



Storm and Flood Industry Recovery Program

Stream 1 – Supply Chain Support Grant - Aquaculture Guidelines

1. Objective

To provide funding to help *primary producers* impacted by storms and floods in February and March 2021 to rebuild and recover in the medium to longer-term with the aim of supporting job security, *future resilience* and enabling future production.

2. Assistance available

Applications open: 30 September 2021

Applications close: 2pm 3 March 2022

Activities complete: 30 May 2023

The following assistance is available:

- 2.1 grants of up to a maximum of \$30,000 per affected Class A aquaculture permit holder covering **oysters and mussels** that are actively farmed, to be matched by an equal *financial* or *in-kind contribution* by the permit holder
- 2.2 the grant is available to those *primary producers* who have exhausted the [\\$75,000 Special Disaster Grant](#) (SDG). Rural Assistance Authority (RAA) administer both funds.
- 2.3 all applications must be submitted by 2pm on 3 March 2022. For recipients, all activities and expenditure must be completed, and all supporting documentation must be submitted by 30 May 2023.
- 2.4 the RAA will endeavour, but is not obliged, to provide advance notification of an early closure or an extension of the program. In the event of early closure, RAA will review applications and pay invoices for approved applicants ranked by date received, up to the total amount of allocated funding. In the event of an extension applicants and RAA customers will be notified, and public-facing content will be updated.
- 2.5 the availability of assistance is subject to funds being available. No assistance will be offered beyond the allocated funding.
- 2.6 an applicant's unawareness of, or lack of notification by RAA, of an early closure of the program will not be grounds for consideration of applications or invoices submitted after the program officially ends.

3. Eligibility

To be eligible for this grant the following conditions must be met:

- 3.1 *you* must be approved for the full \$75,000 amount of the SDG.
- 3.2 *your primary production enterprise* must be located in one of the disaster-declared Local Government Areas (LGAs) for the February or March 2021 storms and floods (AGRN 954 and AGRN 960) as detailed in the SFIRP Framework **Appendix C**.
- 3.3 *you* must have a Class A Aquaculture permit.
- 3.4 *you* had property, infrastructure, equipment, or stock that *you* were actively farming, that was *directly damaged* by the February and March 2021 storms and floods and can provide *evidence* to that effect.
- 3.5 *your* business operates as a sole trader, partnership, trust or private company.
- 3.6 *your* business is identified by the Australian Taxation Office as a *primary producer* and has an active Australian Business Number (ABN) at the time of your application that was also active at the time of the storms and floods.



- 3.7 as the owner and operator, *you* earn more than 50% of *your* gross income from *your* primary production enterprise under *normal seasonal conditions*.
- 3.7.1 where *your* income from primary production is less than 50% of *your* total income, *you* may nonetheless be eligible for a grant if it can be demonstrated that:
- In the ordinary course of business the applicant would meet that requirement, but:
 - their primary production income is currently reduced due to *seasonal conditions*; and/or
 - due to long lead times to full production, *you* might be regarded as a 'new entrant' and expect to earn 50% of *your* income from *your* primary production enterprise within a three-year period taking into account the nature of the industry. The applications of new entrants will be considered on a case by case basis.
- 3.8 *you* are able to demonstrate that *you* meet the 50:50 *co-contribution* of the grant either through *direct cash*, or through *in-kind contributions* based on the *evidence you* provide.
- 3.9 *you* intend to continue or re-establish the *primary production enterprise*.
- 3.10 *you* have costs that *you* have incurred as a result of the storms and floods that have not been claimed and are not able to be claimed through any other State or Australian government program of assistance and/or private insurance.
- 3.11 *you* have *evidence* of costs incurred.

4. Eligible activities

Activities that address or respond to the impacts of the February and March 2021 storms and floods are eligible such

- replacing or repairing damaged, non-insured or under-insured infrastructure including shellfish cultivation equipment, pipes, pumps, tanks, shellfish graders, processing equipment, land depot sheds and boats.
- replacing physical assets to return infrastructure to its previous standard, or to a standard that does not jeopardise *future resilience*.
- clearing storm and flood damaged including but not limited to removal of silt, gravel, damaged goods and other debris from within leases, adjacent to leases and from land bases.
- hiring or leasing equipment or materials including machinery fuel to rectify damage to property, infrastructure, equipment or inventory.
- the purchase of oyster/mussel spat or suitable alternative to replace stock oysters or mussels that were lost or died as a result of the February and March 2021 storms and floods.
- critical business costs associated with re-establishing production in 2021-2022 i.e. licences and fees.
- pest management supplies/service for flood affected stock.
- accessing technical, environmental and business advice.

