

16 May 2023

Primary Industry Support Package (PISP) Stream 2 – Critical Producer Grant (CPG) – Horticulture Program Guidelines

1. Purpose and Objective

This assistance measure, made under agreement between the Commonwealth and State governments, is to provide a timely and proportionate response to minimise the impact of these events on primary producers by delivering rapid assistance to support sustained recovery. This will support you in returning your primary production business back to 'normal' operations as soon as possible.

The program provides funding to *primary producers* and *primary production enterprises* impacted by the February and March 2022 NSW Severe Weather and Flooding (AGRN 1012) event in targeted industries to assist with damage repair, job security, and build resilience to reduce the impact of future adverse events.

2. Assistance Available

- 2.1 **turf production:** grants of up to \$75,000 per affected primary production enterprise, per ABN
 - 2.2 **perennial tree crops, i.e. macadamias, bananas, pecans, avocados, tea tree, etc.:** grants of up to \$75,000 per primary production enterprise, per ABN
 - 2.3 **other horticulture, i.e. berries, vegetables, vine crops, cut flowers, nursery etc:** grants up to \$30,000 per affected *primary production enterprise*, per ABN
 - 2.4 the grant is available to those *primary producers* who have been approved for the \$75,000 Special Disaster Grant (SDG) for this event. The Rural Assistance Authority (RAA) administers both funds. You can apply for the Critical Producer Grant while your SDG application is being drawn down
 - 2.5 all applications must be submitted by the application close date. All activities and expenditure must be completed and all supporting documentation must be submitted by the activity's complete date
 - 2.6 the RAA will endeavour, but is not obliged, to provide advance notification of early closure or an extension of the program. In the event of an early close, the RAA will review applications ranked by date received, up to the total amount of allocated funding. In the event of an extension or closure, applicants and RAA customers will be notified and public-facing content will be updated consistently
 - 2.7 the availability of assistance is subject to funds being available. No assistance will be offered beyond the allocated funding
 - 2.8 an applicant's unawareness, or lack of notification by the RAA, of early closure of the program will not be grounds for consideration of applications or invoices submitted after the program officially ends
-

2.9 all information in these guidelines should be read in conjunction with the Critical Producer Grant Framework. Available at <https://nsw.gov.au/criticalproducergrant>.

3. Key Dates

Applications open	16 September 2022
Applications close	5.00 pm on 30 September 2023 or until the program funding is fully allocated, whichever occurs first
Application outcome	within 20 days of a completed application
Successful Applicants may submit claims for Eligible Costs until:	31 May 2024

4. Funding Sources

The Australian and NSW governments contribute 50:50 to this grant program, as per the \$150m Primary Industry Support Package (PISP).

5. Eligibility Criteria

5.1 To be eligible for the grant, you must:

- a. have been approved for the full \$75,000 amount of the SDG Severe Weather and Flooding February 2022 onwards (AGRN 1012) and remain eligible for the SDG at the time of this application
- b. have a *primary production enterprise* located in the defined area for the event
- c. be a property owner, share-farmer or lessee with an interest in the agriculture industry, as confirmed by you Land and Stock Return, Local Government rates notice or lease agreement
- d. have had property, *physical assets*, equipment, livestock or crops that *you* were actively farming, that were *directly damaged* by the events and can provide *evidence* to that effect
- e. have been engaged in carrying on the *primary production enterprise* when affected by the event
- f. have a business operating as a sole trader, partnership, trust or private company
- g. have a business that is identified by the Australian Tax Office (ATO) as a primary producer and has an active Australian Business Number (ABN) and have held that ABN at the time of the event
- h. hold an active ABN and have held that ABN at the time of the event
- i. intend to re-establish or continue the primary production enterprise
- j. have costs that *you* have incurred as a result of the events 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
- k. have *evidence* of costs incurred
- l. have lodged an application by the closing date shown on the RAA website.

5.2 *Primary producers* are defined as those that are listed under the Australian New Zealand Standard Industrial Classification 2006 (ANZSIC) 1292.0 (Revision 2.0) Codes 01 (Agriculture), 02 (Aquaculture), 03 (Forestry and Logging), 04 (Fishing, Hunting and Trapping) and 05 (Agriculture, Forestry and Fishing Support Services).

