

AGRN1044 Ex-Tropical Cyclone Ellie and Associated Flooding and AGRN1059 Tropical Cyclone Ilsa in WA

Category D

Primary Producer Recovery Grants

Program Guideline - Public

July 2023

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Primary Producer Recovery Grants Program at a glance

Key features of the Program are:

- The Primary Producer Recovery Grants Program provides financial assistance to primary producers to help pay for the costs of clean-up and reinstatement of primary production enterprises that suffered direct damage as a result of Ex-Tropical Cyclone Ellie and Associated Flooding and/or Tropical Cyclone Ilsa in early 2023.
- A grant applicant can submit an initial claim for up to \$15,000 along with evidence of the direct damage such as quotations and or invoices.
- To claim the subsequent amount of up to \$60,000 a grant applicant is required to provide full evidence of payment for all work/activities being claimed (including that claimed under the initial grant of \$15,000).

Should you read on?

To help decide whether you are eligible to apply for funds through this grant program, you should answer yes to these questions:

- I am a primary producer, who holds a current Australian Business Number (ABN) that was held at the time of Ex-Tropical Cyclone Ellie and Associated Flooding and/or Tropical Cyclone Ilsa.
- My primary production enterprise is located within the defined disaster area, was operational at the time of Ex-Tropical Cyclone Ellie and Associated Flooding and/or Tropical Cyclone Ilsa and suffered direct damage as a result of those events.
- I intend to re-establish my primary production enterprise in the defined disaster area.

To receive a grant under this Program you must:

Demonstrate that you:

- meet the eligibility criteria, and
- meet the assessment criteria

Complete and submit the application form online through SmartyGrants, ensuring all required supporting information and documents are clear and legible when uploaded.

Contact us

Email: RuralBusiness.DevelopmentUnit@dpird.wa.gov.au

1 Purpose of Assistance

1.1 Purpose

The purpose of the Primary Producer Recovery Grants Program (the Program) is to assist with the costs of clean-up and reinstatement activities for primary producers directly impacted by Ex-Tropical Cyclone (Ex-TC) Ellie and Associated Flooding (AGRN1044) in January 2023 or Tropical Cyclone (TC) Ilsa in April 2023.

The Program is jointly funded under the Commonwealth-State Disaster Recovery Funding Arrangements (DRFA).

- Ex-TC Ellie was proclaimed an eligible disaster event under the DRFA on 5 January 2023.
- Tropical Cyclone Ilsa was proclaimed an eligible disaster event under the DRFA on 14 April 2023.

1.2 Eligible Entities/Applicants

To be eligible for assistance, primary producers must be operating a primary production enterprise in one of the DRFA proclaimed Local Government Areas (LGA) that have been impacted by the Ex-TC Ellie or TC Ilsa:

For Ex-TC Ellie:

- Shire of Broome
- Shire of Halls Creek
- Shire of Derby-West Kimberley
- Shire of Wyndham-East Kimberley

For TC Ilsa:

- Shire of Broome
- Town of Port Hedland
- Shire of East Pilbara

Any additional LGAs that are subsequently declared under these events may also be considered for eligibility, pending a separate request to the Prime Minister from the Premier of Western Australia.

2 Administrative Arrangements

The Department of Primary Industries and Regional Development (DPIRD) is delivering this program for the Department of Fire and Emergency Services (DFES).

DPIRD is responsible for assessing applicant eligibility and paying approved funds to approved applicants.

3 Eligibility

3.1 Eligibility Criteria

To be eligible for assistance, an applicant must be a *primary producer* who meets the following criteria:

- be recognised by the Australian Taxation Office as a primary producer¹, and have an Australian Business Number (ABN);
- suffered direct flood damage as a result of Ex-TC Ellie or direct storm damage as a result of TC Ilsa, which may include damage to outbuildings, crops, pasture, stock, fencing and/or tools of trade (equipment, plant);
- the essential cost of repair or replacement are the applicant's responsibility;
- were located or conducting the impacted primary production business in the affected LGA at the date of the eligible disaster; and
- are intending to re-establish the primary production business in the same location.

A *primary producer* is defined as an individual, partnership, trust, or company which:

- has a right or interest in the affected primary production enterprise;
- devote part of their labour to the affected primary production enterprise; and
- derives at least 50 per cent of their income from the affected primary production enterprise.

In some cases, the primary producer may not be the land owner, and both may wish to apply for assistance. For example, the land owner may be responsible for the restoration of buildings, while the primary producer (lessee/share farmer) may be responsible for stock and crops. In these cases, a joint application may be lodged. Where a joint claim is made between the primary producer and the land owner, the maximum amount of assistance is that of a single grant split between the primary producer and the land owner. Should the landowner wish to claim assistance, the landowner must meet the definition of an eligible applicant in their own right.

