



RURAL FINANCE

## DISASTER RECOVERY FUNDING ARRANGEMENTS VICTORIAN FLOODS OCTOBER 2022 (AGRN 1037)

### Victorian Primary Producer Flood Recovery Concessional Loans

#### Program Guidelines

##### 1. About the Program

- 1.1 The program is jointly funded by the Commonwealth and Victorian Governments under the Disaster Recovery Funding Arrangements in relation to the Victorian Floods which commenced in October 2022 (AGRN 1037) (the “**2022 Victorian Floods**”). The defined disaster area incorporates the local government areas listed on the Rural Finance website or on the Australian Government Disaster Assist website.
- 1.2 The objective is to support clean-up, relief and recovery costs for Primary Producers that have suffered direct loss or damage as a direct result of the 2022 Victorian Floods.
- 1.3 Primary Producers play an integral part in local economies and communities, and this assistance will go towards minimising disruption in the affected areas and assisting with recovery in the affected communities.
- 1.4 The program opened for expressions of interest on 20 October 2022 and will close on 13 July 2023 at 4:00 pm.

##### 2. Loan Amount and terms and conditions

- 2.1 Concessional Loans of up to \$250,000 are available to assist those Primary Producers which have suffered significant damage to their assets as a direct result of the 2022 Victorian Floods.
- 2.2 Concessional Loans of up to \$100,000 are available to assist those Primary Producers which have suffered a significant loss of income as a direct result of the 2022 Victorian Floods.
- 2.3 The maximum total loan available under this program is \$250,000.
- 2.4 The amount available is based on an assessment of the applicants’ financial position, including any amount recoverable under an insurance policy and cannot be more than the amount reasonably required.
- 2.5 The following terms and conditions will apply to all concessional loans:
  - a. Loans have a concessional interest rate for up to 5 years (loans revert to a commercial rate of interest for any remaining loan term after the concessional period). For the year to 30 June 2023 the concessional interest rate is 1.69%. This rate is updated annually.
  - b. Application fees will not apply however statutory costs and other charges to establish loan securities will apply.
- 2.6 The term of loan will be determined by Rural Finance and will be up to a maximum of five years for the concessional period.

### 3. How funding may be used

- 3.1 Concessional loans are provided to re-establish the normal operations of the business. The loans are intended to be used for the purposes of restoring and/or replacing damaged assets and/or for working capital expenses that cannot be met due to a loss of income.
- 3.2 Asset replacement: Costs of restoring and/or replacing damaged Primary Producer assets in accordance with current codes and standards. This includes costs such as:
- a. repairing or replacing damaged plant and equipment
  - b. repairing or replacing buildings
  - c. supplying stock to replace lost stock and maintain liquidity of the business
  - d. purchasing livestock to replace those that have been lost in the eligible disaster; or
  - e. replanting, restoring, or re-establishing areas that were affected by the eligible disaster (associated with a Primary Production Enterprise).
- 3.3 Working capital: Essential expenses while the business returns to its normal level of trading. This includes expenses such as:
- a. paying bills
  - b. paying salaries or wages
  - c. paying rent and rates
  - d. paying for goods or services, including for example fuel, essential to carry-on the business
  - e. buying fodder or water for livestock or produce (associated with a Primary Production Enterprise); or
  - f. transporting livestock or produce (associated with a Primary Production Enterprise).
- 3.4 Funding from concessional loans cannot be used to refinance existing loans.

### 4. Applications

- 4.1 The program will be administered by Rural Finance on behalf of the Victorian Government. All assessments of applications and payments will be managed in accordance with these Guidelines.
- 4.2 To apply for the Victorian Primary Producer Flood Recovery Concessional Loans, an expression of interest form will need to be completed and lodged. Following assessment by Rural Finance of a submitted expression of interest form eligible applicants will be asked to complete a more detailed application form. The expression of interest can be obtained from the Rural Finance website [www.ruralfinance.com.au](http://www.ruralfinance.com.au)
- 4.3 Applications will be assessed in order of receipt against the eligibility criteria and must be submitted by the closing date shown on the Rural Finance website.

