



# Special Disaster Assistance (NSW Storms & Floods) Primary Producer Grants

## 1. About the program

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The objective of this assistance measure made under agreements between the Commonwealth and State Governments, is to support the recovery of [primary producers](#) impacted by the floods that occurred from 19 February 2021 and from 10 March 2021, across NSW.

The Special Disaster Assistance (Storms & Flood) Grants, provide a grant to [primary producers](#) to help pay for the costs of clean-up and reinstatement of [primary production enterprises](#) that have [suffered direct damage](#) as a result of the eligible disaster.

## 2. Available funding

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The maximum grant amount for clean-up, reinstatement activities and emergency measures, per affected property (subject to section 4), is \$75,000.

- 2.1 Where two or more independent and separately owned and registered [primary producers](#) operate from the same property, each [primary producer](#) may receive a maximum grant amount of \$75,000 providing applicants can demonstrate that:
  - They are independent and separately owned and registered with their own ABN from the other [primary producer\(s\)](#) on that property
  - they are eligible for the grant in their own right (including the requirement that they derive at least 50% of their gross income from the [primary production enterprise](#) stated in clause 3.1 b);
  - they are claiming for different expenses to the other [primary producer\(s\)](#) who are operating on the same property; and
  - the expenses that they are claiming are essential to the operation of their [primary production enterprise](#).
- 2.2 Funds of up to \$15,000 will be provided to eligible, approved applicants, without the need to provide invoices at the point of application. Such funds can be provided on the basis of quotes or estimates, noting that [evidence](#): eg [valid tax invoices](#) will be required in relation to that first \$15,000, if the applicant seeks funding from above \$15,000 to \$75,000.
- 2.3 Funds of between \$15,000 to \$75,000 will require [valid tax invoices](#) at the point at which claims are made.
- 2.4 All supporting documentation including tax invoices and receipts for claims must be submitted by the [closing date](#) as shown on the RAA website.
- 2.5 Should an initial application be less than the maximum grant amount, further applications may be submitted if additional expenditure is required to complete clean-up and reinstatement activities.

## 3. Eligibility criteria

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- 3.1 To be eligible for the grant, the applicant must:
  - a) be a [primary producer](#);
  - b) derive at least 50% of their gross income from the [primary production enterprise](#)
  - c) contributes a part of their labour to the [primary production enterprise](#)
  - d) hold an Australian Business Number (ABN) and have held that ABN at the time of the disaster;
  - e) have a [primary production enterprise](#) located in the [defined area](#) for the eligible disaster that has suffered [direct damage](#) as a result of the eligible disaster; and
  - f) have been engaged in carrying on the [primary production enterprise](#) when affected by the eligible disaster;



- g) have lodged an application by the closing date as advertised on the RAA website.
  - h) intend to *re-establish or continue* the *primary production enterprise*.
- 3.2 An applicant may also be eligible for a grant if all of the following apply:
- a) the applicant's *primary production enterprise* is located outside the *defined disaster area* for the eligible disaster but is carried on at least sometimes on a regular basis in the area; and
  - b) plant or equipment of the *primary production enterprise* situated in the *defined disaster area* has been damaged or livestock has died as a result of the eligible disaster.
  - c) The applicant derives at least 50 per cent of their total gross income from primary production and value-added products (eg wine) made directly from raw produce grown by the applicant.
- 3.3 Where an applicant's income from primary production is less than 50 per cent of their total income, the applicant may nonetheless be eligible for a grant if it can be demonstrated that:
- a) In the ordinary course of business the applicant would meet that requirement, but:
    - i. Their primary production income is currently reduced due to *seasonal conditions*; and/or
    - ii. Due to long lead times to full production, the applicant expects to earn such an amount of income within a three to eight year period, taking into account the nature of the industry.

## 4. Eligible separate businesses

- 4.1 Applicants who operate their *primary production enterprise* under a single ABN on separate properties in different locations may apply for assistance up to the maximum amount available for the eligible disaster for each eligible business.
- 4.2 Consideration of eligible separate *primary production enterprises* may cover:
- i. the staffing arrangements of the separate primary production enterprises;
  - ii. whether the *primary production enterprises* have their own plant, equipment or stock;
  - iii. the accounting arrangements of the separate *primary production enterprises*;
  - iv. whether the separate *primary production enterprises* operate under their own trading names;
  - v. the commercial scale, viability and autonomy of each *primary production enterprise*.

## 5. How funding may be used

- 5.1 Grants are provided to help pay for the costs of clean up, reinstatement activities and emergency measures associated with the immediate recovery of *primary production enterprises*. Eligible claims may cover:
- a) Hiring or leasing equipment or materials to clean premises, property or equipment.
  - b) Removing and disposing of debris, damaged goods, materials including injured or dead livestock.
  - c) Repairing or replacing fencing and/or other essential property infrastructure.
  - d) Purchasing and transporting fodder or feed for livestock.
  - e) Replacing livestock.
  - f) Replacing lost or damaged plants, salvaging crops, repairing or restoring fields.
  - g) Repairing, reconditioning or replacing essential plant or equipment.
  - h) Maintaining the health of livestock
  - i) Paying additional wages to an employee to assist with clean up work (above and beyond normal wage expenditure, ie. day-to-day staffing)
  - j) Repairing buildings (except dwellings, unless they are used for staff accommodation).



