

Lender Guide

Show Starter Loan Scheme

| 11:59pm Australian Eastern Standard Time (AEST) on 30 September 2027 |
|---|
| Department of the Treasury |
| Department of the Treasury |
| If you have any questions, call 1800 020 008 and ask for the Programs and Redress Unit, or email SMElenderguarantee@treasury.gov.au |
| 23 March 2025 |
| |

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1. Show Starter Loan Scheme processes

Lenders (you) submitted an Expression of Interest

The Department of the Treasury considered and approved expression of interests from Lenders seeking to participate in the Show Starter Loan Scheme (the Scheme).



You entered into a Participating Lender Agreement

You signed a Participating Lender Agreement, agreeing to the Australian Government Show Starter Loan Scheme Rules (Scheme Rules) and the Deed of Guarantee.



You approved loans to eligible borrowers

You approved loans to eligible borrowers under the Scheme Rules and provided the details of each Scheme-Backed Loan to the Australian Prudential Regulation Authority (APRA).



A Claim Trigger occurs on a Scheme-Backed Loan

A Claim Trigger occurs in respect of a Scheme-Backed Loan as defined in rule 1.3 of the Scheme Rules. This Lender Guide explains how you complete and submit a Claim when a Claim Trigger has occurred in respect of a Scheme-Backed Loan.



You complete and submit a Claim for a Scheme-Backed Loan

You email us to receive the Claim Form. We will email you the Claim Form along with a link to SigBox, to securely upload and send all information as part of the Claim.

You must submit a separate Claim form for each Scheme-Backed Loan. Each Claim must comply with the Scheme Rules and include the information specified in this Lender Guide.



We assess your Claim

We assess each claim against the eligibility criteria outlined in this Lender Guide which reflects the Scheme Rules. We will ask you for more information if required.



We approve or dispute your Claim

If we assess your Claim as eligible, we will confirm the guarantee amount in your Claim and seek approval from the Treasury Delegate to pay you that amount.

If we dispute your Claim, we will contact you to explain the reason and provide you opportunity to re-submit or clarify the information you provided.



Compliance

We will use a standardised assessment framework to ensure we apply a consistent approach to the assessment of Claims.



The Scheme closes

You have until 11:59pm 30 September 2027 to make a claim. After this date, the Scheme will close.



Submission of your Account for Reconciliation

After the Scheme has closed and the Treasury Delegate has approved all your Claims, you will be required to submit your Account detailing the Net Amount Payable as per rule 10.2(a) of the Scheme Rules.

You must submit your Account no later than six (6) months after the Final Claim Date: 11:59pm AEDT on 31 March 2028.



Reconciliation of Claim payments

The Commonwealth will assess your Account to ensure it is calculated correctly as per rule 10.5 of the Scheme Rules.



Final settlements

Following the outcome of the reconciliation, any amounts determined payable will be made within 30 business days following the receipt of your account.

Please note, you may be required to submit a further account detailing the Net Amount Payable to the Commonwealth by 31 March 2029 as per rule 10.2(b) of the Scheme Rules. The Commonwealth will advise you in writing if this is required.

2. Show Starter Loan Scheme

The Show Starter Loan Scheme (the Scheme) supported the flow of credit to eligible Small and Medium Enterprises (SMEs) that were affected by the economic effects of the Coronavirus Pandemic.

Across the economy, Arts and Entertainment Entities were facing challenges due to disrupted cashflow and difficulties in organising Arts and Entertainment Activities.

The Scheme opened on 18 November 2020 and supported up to \$90 million of lending to SMEs. This was intended to assist creative economy businesses to access financing for new productions and events, and to stimulate job creation and economic activity.

Under the Scheme, the Australian Government (the Government) provided a guarantee of 100 per cent to approved Lenders for new eligible loans.

The Department of the Treasury (Treasury) is responsible for the administration of the Scheme.

Treasury will administer the Scheme according to the Legislative framework, the <u>Deed of Guarantee</u>, the <u>Scheme Rules</u> and this Lender Guide. Treasury may update this Lender Guide if required.

