OPERATIONAL INSTRUCTIONS FOR THE AUSTRALIAN GOVERNMENT DISASTER RECOVERY PAYMENT TO PEOPLE ADVERSELY AFFECTED BY THE SEVERE WEATHER AND ASSOCIATED FLOODING IN QUEENSLAND

28 February 2013

1. DECISION
The Australian Government Disaster Recovery Payment (AGDRP) has been activated to assist people who have been adversely affected by the severe weather, rainfall and associated flooding in Queensland in the Local Government Areas of Bundaberg, Cherbourg, Fraser Coast, Gladstone, Gympie, Lockyer Valley, North Burnett, Rockhampton, Somerset and South Burnett which occurred in January 2013 and continued in February 2013.

2. PURPOSE OF PAYMENT
The payment is to provide one-off financial assistance to eligible Australians adversely affected by the major disaster.

3. STATEMENT OF PRINCIPLE
Given the nature of the event, and the Australian Government’s desire to ensure families and individuals are supported appropriately, these Operational Instructions are intended to be applied using common sense and discretion to minimise inconvenience to applicants.

4. DEFINITION OF MAJOR DISASTER
The severe weather, rainfall and associated flooding that occurred as a result of ex Tropical Cyclone Oswald that commenced on 21 January 2013 and ended on 9 February 2013 and affected the Local Government Areas of Bundaberg, Cherbourg, Fraser Coast, Gladstone, Gympie, Lockyer Valley, North Burnett, Rockhampton, Somerset and South Burnett.

5. ELIGIBILITY FOR THE AGDRP

5.1 Under section 1061K of the Social Security Act 1991, a person is qualified for an AGDRP if:

a) the person is at least 16 years old, or is receiving a social security payment; and

b) the person:
   i) is an Australian resident; or
   ii) is the holder of a visa that is in a class of visas determined by the Minister for the purposes of subparagraph 729(2)(f)(v); or
   iii) is receiving a social security payment; or

1 This is end date is not contained in the Determination, but is based on Bureau of Meteorology data on ex-Tropical Cyclone Oswald and the resultant flooding.

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iv) is an Australian citizen who is not an Australian resident and who is covered by a determination under subsection (2); and

c) the person is adversely affected by a major disaster.

5.2 Under section 1061K(4) of the Social Security Act 1991, a person cannot be qualified for more than one AGDRP in relation to the same major disaster.

6. DEFINITIONS FOR ELIGIBILITY

6.1 Definition of “adult”

a) In accordance with the qualification criteria under section 1061K of the Social Security Act 1991, for the purposes of this payment an adult is any person:

o aged 16 years or over; or

o receiving a social security payment.

b) A child does not qualify for the AGDRP in her/his own right.

6.2 Definition of a “child”

a) For the purposes of this payment a child is any person:

o under (but not including) the age of 16 years; and

o not receiving a social security payment.

b) A child will be a “dependent child” of the person, if the person has legal responsibility for the day-to-day care, welfare and development of the child.

d) There can only be one principal carer of a particular child at any particular point in time. DHS has the delegation to determine the principal carer in 50/50 shared care arrangements.

e) An adult who is eligible for the AGDRP can claim for a child, for whom they are the principal carer even if the:

o child was not adversely affected by the disaster, and/or

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2 Refer to definition in paragraph 7.
3 Refer to definition in paragraph 4.
7 DEFINITION OF ADVERSELY AFFECTED

7.1 The circumstances in which a person is “Adversely Affected”

a) a person was seriously injured as a direct result of the disaster, or
b) a person is an immediate family member of a person who is killed as a direct result of the disaster, or
c) a person's principal place of residence has been destroyed as a direct result of the disaster, or
d) a person's principal place of residence has sustained major damage as a direct result of the disaster, or
e) the person is unable to gain access to his or her principal place of residence for at least 24 hours as a direct result of the disaster, or
f) the person is stranded in his or her principal place of residence for at least 24 hours as a direct result of the disaster, or
g) the person’s principal place of residence experienced utility failure for a continuous period of 48 hours as a result of the disaster, or
h) a person is a principal carer of a dependent child; and
  a. the dependent child was seriously injured as a direct result of the disaster; or
  b. the dependent child is the immediate family member of a person who is killed as a direct result of the disaster; or
  c. the dependent child’s principal place of residence has been destroyed as a direct result of the disaster; or
  d. the dependent child’s principal place of residence has sustained major damage as a direct result of the disaster; or
  e. the dependent child is unable to gain access to his or her principal place of residence for at least 24 hours as a direct result of the disaster; or
  f. the dependent child is stranded in his or her principal place of residence for at least 24 hours as a direct result of the disaster; or
  g. the dependent child’s principal place of residence experienced utility failure for a continuous period of 48 hours as a result of the disaster.
7.2 Definition of "seriously injured"

a) For the purposes of the payment, a person was "seriously injured" if, as a direct result of the disaster:
   - the person sustained an injury/injuries and was admitted to hospital; or
   - under normal circumstances, the person would have been admitted to hospital.