6. Eligible Activities

6.1 Activities that address or respond to the impacts of the events are eligible such as:

- a. replacing or repairing damaged, non-insured or under-insured physical assets, including irrigation systems, pumps, poles, trellises, netting, greenhouses, internal fencing and internal access paths/tracks.
- b. replacing directly damaged physical assets to a standard that promotes future resilience
- c. clearing storm and flood damage including, but not limited to, removal of silt, gravel, damaged goods and other debris
- d. hiring or leasing equipment or materials, including machinery fuel, to rectify damage to property, *physical assets*, equipment or inventory
- e. undertaking remedial earthworks and erosion management works due to storm and flood erosion that promote *future resilience*
- f. replacing plant stock for crop or tree rebuilding and standard replanting activity costs (no more than one replanting cycle)
- g. pest management supplies/service for flood-affected pasture fields to maintain the health of plant stock and crops
- h. accessing technical, environmental and business advice.

The eligible activities covered under 6.1 may be considered if it has been deemed to be re-damaged from a subsequent natural disaster and it suffers additional damage.

7. Ineligible Costs

7.1 The following costs are ineligible:

- a. claims for projects that commenced prior to the eligible event that were not *directly damaged*
- b. costs already funded by producer-specific insurance, aside from circumstances where items were underinsured 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
- c. 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
- d. purchase of equipment, physical assets or works not linked to replacement or repair of directly damaged physical assets
- e. costs to cover lost earnings as a result of the events
- f. staff salary and/or wages, or any costs that could be considered as 'business as usual' expenses unrelated to the direct damage from the Events
- g. funding for expansion projects or for areas that were not in active production
- h. clean-up works that clear undamaged vegetation, land or trees

- i. costs related to damage to residential property.

Additional Terms and Conditions

8. Exclusions

8.1 You will not be eligible for a grant, or part of a grant, if:

- a. you have received, or have been approved to receive, financial assistance for costs associated with the items described in section 5, from another government assistance scheme, under the same ABN.
- b. you have already applied for the same event in relation to the same property.

8.2 The following costs are ineligible:

- a. Damage to dwellings.
- b. Damages that are covered by insurance noting you may be eligible for a grant for the portion of costs that are not covered by your insurance, or for amounts in excess of the value insured.
- c. Expansion projects, or areas that were not in active production at the time of the event. However, this does not prevent investing to improve future resilience through the use of more durable materials or design.
- d. Loss of income.

9. Submitting Your Application

Apply online at www.raa.nsw.gov.au/disaster-assistance/storm-and-flood-programs/critical-producer-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.

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

Please don't self-assess your eligibility for this grant. If you have any questions regarding your eligibility or are in financial difficulty, please call the RAA on free call 1800 678 593 or your nearest Rural Financial Counsellor on 1800 319 458 (Southern and Central NSW) or 1800 344 090 (Northern NSW).

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

10. Application Process

- 10.1 You should refer to the [RAA website](#) and complete an online application. You should include quotes, estimates or invoices at that point, where available.
- 10.2 Applicants can only submit one application and will be required to provide the following information to determine their eligibility for the program:
- personal tax returns of all members of the business
 - latest farm business tax returns
 - local Government Area (LGA) rates notice
 - quotes, estimates, photos, tax invoices (if you have them).
- 10.3 Applications will be assessed by staff within the RAA in the order that they are submitted.
- 10.4 Applicants will be notified of the outcome within 20 business days from submitting a completed application.
- 10.5 If an application is missing information or is incomplete, the RAA may, in its sole discretion, work with applicants to clarify any missing or incomplete information. However, the RAA will not start assessing the application until, in the RAA's sole opinion, the application is complete.

If you have all documentation ready, the application should take approximately 30 minutes for you to complete. We need your documents to make sure these recovery grants only go to genuine primary producers who have been impacted by the event.