This Lender Guide sets out:

- the Claim eligibility criteria
- the Claims process
- how Claims are assessed
- compliance and reconciliation activities
- conflicts of interest
- how we use information
- how to contact us

Terms defined in the Scheme Rules have the same meaning in this Lender Guide unless otherwise defined.

Key terms used in this Lender Guide are defined in section 12.

3. Scheme Guarantee Overview

You were able to provide loans under the Scheme to eligible borrowers from 18 November 2020 to 30 June 2021. These loans were backed by a 100% guarantee.

For the loan to be an Eligible Loan it must have been issued to an Eligible Borrower (defined in rule 3.1 of the Scheme Rules) and satisfy the criteria of rule 3.2 of the Scheme Rules.

4. Claim Procedure

4.1. Lender eligibility to submit a Claim

You can make a Claim under the Scheme if you are:

- a Lender that has entered in a Participating Lender Agreement with the Commonwealth, or that has been assigned Scheme-Backed Loans through a Permitted Transfer under the Scheme, or
- a Representative (as defined in rule 1.3 the Scheme Rules) appointed by the Lender to act on its behalf (with the Claim to be submitted in the name of the Lender) provided the Participating Lender Agreement was current at the time the Scheme-Backed Loan was issued.

4.2. What is a valid claim?

Your Claim is valid if it meets the requirements specified in rule 10.1 (subject to Rule 10.5 'Reconciliation of Claim Payments') of the Scheme Rules.

5. How to make a claim

Before you make a Claim, you should read this Lender Guide and the Scheme Rules to make sure you include all the information we need to assess your claim.

If you intend to have a Representative submitting a Claim on your behalf, you should notify us in accordance with the Scheme Rules (see definition at Rule 1.2). We will keep a record of this arrangement. A failure to notify us of these arrangements could delay the processing of your applications.

5.1. The Claim form and related information

When you are ready to submit a claim, you must email us to receive the Claim form and a SigBox link. SigBox is a secure file sharing platform and must be used to upload the Claim form and all supporting information as outlined in section 5.2 of this Lender Guide.

The information will cover a range of matters such as, but not limited to:

- demonstrating that the loan was issued to an Eligible Borrower;
- a Claim Trigger occurred;
- recovery action was pursued: for secured loans or unsecured loans with a personal/director's guarantee, you will be asked whether you have called upon security taken or the guarantee (or intend to do so), what you may have already recovered, and if possible, an estimation of the likely amount to be recovered and the timeframes associated with the process; and
- the correct calculation of your losses (and subsequent Guaranteed Liability) which you are claiming.

You are responsible for making sure your Claim is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code Act 1995* (Cth). If we determine that you have provided false or misleading information, we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 1800 020 008 and ask for the Programs

and Redress Unit or email <u>SMElenderguarantee@treasury.gov.au</u>. If we find an error or information that is missing during the assessment process, we may ask you for clarification or additional information.

If you need further guidance regarding the Claim process, or if you are unable to submit a Claim online, you can contact us on 1800 020 008 or email SMElenderguarantee@treasury.gov.au.

5.2. Attachments to the Claim

You must attach the following information with your Claim:

- copy of the signed loan agreement with the Eligible Borrower
- copy of document(s) relating to security taken (where applicable)
- copy of the SME Declaration that the total amount of the loan, when aggregated with the total
 amount of any of the same borrower's Scheme-Backed Loans from any other Participating Lender
 for the purpose of delivering the same New Arts Entertainment Activity (NAEA), does not exceed
 the maximum loan limit.
- evidence of the Claim Trigger
- evidence of the loss amount on the loan (at the date of Claim Trigger)
- evidence of Recovery Action and any Recovery Action costs incurred
- written confirmation every 6 months from the Loan Agreement Date until the delivery of the NAEA
 is complete or the loan is repaid from the Eligible Borrower that the loan is being used in a manner
 consistent with Rules 3.2(e) and (f) of the Scheme Rules, and the Notice of Eligibility
- any other information reasonably requested.