5. Ineligible activities

Ineligible costs are:

- for projects that commenced prior to the storms and floods events that were not *directly damaged*.
- costs already funded by producer specific insurance aside from circumstances where items were under-insured in relation to the damage incurred or where there is an excess for like-for-like replacement. *Specific evidence* will be requested in these circumstances.
- costs already funded under other government assistance measures including the SDG. Note that funds from approved SDG should be fully drawn first, and new invoices submitted to warrant *approval* for funding under this program.
- purchase of equipment, infrastructure or works not linked to replacement or repair of *directly damaged* assets.
- costs to cover lost earnings as a result of the storms and floods.
- staff salary and/or wages, or any costs that could be considered as 'business as usual' expenses unrelated to the *direct damage* from the storms and floods.
- funding cannot be used for expansion projects, or for areas that were not in active production.
- clean-up works that clear undamaged vegetation, land or any trees.



6. Co-contribution

- 6.1 A 50:50 *co-contribution* is required for all applications. Applicants must demonstrate their contribution (*financial, in-kind, or otherwise*) towards the proposed recovery actions.
- 6.2 Works undertaken and costs already incurred by businesses for their recovery and re-establishment (and not already claimed or paid under another State or Australian government programs or insurance prior to receiving SCSG funding) may be applied retrospectively as eligible *co-contribution* only.
For further details on *co-contribution* please refer to <https://www.raa.nsw.gov.au/disaster-assistance/supply-chain-support-grants>.

7. Assessment

- 7.1 Applications will be assessed against the eligibility criteria and must be supported by *evidence of direct damage*.
- 7.2 When asking for financial information, the RAA can ask for personal tax returns in addition to financial information for all business entities with which the applicant has a formal interest including companies, partnerships and self-managed super funds. The RAA may draw on financial information including tax return documentation provided for previous approved applications.
- 7.3 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.
- 7.4 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.
- 7.5 Applications submitted may be subject to audit by RAA or its agents in order to determine compliance with SFIRP Framework and Industry Guidelines.
- 7.6 An application *approval* or payment may be delayed where:
 - a) assistance previously provided by this or any other related NSW Government grant program cannot be validated or
 - b) the outcome of relevant legal or validation actions may impact the decision to grant further assistance.
- 7.7 *You* must exhaust the \$75,000 eligible to *you* from SDG prior to receiving payments for claims made under the SCSG.
- 7.8 Complete applications will be assessed in order of receipt. Incomplete applications will not enter the assessment queue until all required information is provided. Application assessments will commence from a *submitted application*.
- 7.9 RAA will notify all applicants on the outcome of their application within 20 working days of a *submitted application*.
- 7.10 Applicants should note that past financial assistance under this program or any other program is not a reliable indicator of eligibility for future financial assistance under this program.
- 7.11 Before applying for financial assistance under this program, applicants should seek advice from their legal, business or financial advisers in relation to the tax implications of this financial assistance.

8. Important information

- 8.1 These guidelines are correct at the time of publishing.
- 8.2 RAA reserves the right to amend, alter or change these guidelines at any time, in consultation with the Department of Regional NSW (DRNSW), Resilience NSW and the National Recovery and Resilience Agency (NRRRA). It is the responsibility of the applicant to ensure that they check the relevant website prior to application.
- 8.3 The guidelines that apply to *your* application will be the guidelines that are current at the time *your* application is received by RAA.
- 8.4 Successful applicants will be required to participate in a program evaluation from the initial milestone payment to assist the NSW Government in determining the extent to which *your* funded activities have contributed to the objectives of SFIRP. Successful applicants will be required to provide *evidence* demonstrating how the

outcomes of the funded activities are consistent with the objectives of SFIRP, with a focus on employment, recovery and growth.

- 8.5 Applicants with successful claims will be required to enter into a funding agreement with RAA.
- 8.6 Applicants with successful claims will receive milestone payments dependent on the sum of their claim. Subsequent milestone payments after the initial payment may be withheld if the successful applicant is unable to demonstrate sufficient *evidence* for the remainder of the claim or work done to date.