11. Assessment

- 11.1 Applications will be assessed against the eligibility criteria and must be supported by evidence of *direct damage* provided.
- 11.2 You will be expected to provide a range of supporting documentation, including the latest local council rate notice, the 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.
- 11.3 Applications will be assessed by Assessment Officers on the Assessment Team, who are responsible for routine assessment against the criteria in these guidelines and recommend assessment outcomes.
- 11.4 Program Officers on the Assessment Team ensure the program is administered in accordance with these guidelines and the policy intent and approve grants based on recommendations by Assessment Officers.
- 11.5 The Chief Executive of the RAA is responsible for ensuring the program is administered in accordance with approved criteria and policy intent.
- 11.6 The RAA may take into account your credit position and the status of any existing loans to help verify your intention to re-establish or continue the primary production enterprise.
- 11.7 The 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 the RAA refusing your application.
- 11.8 The RAA reserves the right to refuse an application where eligibility criteria are not met or where you do not or cannot provide sufficient information for the RAA to determine if eligibility criteria have been met.
- 11.9 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.
- 11.10 The RAA can put an application on hold where the applicant is under investigation or has been charged in relation to the fraudulent receipt of grants under this or other RAA programs.
- 11.11 You must exhaust the \$75,000 eligible to you from SDG prior to receiving payments for claims made under the CPG.
- 11.12 Complete applications will be assessed in order of receipt. Incomplete applications will not enter the assessment queue until all required information is provided.
- 11.13 If an application is missing information or is incomplete, the RAA may, in its sole discretion, work with applicants to clarify any missing or incomplete information. However, the RAA will not start assessing the application until, in the RAA's sole opinion, the application is complete.
- 11.14 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.
- 11.15 Applications submitted may be subject to audit by the RAA or its agents in order to determine compliance with the Primary Industry Support Package (PISP) Guidelines, Critical Producer Grant (CPG) Framework and Industry Guidelines
- 11.16 Before applying for financial assistance under this program, you should seek advice from your legal, business or financial advisers about the tax implications of this financial assistance.
-

12. Approval

- 12.1 Applicants will be notified of the outcome within 20 business days after submitting a completed application.
-

13. Claiming

- 13.1 Application close dates and invoice claim close dates are shown on Page 2 of these guidelines and on the RAA website <http://www.raa.nsw.gov.au>
-

14. Important Information

- 14.1 These guidelines are correct at the time of publishing.
- 14.2 All information in these guidelines should be read in conjunction with the Critical Producer Grant Framework.
- 14.3 The RAA reserves the right to amend, alter or change these guidelines at any time, and it is your responsibility to ensure that they check the relevant website prior to application.
- 14.4 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 PISP. Successful applicants will be required to provide evidence demonstrating how the outcomes of the funded activities are consistent with the objectives of the PISP, with a focus on employment, recovery and growth.
- 14.5 Applicants with successful claims will be required to enter into a funding agreement with the RAA.
-

- 14.6 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.
- 14.7 Without limiting any rights, the RAA (or another NSW agency), in its sole discretion, may recover funds from the applicant and determine that a debt is due if evidence indicates that the applicant:
- a. did not meet the eligibility criteria
 - b. received an over-payment of the grant or
 - c. spent any part of the grant on costs that were not eligible items or activities.
-

15. Fraudulent Claims

- 15.1 The RAA takes fraud and corruption seriously. Suspected fraud will be assessed and investigated as appropriate, which may require the involvement of external parties such as the NSW Police Force or the NSW Independent Commission Against Corruption (ICAC).
- 15.2 By signing the application form, you declare that the information provided in the application form and supporting documentation is true and accurate.
- 15.3 Providing inaccurate, untrue or misleading information may be a breach of the *Rural Assistance Act 1989* or criminal law for which serious penalties may apply.
- 15.4 The RAA responds to fraud by:
- a. audit and site validation of applications and claims that are of concern
 - b. referral to the NSW Police Force or ICAC of suspected fraud
 - c. recovery of any assistance provided under a fraudulent application.
- 15.5 An application approval, or payment of a claim against an approved grant, 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.
-

16. Evaluation

The RAA is committed to providing excellent service that responds to your needs through well-targeted programs. For that reason, the RAA evaluates its programs. This includes surveys at various points of your application, approval and completion. The RAA may also contact you to ask about your experience of the assistance you received. The RAA will always treat the responses you provide as confidential and use the information only for the purposes it was collected.