Examples of the type of documents to provide include:

Information Category Examples of documents Claim Trigger or breach of a loan Final account statement or balances identifying the loss use covenant. amount and recognition that the loan is impaired (or being closed off because it is impaired etc) Consistent with the Scheme Correspondence or 'final demand' or 'default' notices sent to Rules, you must apply your usual the SME regarding the final outstanding loss amount and Lender Policies as consistently advising the loan is impaired (or considered to be impaired applied in recognising a Claim based on your usual Lender Policies for assessing impairment) Trigger. An Australian Financial Complaints Authority decision reflecting any write down or forgiveness of the amount of the Scheme-Backed Loan, indicating the loan is impaired. You must seek consent from the borrower prior to providing this document. If consent cannot be attained, you must provide a declaration attesting to the determination amount (which also satisfies indication that the loan is considered impaired, consistent with the Scheme Rules) Extract of your financial statements/accounts recognising the loss amount in expense statements or bad debts list etc.

| The loss amount on the loan | Same as above, with information identifying the loss amount you have incurred (at the date of the Claim Trigger) |
|--|--|
| Documents relating to any security taken | Loan schedules with details on the secured asset(s) and security arrangement(s) Security agreements with details on the secured asset(s) and security arrangement(s) Other agreements or formal documentation with details on the secured asset(s) and security arrangement(s) Documentation demonstrating the initiation or implementation of recovery action on the secured asset(s) and security arrangement(s). Extract of your financial statements/accounts demonstrating the amount you have recovered. |

You must attach supporting information with your application in line with instructions provided within the Claim form. You should only attach documents that will aid in assessing the claim made.

6. How we assess

We will check the details you provide, including the SME borrower details, SME loan details, and loan amounts against the APRA report entry. Where required, we will liaise with APRA to check your application response. We will only pay you for a complete, valid, and approved Claim.

We will use a standardised assessment framework to assess your Claim/s. If we find that your Claim is missing information, or if we identify any errors, we will ask you for more information or clarification in writing.

6.1. Who will approve or dispute Claims?

If we assess your Claim as eligible, it will be sent to the Treasury Delegate to approve the payment of the Claim amount.

The Treasury Delegate will decide on matters, including:

- the eligibility of the Claim
- the Claim guarantee amount to be awarded.

If we dispute your Claim (under rule 10.4 of the Scheme Rules), we will contact you in writing to explain the reason and provide you opportunity to re-submit information or provide clarification. Please note that a Claim may be rejected after all reasonable endeavours have been made to assess the eligibility of the Claim. If your claim is rejected, you will be emailed a letter by the Treasury Delegate confirming this outcome.

6.2. How we pay you

We pay you by Real Time Gross Settlement into your nominated bank account.

7. Compliance activities

We will use a standardised assessment framework to assess your Claim/s. We will review your Claim form and associated information. We may liaise with APRA to check the details in your Claim. If your Claim is incomplete or in dispute, we will ask you for more information or clarification in writing.

If you cannot clarify or provide the information requested to the satisfaction of the Commonwealth, we may consider your Claim as invalid or incomplete and the Treasury Delegate may reject your Claim.

The Scheme Rules also permit the Commonwealth to request an audit of your activities under the Scheme following consultation with you. Audit requirements are set out in rule 6 of the Scheme Rules and must test a reasonable statistical sample of the Scheme-Backed Loans. We will assist the auditors by giving them access to claims and evidence you have previously submitted to us.

8. Reconciliation

As per rule 10.2(a) of the Scheme Rules, you must submit an Account detailing the Net Amount Payable no later than six (6) months after the Final Claim Date - 31 March 2028. You may also be required to submit a second account no later than 31 March 2029 if requested by the Government (as per rule 10.2(b) of the Scheme Rules).

We will assess your account is calculated correctly as per rule 10.5 of the Scheme Rules. Following the outcome of the reconciliation, any amounts determined payable will be made within 30 business days following the receipt of your account.

We will provide detailed information on the reconciliation process as part of the Scheme administration in FY2027/28.

