



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts**

# Tasmanian Freight Equalisation Scheme Information Paper

This information paper is made under subclause 8.3.1 of the Ministerial Directions for the Tasmanian Freight Equalisation Scheme (TFES).

## Claims Agents

A claimant may authorise an approved TFES claims agent to act on their behalf.

If you want to submit claims on a claimant's behalf, you need to apply to become a claims agent.

### Becoming a claims agent

To apply to become a claims agent you must complete a Claims Agent Application form which is available on the Services Australia website.


Supporting evidence is required to be submitted with the application form. If you are unsure of the correct supporting documentation please contact Services Australia prior to submitting the form.

You will receive notification of the outcome of your application.

### Obligations of a claims agent

As a claims agent, you are required to:

- Read, understand and comply with your obligations under the TFES Ministerial Directions.
- Be approved to act as a claims agent by Services Australia on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.
- Not have any direct or indirect involvement, affiliation or interest in setting the price of shipping goods.
- Be subject to audit and comply with requests from Services Australia for information and documentation.
- Provide claims agent authorisations to Services Australia for all claimants that you intend to lodge claims for.
- Notify Services Australia where a claimant has revoked authorisation for you to act as their claims agent.
- Ensure your claims agent registration details are up to date, including name, ABN, contact details, bank details and authorised representatives.
- Maintain adequate record keeping processes and an information management system covering all claimants that you lodge claims for.

- 
- Ensure all details of your claimants are up to date, including the claimant and/or business name and bank account details.
  - Keep all claim and supporting documentation in a readily accessible format for 5 years.
  - Lodge all claims and supporting documentation online.
  - Ensure that all claims are lodged within six months after the date of shipment as required under subclause 4.12.1 of the TFES Ministerial Directions.
  - Ensure that the correct amount of TFES assistance has been passed on to all claimants you lodge claims for.
  - Itemise both the estimated and actual dollar value of TFES assistance on every invoice issued to claimants for whom you lodge claims.
  - Notify claimants of the full amount of TFES assistance received within 30 days of the outcome of the claim.
  - Undertake the functions/responsibilities of a claims agent within your own business

## Variation or revocation of Approval as a claims agent

Your approval as a claims agent may be varied or revoked at any time or if you no longer meet the requirements to be a claims agent. Examples of situations where your approval may be revoked include:

- Submitting inaccurate claims;
- Providing false or misleading information in relation to a claim;
- Entering into a non-arms-length arrangement\* with a person involved in setting the price of shipping; or
- Not complying with requests to provide documentation to Services Australia online within a reasonable timeframe.

If your approval is varied or revoked, you are required to notify the claimants that you act on behalf of.

### Authorising a claims agent

To authorise a claims agent claimants must complete a Claims Agent Authorisation form available on the Services Australia website. Claims agent are responsible for providing this to Services Australia.

Claims agents will receive notification when they are able to lodge claims on behalf of a claimant.

Authorising a claims agent does not take away the right for claimants to deal directly with Services Australia or submit claims.

Claims agent authorisations can be withdrawn at any time by the claimant.



## **\*Non-arms-length commercial arrangement**

A non-arms-length commercial arrangement may be characterised as one where:

- the parties are related in some way (e.g. financial connection or family connection such as affection or dependence); or
- the parties are subject to undue influence, control or pressure.

The term non-arms-length commercial arrangement refers to the manner of the dealings between the two parties where there appears to be a relationship or influence. The nature of the relationship between the parties is relevant in determining whether a transaction was conducted at arms-length. However, the fact that parties to a transaction are not at arm's length (i.e. are related) does not mean they cannot deal with each other in respect to a particular transaction at arm's length.

For example, a husband and wife, though related by marriage and therefore not at arm's length can still conduct a particular transaction at arm's length. It is therefore a matter of objectively looking at a particular dealing (rather than relationships) to determine if a dealing is at arm's length.

In these circumstances, it would be necessary for the claimant to provide information that would show that arrangements between the parties have been made on an arms-length basis.

For example, documentation that indicates that the arrangement / pricing was at arms-length or a statutory declaration from the business owner.

For further information, please see Subpart 4A of the TFES Ministerial Directions