth of Australia or South Australia
 - where information is authorised or required by law to be disclosed, and under [Premier and Cabinet Circular \(PC\) 027 – Disclosure of Government Contracts](#))
 - where the information is already in the public domain.
- 4.3 DTF and DIIS do not provide any advice on tax and recommend that recipients of financial assistance under the Fund seek independent professional advice on their taxation obligations.

Live Music and Event Cancellation Fund Guidelines

Information current as of July 2022

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Disclaimer

The information contained in these guidelines and/or FAQs is for general information purposes and is provided in good faith. The Department of Treasury and Finance (DTF) and the Department for Industry, Innovation and Science (DIIS) reserves the right to amend these guidelines, the FAQs and application terms as required. DTF and DIIS and its employees do not warrant or make any representation regarding the use, or results of the use, of the information contained herein as regards to its correctness, accuracy, reliability and currency or otherwise. DTF and DIIS and its employees expressly disclaim all liability or responsibility to any person using the information or advice.

Enquiries

For all enquiries in relation to the Live Music and Event Cancellation Fund please contact: safaindustryassistance@sa.gov.au.

For all enquires in relation to the See It LIVE program please contact the **MDO Grant Hotline** on (08) 7320 3309.