9. Conflicts of interest

Any conflicts of interest could affect the performance of the Scheme. There may be a conflict of interest, or perceived conflict of interest, if you or any of your personnel have a professional, commercial, or personal relationship with a party who is able to influence the approval process, such as an Australian Government officer, including officials at Treasury or APRA.

As part of your Claim, we will ask you to declare any perceived or existing conflicts of interests or confirm that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform us in writing immediately.

Conflicts of interest for Australian Government staff are handled by the <u>Public Service Code of Conduct (Section 13(7))1</u> contained in the *Public Service Act 1999* (Cth). Committee members and other officials including the decision maker must also declare any conflicts of interest.

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¹ https://www.legislation.gov.au/Details/C2019C00057

10. How we use your information

Unless the information you provide to us is:

- confidential information as per section 10.1, or
- personal information as per section 10.2,

we may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring, and evaluation of Australian Government programs
- for research.

10.1. How we handle your confidential information

We will treat the information you give us as confidential if it meets any of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

For avoidance of doubt, information originating from and about an Eligible Borrower will be treated as confidential if it meets the above conditions.

10.2. How we use your personal information

We will treat your personal information, including that of an Eligible Borrower, according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, and other Commonwealth employees and contractors, so we can administer and manage the Scheme.

You may read our <u>Privacy Policy</u>² on the Treasury's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

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² https://treasury.gov.au/privacy-policy

10.3. Freedom of information

All documents in the possession of the Australian Government, including those about the Scheme, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

11. Enquiries and feedback

For further information or clarification, you can call 1800 020 008 and ask for the Programs and Redress Unit or email us at SMEguarantee@treasury.gov.au.

If you have a complaint, you can contact:

First Assistant Secretary
Financial System Division
The Treasury
Langton Crescent
PARKES ACT 2600

You can also contact the <u>Commonwealth Ombudsman</u>³ with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

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³ https://www.ombudsman.gov.au/

12. Definition of key terms

| Term | Definition |
|----------------------|---|
| AFCA | Australian Financial Complaints Authority |
| APRA | Australian Prudential Regulation Authority |
| Claim form | The online form to make a claim under the Show Starter Scheme |
| Claim | A valid claim made by a Participating Lender in respect of a Guaranteed Liability in accordance with the Claims Procedures |
| Eligible Loan | An Eligible Loan has the meaning given in Rule 3.2 of the Show Starter Scheme Rules |
| Loan is impaired | A loan is considered to be impaired once an Impairment Event as defined by the Show Starter Scheme Rules has occurred. |
| | An Impairment Event means either: a) a Participating Lender: i) recognising an impairment to a Scheme-Backed Loan; or ii) writing-off of a Scheme-Backed Loan, |
| | in accordance with Lender Policies as consistently applied in relation to all unsecured loans to SMEs of the Participating Lender (to the extent applicable to the relevant Scheme-Backed Loan); or |
| | b) any write down or forgiveness of the amount of any Scheme- Backed Loan in accordance with a decision of the Australian Financial Complaints Authority. |
| Personal information | Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is: |
| | Information or an opinion about an identified individual, or an individual who is reasonably identifiable: |
| | a) whether the information or opinion is true or not; andb) whether the information or opinion is recorded in a material form or not. |
| Treasury Delegate | Assistant Secretary, Regulators and Capital Markets Branch, Financial System Division |
| Scheme | The Show Starter Loan Scheme |

| Scheme Rules | The Australian Government Show Starter Loan Scheme – Scheme Rules dated 18 November 2020 |
|--------------|---|
| SME | A SME is an entity that meets both of the following criteria: a) the entity carries on a business or is a non-profit body during the current year (as defined in section 5 of the Cth Rules); and b) one or both of the following applies: (i) the entity's "annual turnover" (as defined in section 5 of the Cth Rules) in the 2019-20 income year was greater than \$1 million and less than \$120 million; (ii) the entity's "annual turnover" (as defined in section 5 of the Cth Rules) in the 2020-21 income year is likely to be greater than \$1 million and less than \$120 million. |

March 2025