## 6. Exclusions

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- 6.1 Applicants will not be eligible for a grant, or part of a grant, if:
- the applicant has received, or has been approved to receive, financial assistance for costs associated with the items described in section 5, from another government assistance scheme.
  - the applicant is entitled to receive a payment under an insurance policy for costs directly associated with items from section 5, however the applicant may be eligible for a grant for the portion of costs that are not covered by their insurance, or for amounts in excess of the value insured.
  - the applicant already applied in relation to the same property.
- 6.2 The following costs are ineligible:
- Damage to dwellings.
  - Damages that are covered by insurance.
  - Own labour (including existing staff and own equipment).
  - Expansion projects, or for areas that were not in active production, however this should not prevent sensible preparation for future events.
  - Loss of income.

## 7. Application and claiming process

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- 7.1 Applicants should refer to the Rural Assistance Authority (RAA) website and complete an online application. Applicants should include quotes, estimates or invoices at that point, where available. [Primary producers](#) are not required to complete all expenditure before applying for a grant however invoices for completed work will be required prior to payment of any grant amount over \$15,000 (and up to the maximum of \$75,000).

## 8. Period for claiming

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- 8.1 Applications must be lodged by the [closing date](#) as advertised on the RAA website. All supporting documentation for claims must be submitted by the closing date.

## 9. Assessment

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- 9.1 Applications will be assessed against the eligibility criteria.
- 9.2 RAA reserves the right to request further information from you or from any business or individual you have engaged, to assist in assessing your application and to verify any information provided in your application. Failure to provide such information may result in RAA refusing your application.
- 9.3 RAA reserves the right to refuse an application where eligibility criteria are not met, or where the applicant does not or cannot provide sufficient information for the RAA to determine if eligibility criteria have been met.
- 9.4 Applications submitted may be subject to audit by RAA or its agents in order to determine compliance with scheme guidelines.
- 9.5 Complete applications will be assessed in order of receipt. Incomplete applications will not enter the assessment queue until all required information is provided.
- 9.6 Before applying for financial assistance under this program, applicants should seek advice from their legal, business or financial advisers about the tax implications of this financial assistance.
- 9.7 Applicants will be expected to provide a range of supporting documentation, including the latest local council rate notice; latest available Tax Return and Financial Statement for your farm business and complete copies of personal Tax Returns for each member of the farm business.
- 9.8 You should also include personal taxation returns for all beneficiaries of trusts and all Directors/Shareholders of a company where other entities are involved.



## 10. Important information

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- 10.1 These guidelines are correct at the time of publishing.
- 10.2 RAA reserves the right to amend, alter or change these guidelines at any time, and it is the responsibility of the applicant to ensure that they check the relevant website prior to application.
- 10.3 The guidelines that apply to your application will be the guidelines that are current at the time your application is received by RAA.
- 10.4 The Australian Government has made the grant assistance received under this scheme non-assessable, non-exempt income. Applicants do not pay tax on non-assessable, non-exempt income and do not include the amount when they work out their tax loss. Grant assistance received under this scheme is also not subject to GST.

## 11. Fraudulent claims

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- 11.1 By signing the claim form, you are declaring that the information provided in the application form and supporting documentation is true and accurate.
- 11.2 Providing inaccurate, untrue or misleading information may be a breach of criminal law for which serious penalties may apply.
- 11.3 If any information provided in an application or supporting documentation is found to be inaccurate, untrue or misleading, legal action may be taken against you, including action to recover the funds.
- 11.4 An application approval, or payment of a claim against an approved grant, may be delayed where:
  - assistance previously provided by this or any other related NSW government grant program can not be validated or
  - the outcome of relevant legal or validation actions may impact the decision to grant further assistance.

## 12. Submitting your application

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Please apply online at: <https://www.raa.nsw.gov.au/grants/disaster-recovery-grants>

If you need assistance with submitting your application, please contact us per below.

Phone: 1800 678 593

Email: [rural.assist@raa.nsw.gov.au](mailto:rural.assist@raa.nsw.gov.au)

If you have difficulty understanding these guidelines or completing the application form you should seek the assistance of your rural/financial counsellor, business advisor, accountant or a trusted family member/friend.

If you need assistance with interpreting or translating, please contact Multicultural NSW on 1300 651 500 or email [languageservices@multicultural.nsw.gov.au](mailto:languageservices@multicultural.nsw.gov.au).