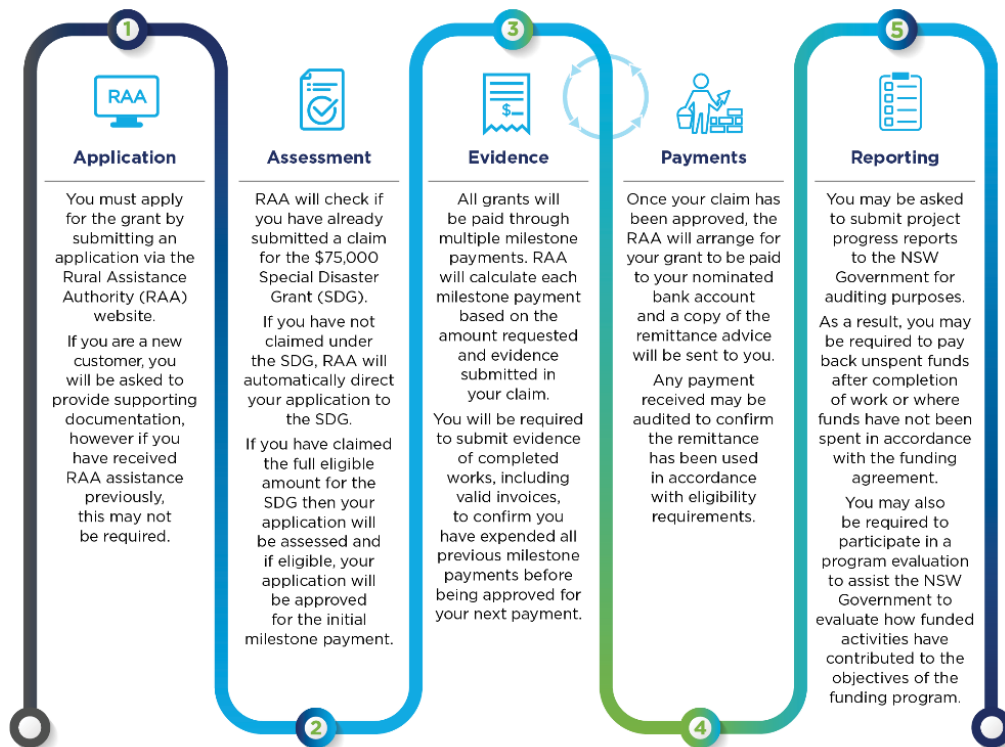
9. Fraudulent claims and auditing

- 9.1 By signing the application form, *you* are declaring that the information provided in the application form and supporting documentation is true and accurate.
- 9.2 Providing inaccurate, untrue or misleading information may be a breach of criminal law for which serious penalties may apply.
- 9.3 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.
- 9.4 RAA regularly undertakes random spot auditing of applications to determine adherence to eligibility and legitimacy of claims.
- 9.5 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 cannot be validated. The outcome of relevant legal or validation actions may impact the decision to grant further assistance.

10. Applications

The SCSG complements the SDG. Those that have sought the full value of the SDG are considered disproportionately impacted and are therefore eligible (in targeted industry sectors) for the SCSG for continued recovery support.

Please apply online at: <https://www.raa.nsw.gov.au/disaster-assistance/supply-chain-support-grants>.



If you need assistance with submitting your application, please contact us by phone on 1800 678 593 or by email at rural.assist@raa.nsw.gov.au. Please check the RAA website for latest information regarding the closing date.



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.

If you have any questions regarding your eligibility for this Supply Chain Support Grant, please contact the RAA on free call 1800 678 593 or visit www.raa.nsw.gov.au.

11. Definitions

Approval – *your* application will be approved based on *your* eligibility with the criteria listed in 3) above. *Your* invoices will then be approved based on their eligibility with the criteria listed in 4) and 5) above. In the event of an early close, RAA will pay invoices ranked by date received, up to the allocated funding. An approved application does not imply an approved invoice.

Co-contribution – a 50:50 *co-contribution* is required for all applications. This means that applicants must have invoices against the payment of the grant, and also, either funding or *in-kind contributions* valued up to the same amount again. *Co-contributions* can be either *financial* and/or *in-kind*.

Co-contribution (financial) (direct cash) – an amount of cash that an applicant can use to go toward their *co-contribution*.

