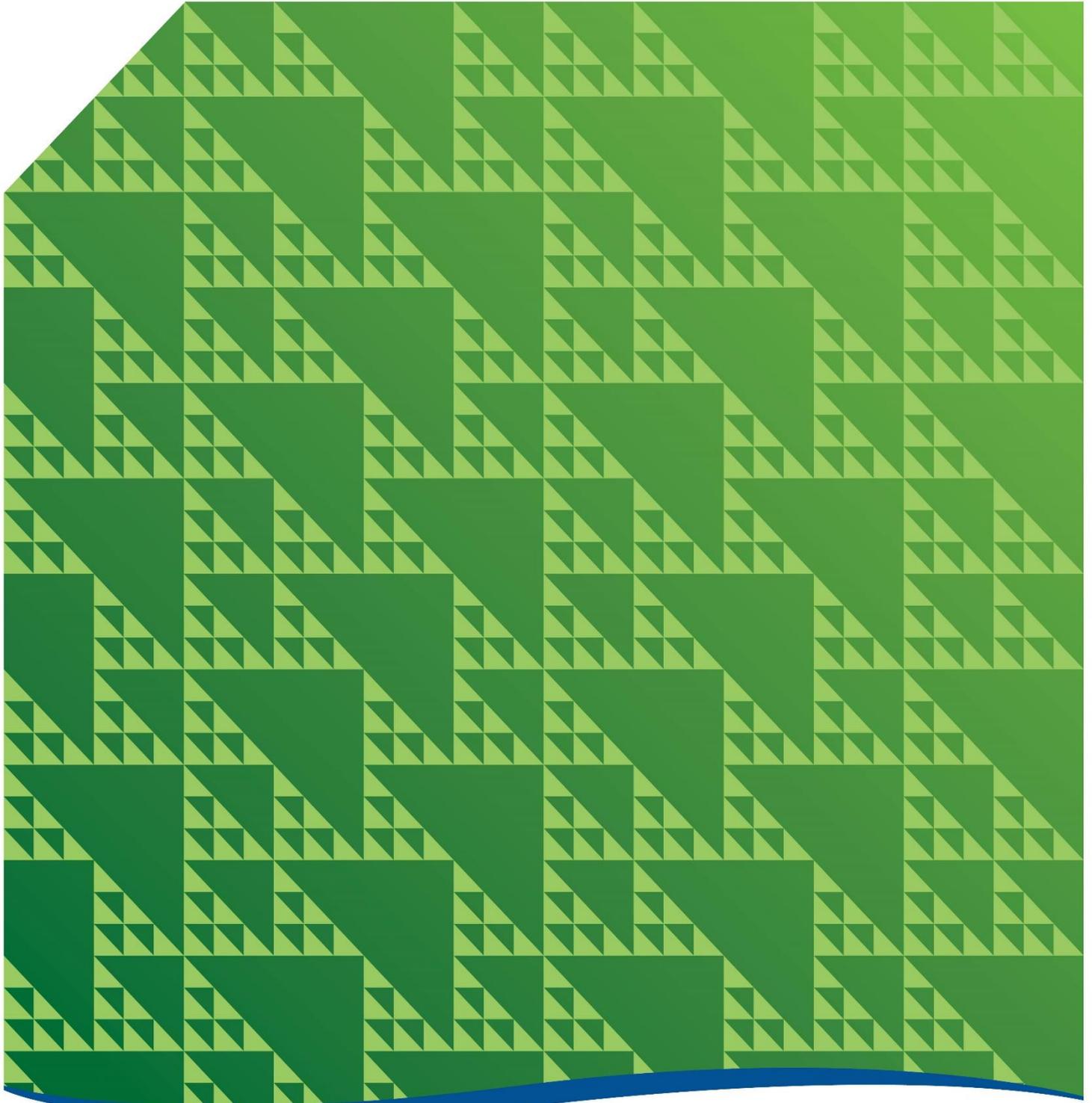


# Past Native Forest Contractor Hardship Relief Program Guidelines





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# Introduction

The Tasmanian native forest sector has experienced significant structural change over the last five years. This has included the withdrawal of Gunns Limited from native forestry operations in late 2010 and the signing of the first Tasmanian Forests Intergovernmental Agreement (TFIGA), on 7 August 2011, which formalised the role of the Australian and Tasmanian Governments in the restructuring of the forest industry.

Through this period, both Governments have implemented a number of native forest industry and employee assistance programs to assist people to adapt to the structural change. These programs primarily targeted businesses directly contracted to undertake silviculture, harvest or haulage operations in public native forests and employees of forest businesses.

However, due to the range of roles in the forestry sector, there are people such as small, independent contractors and sub-contractors, who have experienced hardship arising from the change, but have been unable to access support through these previous programs.