17. Government Information (Public Access) Act

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the *Government Information (Public Access) Act 2009* (NSW). Information that is deemed to be commercially sensitive will be withheld.

The *Government Information (Public Access) Act 2009* (NSW) makes government information accessible to the public by:

- requiring government agencies to make certain sorts of information freely available
 - encouraging government agencies to release as much other information as possible
 - giving the public an enforceable right to make access applications for government information
 - restricting access to information only when there is an overriding public interest against disclosure.
-

18. Complaints

Any concerns about the Critical Producer Grant - Horticulture should be submitted in writing to rural.assist@raa.nsw.gov.au.

If you do not agree with the way the RAA has handled the issue, you may wish to contact the NSW Ombudsman via www.ombo.nsw.gov.au.

19. Definitions

Approval: your application will be approved based on your eligibility with the criteria listed in section 5 above. Your invoices will then be approved based on their eligibility with the criteria listed in section 5 and 6 above. An approved application does not imply an approved invoice.

Direct damage: means a direct and material impact of the events, or flood mitigation activities on physical assets or equipment, including livestock in disaster-declared LGAs

Defined disaster area: for an eligible disaster means the area that the appropriate Minister has declared for the purpose of activating the Disaster Recovery Funding Arrangements. These are shown on the RAA's website.

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:
 - a. who took the photograph(s)
 - b. where the photograph(s) was taken
 - c. the date on which the photograph was taken
 - d. 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
 - **specific evidence** can include:
 - a. manufacturer or business quote for replacement of physical assets
 - b. email correspondence from manufacturer or business to confirm the damaged physical asset is no longer available on the market and/or no longer industry standard-practice
-

- c. 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: repairing or building back directly damaged sheds, access tracks, fencing and other key physical assets that improve resilience to better withstand future natural disasters while generating future productivity and economic benefits for the business.

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.

Physical asset: A physical asset is an item of physical form in the business that has value to the operation of the primary production enterprise. Physical assets include, but are not limited to, private roads, sheds and outbuildings, internal fencing, stockyards and earthworks.

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 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 and
- 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) and
- is in the opinion of the RAA a bona fide primary production enterprise that:
 - has a significant commercial purpose or character
 - has more than a mere intention to engage in primary production
 - has the intention to make a profit or a genuine belief that a profit will be made
 - has repetition and regularity in the activity
 - is the same kind and carried on in a similar way to that of similar primary production enterprises
 - is organised in a business-like manner.

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 that includes all required documentation for assessment, including tax documentation and evidence of damage to be eligible for consideration to enter into a funding deed.

Valid tax invoice: an invoice that matches up with approved expenditure as described and is consistent with 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 an application on behalf of the entity applying.