Where an applicant's income from primary production is less than 50% of their total income, the applicant may be eligible for a grant if they can demonstrate that in the ordinary course of business the applicant would meet that requirement, but:

- their primary production income is currently reduced due to seasonal or unanticipated conditions; and/or
- 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.

Applicants who operate more than one primary production enterprise (business), for example under a single ABN at separate locations, may apply for assistance for each

¹ 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)
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eligible business (i.e. each at each location) up to the maximum amount of the Primary Producer Recovery Grant.

An eligible separate business means a business that would be commercially viable and autonomous business if the other separate businesses operated by the applicant ceased to operate.

When determining an application on this basis, the following may be considered (but is not limited to):

- the staffing arrangements of the separate business;
- whether the separate business has its own plant, equipment, or stock;
- the accounting and insurance arrangements of the separate business;
- whether the separate business operates under its own trading name;
- the location of each separate business; and
- the commercial viability and autonomy of each business.

An applicant may also be eligible for a grant if both of the following apply:

- the applicant's primary production enterprise is located outside the defined disaster area for the eligible disaster but is located at least some of the time, on a regular basis in the area; and
- Livestock, plant, or equipment of the primary production enterprise situated in the defined disaster area has been damaged as a result of the eligible disaster.

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 eligible costs from another assistance scheme;
- the applicant is entitled to receive a payment under an insurance policy for costs, 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; or
- they have already applied in relation to the same primary production enterprise and received maximum assistance.

3.2 Available funding

The Primary Producer Recovery Grants Program provides reimbursement grants of up to a maximum of \$75,000 to eligible primary producers to assist with costs of eligible activities.

Applications up to the maximum amount can be made in one claim. In this case applicants must provide evidence with their application confirming full payment has been made.

Multiple applications can be made up to the maximum grant amount available under the Program. In these circumstances the following applies:

- **Tier 1: An initial amount of up to \$15,000** is available (**initial claim**). To support an initial claim evidence such as quotations, invoices and official receipts are required and can be supported by evidence such as photographs.

Where an applicant is approved for funding under \$15,000 (Tier 1) on the supply of a quote and does not seek further payment under Tier 2, the applicant will be requested to provide evidence of payment within 12 months of receiving the Tier 1 grant for reconciliation, acquittal, and transparency purposes.

Where an applicant has been paid an initial amount based on quotes under Tier 1, and does not seek further payment under Tier 2, if subsequent evidence of payment is less than the paid amount in Tier 1, the applicant will be required to repay the difference.

- **Tier 2: A subsequent amount(s) of up to \$60,000** is available (**subsequent claim**). To support subsequent claims, full evidence of payment is required. Evidence must also be provided for any amounts claimed under the initial claim if evidence of full payment has not already been provided.

3.3 Eligible activities

The following activities are eligible. The list is not exhaustive, and any queries should be addressed to DPIRD Disaster Recovery Scheme Officers on 1300 374 731 or ruralbusiness.developmentunit@dpiird.wa.gov.au

- activities associated with the clean-up and reinstatement of a primary production enterprise from damage directly resulting from Ex-TC Ellie or TC Ilsa.

3.4 Ineligible activities

Ineligible activities include, but are not limited to:

- activities associated with the clean-up and reinstatement of a farm enterprise from damage not directly resulting from Ex-TC Ellie or TC Ilsa; or where adequate evidence cannot be provided.

3.5 Eligible costs

Eligible costs may include:

- Purchasing, hiring, or leasing equipment and materials to undertake clean-up;
- Additional labour costs (beyond normal wage expenditure i.e. day-to-day staffing);
- Disposing of damaged goods and injured or dead livestock, including associated costs;
- Repairs to buildings (other than residential buildings and houses);
- Repairing or replacing fencing, other than to the extent, the cost may be recovered under other assistance from the Commonwealth or State;
- Reconditioning/repairing essential plant and equipment or replacing lost or damaged plant, equipment, materials, and supplies if the replacement is essential to immediately resume business activities;

- Salvaging crops, grain, and feeds;
- Health maintenance for livestock and poultry;
- Purchase of fodder not covered by any other assistance;
- Purchase or hire/lease costs for equipment essential to the immediate resumption of the business;
- Water cartage;
- Payment for tradespersons to conduct safety inspections;
- Essential repairs to business premises and internal fittings;
- Replacing dead livestock, where satisfactory evidence of loss is provided; and
- Costs associated with insurance excess and insurance claim shortfall that are related to the eligible disaster.