## Program Objectives

The objective of the **Past Native Forest Contractor Hardship Relief Program** (the Program) is to provide financial assistance to those past native forest contractors and sub-contractors continuing to experience hardship, who:

- were directly engaged in the onsite forest operations of the native forest industry on public native forest (at the time Gunns Limited commenced its withdrawal from native forestry operations); and
- have not received financial assistance from any of the previous '**Forest Industry Programs**' undertaken by both the Australian and Tasmanian Governments.

This objective is consistent with the TFIGA objective of providing support to contractors experiencing hardship as a result of the restructuring of the Tasmanian native forest industry,

# Definitions

**'Eligible Contract'** is a contract that existed between the contractor and either Gunns Limited or Forestry Tasmania for onsite native forest services on public native forest, comprising:

- **'Silviculture'**;
- harvest;
- haulage; and
- services for the construction and maintenance of roads,

as demonstrated by written contract/s with a termination date no earlier than 8 August 2010 or by **'Records of Payment'**.

**'Eligible Contractor'** is:

- an individual who was, or a partnership, company or trust which was a contractor under an **'Eligible Contract'**; or
- an individual who was, or a partnership, company or trust which was delivering services specified in an **'Eligible Contract'** as a sub-contractor to a contractor under an **'Eligible Contract'**.

**'Forest Industry Program'** is a previous forest program administered by the Tasmanian or Australian Governments under the TFIGA, namely:

- Tasmanian Native Forests High Quality Sawlog Contract Buyback Program;
- Tasmanian Regional Sawmill and Structural Adjustment Grants Program;
- Support for Affected Workers and Contractors Program (Hardship Program for Contractors);
- Support for Affected Workers and Contractors (Transitional Support Program);
- Tasmanian Jobs and Growth Plan;
- Transition Support Payments Tasmanian Forest Contractors Exit Assistance Program;
- Tasmanian Forest Contractors Voluntary Exit Programme (TCEAP)
- Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Programme (IGACEP); and
- Tasmanian Native Forest Harvest Contractor Assistance Program.

**'Records of Payment'** are financial records to demonstrate an **'Eligible Contract'** and in the case of a sub-contractor also showing the contractual relationship with the principal contractor. At a minimum the financial records must demonstrate two or more payments under an **'Eligible Contract' and any sub-contract**, or invoices demonstrated as having been submitted under an **'Eligible Contract' and any sub-contract**, within any 3 month period between 8 August 2010 and 7 August 2011, for onsite native forest services on public native forest, namely:

- **'Silviculture'**;
- harvest;
- haulage; and
- services for the construction and maintenance of roads.

**'Silviculture'** operations are defined as operations to establish or manage trees in Tasmanian public native forests. These operations include seed collection for re-sowing public native forest, seed sowing in public native forest, the planting and cultivation of trees such as site preparation but exclude activities for the purposes of plantation management, the preparation of land for plantation management or the operation of plant nurseries.

## Program Eligibility

To be eligible for assistance under the **Past Native Forest Contractor Hardship Relief Program**, applicants must meet the eligibility requirements below.

### Eligibility Requirements

- At the time the **'Eligible Contract'** existed the applicant must have been:
  - in the case of a sole trader who is an **'Eligible Contractor'**, the individual sole trader;
  - in the case of a partnership which is an **'Eligible Contractor'**, a partner specified in the partnership agreement;
  - in the case of a company which is an **'Eligible Contractor'**, a shareholder of that company; and
  - in the case of a trust which is an **'Eligible Contractor'**, the beneficiaries of that trust.
- An **applicant** must have been unemployed:
  - on or after 30 June 2015; and
  - for a cumulative period of no less than 12 months in the period between 7 August 2011 and 30 September 2015,

as demonstrated by a Centrelink income statement and/or certified Centrelink printout of benefit dates.

- An applicant must not have:
  - personally received funding assistance under any previous '**Forest Industry Program**'; or
  - been a shareholder of a company that received funding assistance under any previous '**Forest Industry Program**'; or
  - been the partner of a partnership that received funding assistance under any previous '**Forest Industry Program**'; or
  - been the beneficiary of a trust that received funding assistance under any previous '**Forest Industry Program**'.
- An applicant must not be subject to any legal disability, bankrupt or bankruptcy proceedings.
- An applicant must provide evidence to the satisfaction of the Evaluation Panel that they comply with all the requirements of the Program.

## Program Offer

An applicant who is assessed to have met the eligibility criteria (see above), will be eligible for a total grant **up to** a maximum amount of \$10 000. The Department of State Growth (the Department) retains the right to determine the funding amount or not to approve funding at its discretion.

A maximum of \$1 million is available to be paid out as grant funding under this Program. ***If the total of the proposed maximum grant payments to eligible applicants exceeds the total available funding for the program (\$1 million) then the final grant offers may be reduced on a pro-rata basis.***

An applicant may apply for one grant only, even though they may have held or been involved with more than one '**Eligible Contract**'.