### 5. Eligibility criteria

- 5.1 To be eligible for a loan the Primary Producer applicant must:
- a. Be a Primary Producer;
  - b. Devote part of their labour to the Primary Production Enterprise;
  - c. Derive at least 50 per cent of their gross income from Primary Production in an average year;
  - d. Hold an Australian Business Number (ABN) and have held that ABN at the time of the eligible disaster;
  - e. Own a Primary Production Enterprise in the defined disaster area for the eligible disaster;
  - f. Have been engaged in carrying on the Primary Production Enterprise when affected by the eligible disaster;
  - g. Be primarily responsible for meeting the costs claimed in the application;

- h. Be intending to re-establish or continue carrying on conducting the Primary Production Enterprise within the same Local Government Area;
- i. Have suffered:
  - a. significant damage to assets as a direct result of the eligible disaster; or
  - b. significant loss of income as a direct result of the eligible disaster.
- j. Demonstrate that the Primary Production Enterprise has reasonable prospects of long-term viability with the assistance provided;
- k. Use the funds for the approved purpose only;
- l. Demonstrate that the Primary Production Enterprise has the capacity to repay the loan;
- m. Provide adequate security and loans should generally be secured by a mortgage of land and other assets satisfactory to Rural Finance (a division of Bendigo & Adelaide Bank Limited and the Victorian delivery agency); and
- n. Demonstrate the Primary Production Enterprise has not received another concessional loan for loss or damage that was related to the eligible disaster or where a concessional loan has been received it is replaced with a loan under this offering.

5.2 An applicant may also be eligible for a concessional loan if in the opinion of Rural Finance:

- a. Based on the demonstrated production potential, the primary production enterprise will derive at least 50 per cent of their gross incomes from the primary production enterprise<sup>1</sup> within a three-to-eight-year period, taking into account the nature of the industry; or
- b. if the income is less than 50 per cent of their total gross income, the applicant can demonstrate it is a commercial enterprise generating more than \$75,000 gross income from the primary production enterprise in an average year.

5.3 You may also be eligible for a concessional loan if both 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 sometime on a regular basis in the area; and
- b. Property, plant or equipment of the Primary Production Enterprise situated in the defined disaster area has been damaged as a result of the eligible disaster.

## 6. Evidence

6.1 Evidence of direct damage associated with the eligible disaster may include:

- a. a list of flood-related damage, supported by photographic evidence of the direct damage; and
- b. supporting evidence such as quotations.

6.2 Evidence of loss of income associated with the eligible disaster may include documentation of a large reduction in income as a result of the disaster.

## 7. Interest rate review

7.1 The interest rate on concessional loans is reviewed each financial year and reset based on the 10 year Commonwealth Government bond rate, published by the Reserve Bank of Australia, using the average bond rate for the April to June months in the preceding financial year. For the 2022-23 financial year the interest rate is 1.69%.

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<sup>1</sup> For example, this could be because of seasonal conditions, or long lead times for production.

## 8. Loan reviews and reporting requirements

- 8.1 Loans will be subject to an annual review and the necessary financial information must be provided when requested each year.
- 8.2 If information in the loan application is found to be untrue or misleading, action may be taken to recover the loan; penalties may also apply and the matter may be referred to law enforcement authorities of the relevant Australian, state or territory government.

## 9. Definitions

**Administrating Agency** means the responsible agency/department/body for assessing and administrating the loan applications. The program will be administered by Rural Finance on behalf of the Victorian Government. All assessments of applications and payments will be managed in accordance with these Guidelines.

**Defined disaster area** means:

- **2022 Victorian Floods** events which commenced in October 2022 and occurred in the local government areas listed on the Rural Finance website or on the Australian Government Disaster Assist website <https://www.disasterassist.gov.au/Pages/disasters/current-disasters/Victoria/victoria-floods-06102022.aspx>
- **2022 Victorian Flood Area** is a local government area impacted by the 2022 Victorian Floods identified under the Disaster Recovery Funding Arrangements.

**Disaster Recovery Funding Arrangements** means the funding arrangements as agreed between the Commonwealth and the State for providing financial assistance to communities affected by an eligible disaster (available on the Australian Government Disaster Assist Website).

**Direct loss or damage** means a direct and material impact of the 2022 Victorian Floods and storms on the property, business assets, plant, equipment, produce or livestock used for the purposes of the Primary Production carried on by the Primary Producer.

**Loss of income** means net income which would have been earned if the Primary Production Enterprise had not been interrupted by the eligible disaster based on past performance during similar periods. Net income takes into account the costs that would have been incurred to earn the income.

**Long-term viability** means the ability of a Primary Producer's operation to continue to operate and be able to meet its liabilities as they become due. Long-term would generally be considered a period greater than three years.

