

GUIDELINES

Special Disaster Assistance (Storms & Floods) Primary Producer Grants

NSW STORMS & FLOODS

1. About the program

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 storms and floods starting 10 March 2021, across NSW.

The Special Disaster Assistance (Storms & Floods) 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

- a. The maximum grant amount for clean-up, reinstatement activities and emergency measures, per affected property (subject to section 4), is \$75,000.
- b. 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.
- c. Funds of between \$15,000 to \$75,000 will require *valid tax invoices* at the point at which claims are made.
- d. All supporting documentation including tax invoices and receipts for claims must be submitted within 12 months of the date of the declaration.
- e. 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

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 31 October 2021.
- h) intend to re-establish 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:
- 4.2.1 the staffing arrangements of the separate primary production enterprises;
 - 4.2.2 whether the primary production enterprises have their own plant, equipment or stock;
 - 4.2.3 the accounting arrangements of the separate primary production enterprises;
 - 4.2.4 whether the separate primary production enterprises operate under their own trading names;
 - 4.2.5 the commercial scale, viability and autonomy of each primary production enterprises.

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

- 6.1 Applicants will not be eligible for a grant, or part of a grant, if:
- a) 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.
 - b) 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.
 - c) They have already applied in relation to the same property.
- 6.2 The following costs are ineligible
- a) Damage to dwellings
 - b) Damages that are covered by insurance
 - c) Own labour (including existing staff and own equipment)
 - d) Expansion projects, or for areas that were not in active production, however this should not prevent sensible preparation for future events.
 - e) Loss of income

7. Application and Claiming process

- a) 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.

Applications must be lodged within six months of the declaration of the natural disaster. All supporting documentation for the claim must be submitted within 12 months of the date of the declaration.

9. Assessment

- a) Applications will be assessed against the eligibility criteria.

- b) 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.
- c) 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.
- d) Applications submitted may be subject to audit by RAA or its agents in order to determine compliance with scheme guidelines.
- e) Complete applications will be assessed in order of receipt. Incomplete applications will not enter the assessment queue until all required information is provided.
- f) 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.
- g) 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.
- h) 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

- a) These guidelines are correct at the time of publishing.
- b) 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.
- c) The guidelines that apply to your application will be the guidelines that are current at the time your application is received by RAA.
- d) 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

- a) By signing the claim form, you are declaring that the information provided in the application form and supporting documentation is true and accurate.
- b) Providing inaccurate, untrue or misleading information may be a breach of criminal law for which serious penalties may apply.
- c) 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.

12. Submitting your application

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

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.

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

13. Definitions

Direct damage means a direct and material impact of floods, or flood mitigation activities on business assets or equipment, including livestock.

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:

- i) 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.
- ii) 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.
- 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).

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.

Eligible disaster	Defined disaster area
NSW Storms and Floods from 10 March 2021	Armidale, Ballina, Bathurst, Bega Valley, Bellingen, Blacktown, Blue Mountains, Brewarinna, 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, Wingecarribee, Wollondilly

If you have any questions regarding your eligibility for the Special Disaster Assistance (Floods) Grant, please contact the RAA

on free call 1800 678 593 or visit www.raa.nsw.gov.au