## Taxation and Financial Implications of Grant Funding

The receipt of funding under this program may be treated as income by the Australian Taxation Office (ATO) and Centrelink.

It is strongly recommended that potential funding applicants consider seeking advice about the implication for receiving Grant funding under the Program from a tax advisor, financial advisor, the ATO and/or Centrelink, prior to submitting an application.

# Evaluation Process

Please read these guidelines carefully as they will help determine your eligibility for assistance. These guidelines can be downloaded from the program administrator Wise, Lord & Ferguson at website [www.wlf.com.au/news/or\\_email@wlf.com.au](http://www.wlf.com.au/news/or_email@wlf.com.au) and phone 6223 6155 contact officer.

The evaluation process will consist of the following steps:

## Step 1: Submission of application

Applications are to be submitted using the provided application form the program administrator Wise, Lord & Ferguson who will arrange for them to be assessed. Applications can be submitted via email, or posted to the contact officer (see Administration below)

Applications must be lodged by the closing date of 29 January 2016 and provide:

- a fully completed and signed application form; and
- evidence that program eligibility is met.

The completed application remains the property of the Department. The Department has the right to reproduce parts of your documentation for the purposes of program publicity and evaluation. All applicant details will be held in confidence and managed in accordance with the *Personal Information Protection Act 2004*.

## Step 2: Assessment

All applicants will have their eligibility for the program assessed by an evaluation panel (the Panel) established by the program administrator Wise, Lord & Ferguson. The Panel will consist of appropriately qualified individuals to manage the evaluation of applications. The Panel may second specialist firms or individuals to assist them in the assessment of applications if necessary.

Applications will be assessed according to the Eligibility Requirements outlined in this document and information provided by the applicant on the application form.

During the assessment process, applicants may be contacted by Wise, Lord & Ferguson to provide further information about the application. Failure to provide any requested information in a timely manner may result in the program administrator being unable to assess the application or the application not being approved.

As part of the assessment process, relevant applicant details will be provided to the Commonwealth Department of Agriculture and checked against the Department's records to ensure that individuals have not received previous funding under any '**Forest Industry Program**'.

## Step 3: Notification

You will be notified of the result of the application once assessments have been finalised.

Should your application be unsuccessful, you will receive a letter outlining the reasons for the decision. You will also have the opportunity to discuss this decision with the program administrator.

## Step 4: Funding agreement

If you are successful you will be required to enter into a funding agreement in the form of a grant deed with the Department for the financial assistance.

To accept the offer, the funding agreement must be signed in accordance with the applicant's legal signing authority and returned to the program administrator. The Department, at the earliest opportunity, will sign and finalise the agreement.

No commitment for funding is in place until both parties have signed this deed.

## Step 5: Payment

For payment we will require the following:

- signed agreement to the offer (as per step 4 above);
- an invoice made out to the Department:
  - if the applicant has an ABN - a valid tax invoice including your ABN and the agreed grant amount plus GST;
  - if the applicant does not have an ABN - an invoice including the agreed grant amount (not including GST) and a "statement by supplier" form (available from the Contact Officer).
- your nominated account details. The grant will be paid by Electronic Funds Transfer.

# Administration

The Program will be administered by Wise, Lord & Ferguson on behalf of the Crown in Right of Tasmania.

Any person requiring further advice or information on the Program is asked to direct enquiries to:

**Contact Officer Rebecca Meredith** - Past Native Forest Contractor Hardship Relief Program

Email: [program.admin@wlf.com.au](mailto:program.admin@wlf.com.au)

Phone: 6223 6155

Web: <http://wlf.com.au/news/>

# Timeframes

All potential applicants must read the guidelines carefully to determine their eligibility for funding under the Program.

Applications for funding under the Program must be submitted by 29 January 2016. Late applications will not be considered.

Should the evaluation panel request further information to support or clarify an application, it must be provided within the requested timeframe, normally two weeks, or the application will be rejected.

## Right to Information

Information provided to the Department of State Growth may be subject to disclosure in accordance with the ***Right to Information Act 2009***.

## Personal Information Protection

Personal Information will be managed in accordance with the ***Personal Information Protection Act 2004***. This information may be accessed by the individual to whom it related, on request to the Department of State Growth. A fee for this service may be charged.

## Disclaimer

Although care has been taken in the preparation of this document, no warranty, express or implied, is given by the Crown in Right of Tasmania, as to the accuracy or completeness of the information it contains.

The Crown in Right of Tasmania accepts no responsibility for any loss or damage that may arise from anything contained in or omitted from or that may arise from the use of this document, and any person relying on this document and the information it contains does so at their own risk absolutely.

The Crown in Right of Tasmania does not accept liability or responsibility for any loss incurred by any Contractor that are in any way related to the Program.