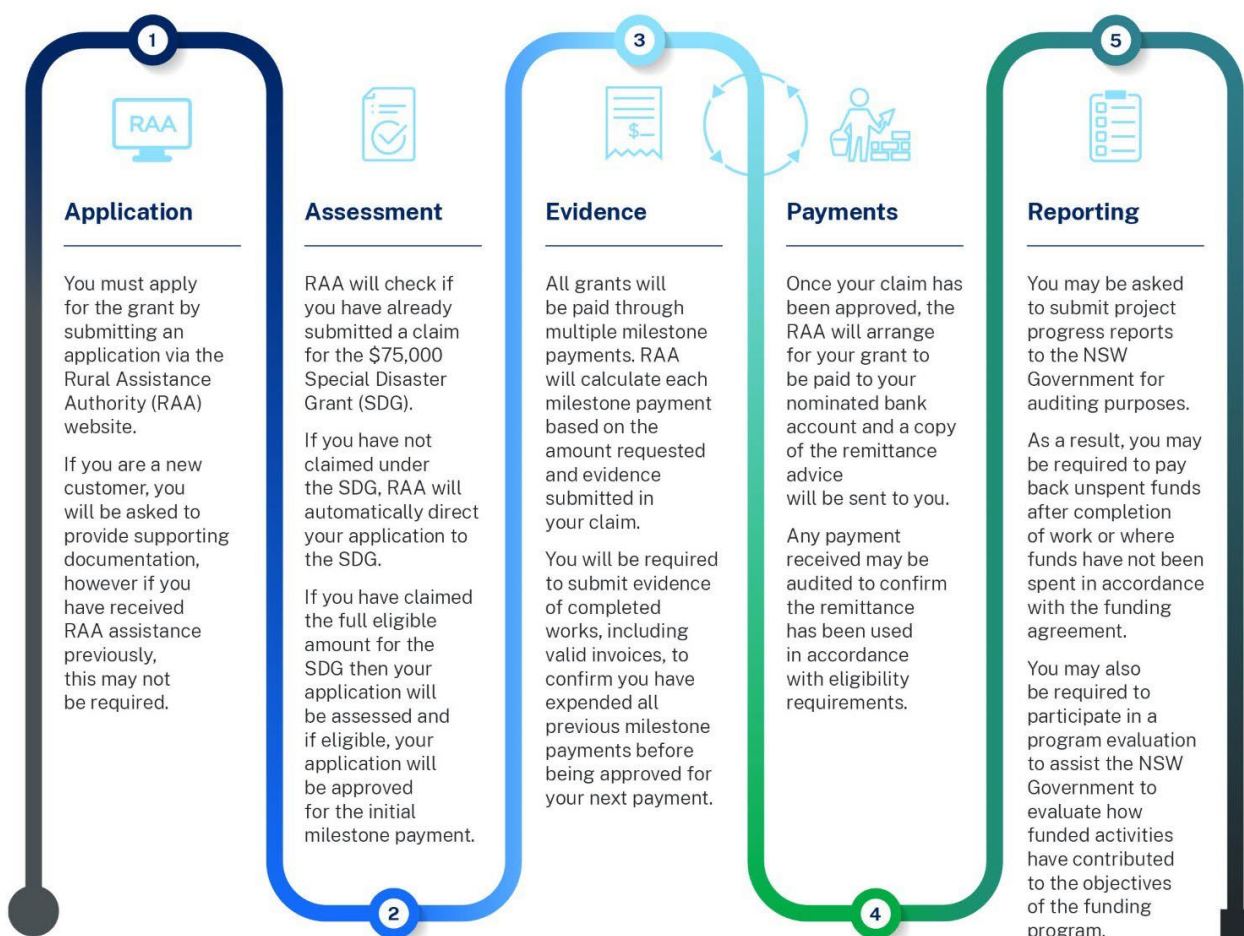
Attachment A

Application and Assessment Process

The CPG 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 CPG for continued recovery support.

Primary Industry Support Package - Critical Producer Grant

Application and Assessment Process



All applications must be submitted in line with the Primary Industry Support Package, Critical Producer Grant Guidelines and Industry Guidelines available at raa.nsw.gov.au

Attachment B

Eligible LGA's for AGRN 1012 Category D Assistance

1. Armidale
2. Ballina
3. Bayside
4. Bega Valley
5. Bellingen
6. Blacktown
7. Blue Mountains
8. Byron
9. Camden
10. Campbelltown
11. Canterbury Bankstown
12. Central Coast
13. Cessnock
14. Clarence Valley
15. Coffs Harbour
16. Cumberland
17. Dungog
18. Eurobodalla
19. Fairfield City
20. Glen Innes Severn
21. Georges River
22. Goulburn-Mulwaree
23. Hawkesbury
24. Hornsby
25. Inner West
26. Kempsey
27. Kiama
28. Ku-ring-gai
29. Kyogle
30. Lake Macquarie
31. Lismore
32. Lithgow
33. Liverpool
34. Maitland

35. MidCoast
36. Mid-Western
37. Muswellbrook
38. Nambucca
39. Newcastle
40. Northern Beaches
41. Parramatta
42. Penrith
43. Port Macquarie/Hastings
44. Port Stephens
45. Queanbeyan-Palerang
46. Richmond Valley
47. Ryde
48. Shellharbour
49. Shoalhaven
50. Singleton
51. Snowy Monaro
52. Strathfield
53. Sutherland
54. Tenterfield
55. The Hills
56. Tweed
57. Upper Hunter
58. Waverley
59. Willoughby
60. Wingecarribee
61. Wollondilly
62. Wollongong