**Primary Producer** means:

- a. a sole trader who -
  1. spends part of their labour on a Primary Production Enterprise; and
  2. either –
    - i. derives at least 50 per cent of their gross income from the Primary Production Enterprise; or
    - ii. in the opinion of Rural Finance, based on the demonstrated production potential of the Primary Production Enterprise, will eventually derive<sup>2</sup> at least 50 per cent of their gross incomes from the Primary Production Enterprise; or is a commercial enterprise generating more than \$75,000 gross income from the Primary Production Enterprise.
- b. in relation to a partnership, private 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 –
  1. spends part of their labour on a Primary Production Enterprise; and

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<sup>2</sup> For example, this could be because of seasonal conditions, or long lead times for production.

2. either –
  - i. derive at least 50 per cent of their gross income from the Primary Production Enterprise; or
  - ii. in the opinion of Rural Finance, based on the demonstrated production potential of the Primary Production Enterprise, will eventually derive at least 50 per cent of their gross incomes from the Primary Production Enterprise; or is a commercial enterprise generating more than \$75,000 gross income from the Primary Production Enterprise.

**Primary Production Enterprise** means:

- a. a business that is carried on by a Primary Producer and involves Primary Production, as listed under the Australian New Zealand Standard Industrial Classification 2006 (ANSIC) 1292.0 Codes 01-05, including the agricultural, apicultural, aqua-cultural, commercial wild-catch fishing, forestry, grazing and horticultural industries; as well as horse agistment, horse breeding, stud farm operation and horse training, and
- b. for which an entity holds an Australian Business Number (ABN).

**Reinstatement** means the carrying out of activities that are necessary to help the Primary Production Enterprise to continue/resume normal trading or production as soon as possible following an eligible disaster.

**Working capital** means money that is necessary to continue the normal operations of the small business or Primary Production Enterprise for up to one year.

## 10. Fraudulent claims

- 10.1 By signing the application form, you are declaring that the information provided in the application form and supporting documentation is true, accurate and not misleading about a material fact.
- 10.2 Providing inaccurate, untrue, or misleading information may result in an offence being committed and serious penalties may apply.
- 10.3 If any information provided in an application or supporting documentation is found to be inaccurate, untrue, or misleading, legal action may be taken against the applicant, including action to recover the funds.

## 11. Privacy Statement

Any personal information provided by the applicant in an application will be collected by Bendigo and Adelaide Bank Ltd (using the brand name of Rural Finance) on behalf of the Department of Jobs, Precincts and Regions (DJPR) for the purposes of assessing eligibility for this loan, ensuring compliance with other 2022 Victorian Floods programs and, if applicable, administering reimbursement. Rural Finance may contact you. DJPR and Rural Finance will be auditing and monitoring applications and may contact you for clarification, program review and evaluation.

DJPR completes a range of eligibility assessments that may include data matching to clarify the accuracy and quality of your supplied information. The data matching can include ABN reference numbers, personal information such as date of birth or drivers licence number or any proof of identity information supplied as part of this application. We compare eligibility with active grant programs run by the department or our partners. This is part of our auditing and monitoring purposes.

If there is an intention to include personal information about third parties in the application, please ensure they are aware of and consent to the contents of this privacy statement. In the assessment of the application, it may be necessary to share personal information with State and Commonwealth Government departments and agencies.

Any personal information collected, held, managed, used, disclosed or transferred will be held in accordance with the *Privacy and Data Protection Act 2014* (Vic) and other applicable laws.

Rural Finance is committed to protecting the privacy of personal information. Enquiries about access to personal information, or for other concerns regarding the privacy of personal information, can be emailed to Rural Finance at [admin@ruralfinance.com.au](mailto:admin@ruralfinance.com.au). Rural Finance's privacy policy is also available by emailing [admin@ruralfinance.com.au](mailto:admin@ruralfinance.com.au).

## 12. Disclaimer

This publication may be of assistance to you but Rural Finance, the Commonwealth and Victorian Government and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Rural Finance, the Commonwealth and Victorian Government reserve the right in their absolute discretion to amend the guidelines without notice or discontinuing the program.

## 13. Further information

The completed expression of interest form and application form (if requested) and any attachments are to be forwarded to:

Rural Finance  
PO Box 1313  
Bendigo Central 3552 or [admin@ruralfinance.com.au](mailto:admin@ruralfinance.com.au)

If you require further information please contact Rural Finance on 1800 260 425 or via email at [admin@ruralfinance.com.au](mailto:admin@ruralfinance.com.au)