3.6 Ineligible costs

Ineligible costs include, but are not limited to:

- costs associated with ineligible activities;
- loss of income;
- damages to residential buildings and dwellings (except for staff accommodation);
- damages that are covered by insurance;
- own labour (including existing staff and use of own equipment, fuel etc.); and
- expansion projects or for areas that were not in active production, however this should not prevent sensible preparation for future events.

These costs are examples only and are not intended to cover all circumstances. If there is any doubt about the eligibility of costs, please contact DPIRD Disaster Recovery Scheme Officers on 1300 374 731 or ruralbusiness.developmentunit@dpiird.wa.gov.au

4 Time limits for grant applications

Applications to the program should be made as soon as practicable. The application period for the grants program will close on 30 June 2024.

5 Assessment

- Applications will be assessed against the eligibility criteria.
- DPIRD reserves the right to request further information from you or from any business or individual you have engaged to assist in completing your application to verify or add to any information provided in your application. Failure to provide information may result in DPIRD declining your application.
- DPIRD reserves the right to decline an application where eligibility criteria are not met, or where the applicant does not, or cannot, provide sufficient information for DPIRD to determine if eligibility criteria have been met.
- Applications submitted may be subject to audit by DPIRD or its

representatives in order to determine compliance with scheme guidelines.

- e) Complete applications will be assessed in order of receipt. Incomplete or unsubmitted applications will not enter the assessment queue until all required information is provided.

6 How to apply

Complete applications should be submitted via the online grant platform. However, applicants may also apply in person via local government recovery hubs/offices or via outreach teams, who will assist with an online application.

It is the responsibility of the applicant to ensure their application is complete and correct. DPIRD will not accept responsibility for any misunderstanding arising from the failure by an applicant to comply with the guidelines, or arising from any discrepancies, ambiguities, inconsistencies, or errors in an application.

DPIRD may request clarification information from an applicant and will allow ten (10) business days to respond with information and/or documentary evidence to verify their claim. DPIRD's decision will be final and will be made at its absolute discretion.

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.

Applicants are required to provide a range of supporting documentation, including the latest local council rate notice, a copy of your latest bank statement, latest available Income Tax Return and Financial Statement(s) for your farm business.

Where there are other entities involved, applicants should also include personal taxation returns for all beneficiaries of trusts and all shareholders of a Company.

7 False and misleading information

By submitting the application form, you are declaring that the information provided in the application form and supporting documentation is true and accurate.

Providing inaccurate, untrue, or misleading information may be a breach of criminal law for which serious penalties may apply. Applicants should be aware that the giving of false or misleading information is a serious offence under the Criminal Code Act 1995 (Cth).

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.

8 Conflict of interest

A conflict of interest arises where a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interest (financial or non-financial) or material personal associations.

All persons involved in the assessment of applications are required to make a 'conflict of interest' declaration which will ensure the appropriate identification and management of any conflicts of interest and comply with the Western Australian Public Service Code of Conduct.

9 Notification of funding decisions

All applicants will be notified of decisions in writing via email as soon as practicable by DPIRD. Unsuccessful applicants will be able to reapply (before the closing date) if they have evidence that addresses the reason for decline.

10 Personal information and disclosure of information in application

DPIRD may collect personal information from applicants for the purposes of administration, evaluation, and assessment of an application. Personal information may be disclosed to other Western Australian Government agencies provided disclosure is consistent with relevant laws, including the Privacy Act 1988. Personal information will be used and stored in accordance with the legislative requirements.

DPIRD's Privacy Policy is available on its [website](#). Applicants may contact DPIRD about their personal information or to make a complaint.

11 Additional Information

Applicants are advised that funding received may have taxation implications and that they should seek independent taxation and financial advice from a suitably qualified professional before submitting their application if they have any concerns.

12 Definitions

Evidence

Evidence may consist of:

- a) Insurance details including proof of insurance, and any pay out figures.
- b) Quotations and Tax Invoices from suppliers, contractors.

Evidence of payment means:

- a) tax invoice(s) showing full details of the goods or services provided. The goods and services described on each invoice must be clearly identifiable having been paid by the applicant and being related to damage from the eligible disaster; and
- b) evidence of payment for these tax invoices. A copy must be provided of an applicant's bank transfer(s) and/or bank statement(s) with any relevant official

receipt(s)/statement(s) from suppliers or contractors.

Official receipt means a receipt including the name, address, and ABN (if applicable) of the entity that issued the receipt and a description of each item to which the receipt relates.

Valid tax invoice means an invoice including the words 'Tax Invoice' and 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.