Co-contribution (in-kind) – an amount based on either, or a combination of:

- *valid tax invoices* for activities undertaken as a result of *direct damage* that has not already been used against the grant. These tax invoices can include costs for repair and recovery as follows:
 - i. labour estimates - where labour estimates are used, they must be for reasonable staff labour costs to be capped at \$50/hr. Labour costs should be detailed to describe the work and hours undertaken. Please note that staff labour costs cannot be used to verify the initial grant and timesheet(s) will be required as *evidence*.
 - ii. seed, crop and/or livestock replacement estimates - where livestock, crop or seed stock are used, they must be for reasonable costs to be capped at typical industry rates for standard stock. These costs should be detailed to describe the work undertaken and stock loss.
 - iii. repair, replacement and/or *future resilience* - where repair, replacement and/or *future resilience* works are used, they must be for *direct damage* works at reasonable costs. These costs should be detailed to describe the work undertaken.

Co-contribution example: If a *primary producer* wanted to rebuild a non-insured, internal fence that was *directly damaged*, the *primary producer* could claim for the full cost of the fence replacement including materials, of which half of the claim would be comprised of *in-kind co-contribution* as own labour evidenced by a timesheet and *financial co-contribution* as money to put towards the fence rebuild. This could then be *evidenced* by available funds and invoices after the works are completed.

Direct damage – means a direct and material impact of February and March 2021 storms and floods, or flood mitigation activities on business assets or equipment, including livestock in disaster-declared LGAs.

Evidence –

- *evidence of the cost incurred* can be provided by *valid tax invoices*.
- *evidence of damage* can include photographic *evidence* of damage incurred 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.

Photographic *evidence* may also be sought to substantiate other forms of *evidence*.

- insurance details including proof of insurance, and potentially pay-out figures when an audit is undertaken.
- self-declaration(s) may be accepted in limited circumstances, where the absence of documentation is the primary justification, and only on agreement from the administering agency.



Self-declaration example: to evidence eligibility criteria 3.9 and 3.10, or as part of broader *evidence* to demonstrate *co-contribution* under eligibility criteria 3.8. Self-declarations may also be used in relation to a declaration within the application form, timesheets or similar *evidence*.

- **specific evidence** can include:
 - manufacturer or business quote for replacement of physical assets.
 - email correspondence from manufacturer or business to confirm the damaged asset is no longer available on the market and/or no longer industry standard-practice.
 - financial documentation including but not limited to available funds in bank account statements and the market-value of a commodity at the time of the natural disaster.

Future resilience – are replacement works on infrastructure, access tracks and fencing where the intention of the replacement is to return the asset to its status in keeping with industry standards before the natural disaster event, unless that status jeopardises future resilience to natural disaster events by way of poor quality materials, or inappropriate location. The intention is to encourage responsible infrastructure replacement rather than business improvements.

Normal 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.

Primary producer – 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).

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).

Primary production enterprise –

- is carried on by a *primary producer* and involves primary production, as defined by the Australia and New Zealand Standard Industrial Classification (ANZSIC) Code for Agriculture, Forestry and 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).

Note: this includes if 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/or if the plant or equipment of the *primary production enterprise* situated in the defined disaster area has been damaged, lost crop stock or livestock has died as a result of the eligible disaster.

Submitted application – an application which includes all required documentation for assessment, including tax documentation, *evidence* of damage and *evidence* of *co-contribution* to be eligible for the initial milestone payment.

Valid tax invoice – means an invoice as described by the ATO: <https://www.ato.gov.au/business/gst/tax-invoices/>. This means the invoice must include the name, address and ABN 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.

You and Your in the context of these guidelines and the related application process refers to the applicant and can be taken to refer to a sole trader, company, partnership or trust. The RAA takes *you* as having authority to make application on behalf of the entity applying.

Notes

These guidelines have been drafted with reference to terms used in the glossary found at this location.
<https://www.raa.nsw.gov.au/loans/glossary-of-terms>.



Helpful Hint

NSW DPI's Farm Tracker App is a free tool that can help you take stock of seasonal conditions on *your* farm. You can find it in the app store of *your* Apple or Android phone.

Storm and Flood Industry Recovery Program

The \$80 million Storm and Flood Industry Recovery Program (SFIRP) is co-funded 50:50 by the NSW and Australian governments. For more information about this program, and other support measures available please visit www.nsw.gov.au/SFIRP.