**Applications received after the advertised application closing date cannot be accepted.**

**If you have any questions regarding your eligibility for the Special Disaster Assistance (Storms & Floods) grant, please contact the RAA on free call 1800 678 593 or visit [www.raa.nsw.gov.au](http://www.raa.nsw.gov.au).**

**Please call your nearest Rural Financial Counsellor on 1800 319 458 (Southern and Central NSW) or 1800 344 090 (Northern NSW) if you are in financial difficulty**



## 13. Definitions

**Direct damage** relates to physical damage that occurred as a result of the event. This means immediate damage caused by flood-waters at the time of the floods. The hazard can remain so long as flood waters remain. There is a distinction however, between clean-up activities that cause damage in themselves, and damage that occurs as a direct result of the floods. For example, a boat that is damaged during the floods or while flood waters remain high, would be covered. But a boat that is damaged during the recovery process, after flood-waters have receded, would not be covered.

**Defined disaster area** for an eligible disaster means the area that the appropriate Minister has defined for the purpose of activating the Disaster Recovery Funding Arrangements. These are shown on the RAA's website and in the table below.

**Evidence** can also consist of:

- a) Photographic evidence of damage incurred may also be sought, including details of:
  - Who took the photograph(s)
  - Where the photograph(s) was taken
  - The date on which the photograph was taken
  - An explanation of the damage that the photograph is intending to show.
- b) Insurance details including proof of insurance, and potentially pay out figures when audit is undertaken.

**Primary producer** means:

A sole trader who spends a part of their labour on, and derives the majority of their total gross income from a primary production enterprise (or can demonstrate the production potential to derive the majority of their income within eight years for those primary production enterprises that have long lead times to full production (eg. Orchards or vineyards).

In relation to a partnership, company or trust that carries on a primary production enterprise, the partners in the partnership, shareholders in the company or beneficiaries of the trust who spend a part of their labour on, and derive the majority of their total gross income from, the primary production enterprise (or can demonstrate the production potential to derive the majority of their income within eight years for those primary production enterprises that have long lead times to full production (eg. Orchards or vineyards).

**Primary production enterprise:**

- is carried on by a primary producer and involves primary production, as defined by the ANZSIC Code for Agriculture, Forestry & Fishing, but excludes activities from the ANZSIC Code that involve animals that are not bred for farm work, food or fibre; hunting and trapping activities; or agriculture, forestry and fishing support services.
- is registered for tax purposes in Australia with an Australian Business Number (ABN); and
- is not a public company under the meaning of the Corporations Act 2001 (Cth)

**Re-establish or continue** business - when considering this clause, the following will be taken into consideration:

- a) A business that is on the market at the time of the event can only claim for permanent capital infrastructure.
- b) A business that is put on the market after the event, may only claim for permanent capital infrastructure from the point the business is put on the market, and may not access any further funds from the point of exchange of contracts.
- c) A new owner that purchases the business after the event, will not be eligible for assistance. The owner at the time of the floods is the applicant that may apply and be considered for eligibility.

**Seasonal conditions:** a year or years where the primary production enterprise has not been adversely affected (financially) by drought, *natural disasters* or *biosecurity events* (like pest and disease). In reviewing past years, the objective is to determine whether there has been any one year in up to the past five years when the primary production enterprise has achieved more than 50% of its gross income from primary production.

**Valid tax invoice** means an invoice including the name, address and ABN (if applicable) of the entity that issued the invoice and a description of each item to which the invoice relates which is clearly identifiable as being related to approved expenditure for the applicant.



<b>Eligible disaster</b>	<b>Defined disaster area</b>
NSW Storms and Floods from 19 February 2021	Clarence Valley, Coffs Harbour, Kyogle, Lismore, Nambucca Valley, Port Macquarie-Hastings, Richmond Valley <i>Declared 26 April 2021</i>
NSW Storms and Floods from 10 March 2021	Armidale, Ballina, Bathurst, Bega Valley, Bellingen, Blacktown, Blue Mountains, Brewarrina, Byron, Cabonne, Camden, Campbelltown, Canterbury-Bankstown, Central Coast, Cessnock, Clarence Valley, Coffs Harbour, Cobar, Cumberland, Dungog, Eurobodalla, Fairfield, Gilgandra, Glen Innes Severn, Gwydir, Gunnedah, Hawkesbury, Hornsby, Inner West, Inverell, Kempsey, Kyogle, Ku-rin-gai, Lake Macquarie, Lachlan, Lithgow, Lismore, Liverpool, Liverpool Plains, Maitland, Mid-Coast, Moree Plains, Nambucca Valley, Narrabri, Newcastle, Northern Beaches, Oberon, Parramatta, Penrith, Port Macquarie-Hastings, Port Stephens, Queanbeyan-Palerang, Richmond Valley, Shoalhaven, Singleton, Sutherland, Tenterfield, The Hills, Tweed, Walcha, Walgett, Wollondilly <i>Declared 1 April 2021</i>
NSW Storms and Floods from 10 March 2021	Bogan, Central Darling, Georges River, Goulburn Mulwaree, Snowy Monaro, Tamworth, Temora, Warren, Upper Lachlan, Uralla <i>Declared 16 June 2021</i>
NSW Storms and Floods from 10 March 2021	Coonamble, Greater Hume, Hunters Hill, Muswellbrook, Narromine <i>Declared 16 July 2021</i>