b) Evidence of admittance, treatment and/or discharge from hospital may be requested for verification purposes.

c) Serious injury can include an illness provided that the conditions of 7.2(a) are met.

7.3 Definition of "Immediate Family Member"

Assistance can be provided to the immediate family members of a deceased person killed as a direct result of the disaster.

The person will be regarded as an immediate family member of a person killed (the deceased) in the disaster if the person in relation to the deceased was:

a) the deceased person's partner; or
b) the deceased person's natural child, adoptive child or stepchild; or
c) the deceased person's natural parent, adoptive parent or step parent; or
d) the deceased person's legal guardian; or
e) the deceased person's brother, sister, stepbrother or stepsister.

7.4 Assessment of a person killed as a "direct result of the disaster"

For the purposes of this payment, the following elements are to be considered when assessing that a person was killed as a direct result of the disaster:

a) The person was killed in a way consistent with the impacts of the disaster.
b) Due to the impacts of the disaster the person was unable to seek medical attention.
c) The disaster aggravated an existing condition which caused death.
d) The person is "assessed as a missing person" under 7.5

This is an initial list of potential situations in which the person may be killed as direct result of the disaster and is not intended to be a comprehensive list that covers all possible scenarios.

If a person does not meet the assessment of having an immediate family member killed as a direct result of the disaster, the claim should be forwarded...
to AGD via Emergency Management Branch in DHS as a policy query for further assessment, prior to the claim being rejected.

7.5 **Assessment of missing persons**

a) For the purposes of the payment, a missing person is someone whose whereabouts are unknown and there are serious concerns for their safety and welfare as a result of the disaster.

b) For the purposes of the payment, the following elements are to be considered when assessing whether a person is a missing person:
   1. The person was in the immediate area of the disaster at the time of the disaster, and
   2. The person has not communicated with family members in the 14 days following the disaster, or
   3. The person has not returned to their principal place of residence in the 14 days following the disaster, and
   4. Police and emergency services personnel have unsuccessfully attempted to locate the missing person.

c) Verification may include a copy of a missing person report or a self-declaration by the claimant.

d) For the purposes of the payment only, an individual who is assessed as a missing person will be presumed killed as a direct result of the disaster.

e) If the person does not meet the assessment of a missing person the claim should be forwarded to AGD via Emergency Management Branch in DHS, as a policy query for further assessment prior to the claim being rejected.

7.6 **Definition of “Principal Place of Residence”**

a) For the purposes of this payment, a place is a person’s principal place of residence if:
   1. it is a place in which the person normally resides, and
   2. the person has a right or license entitling the person to lawfully reside in that place.

b) For the purposes of this payment, “the place in which the person normally resides” is satisfied when the claimant can demonstrate:
   1. a regular or usual pattern of occupancy in that residence, and
   2. settlement in the residence with a degree of permanency.

c) Settlement could include but is not limited to, residing in a place for the purposes of:
   1. caring
   2. education
   3. employment, or
o medical treatment and/or an associated medical condition.

d) The principal place of residence includes all rooms which are fully
enclosed and under a common roof space.

e) In the case of most free standing homes, Clause 7.4 (d) could
include a garage or a similar structure (such as a laundry) if the
structure was under the common roof space of and/or attached to
the residence.

f) In a situation of high density housing where residents have access
to common areas in addition to their self-contained residence (such
as a multi-storey unit, apartment block or semi-attached or attached
townhouse) the principal place of residence is considered to be the
self-contained residence and does not include the common areas
which could include (but is not limited to) staircases, hallways and
common car parks or basements.

7.7 Definition of “Destroyed”
Elements that constitute a principal place of residence have been destroyed
when, as a direct result of the disaster:

- the principal place of residence has been destroyed as a direct
  result of the disaster; and

- the principal place of residence has been damaged as a direct
  result of the disaster to the extent that it must be demolished.

7.8 Definition of “major damage”
Elements that constitute a principal place of residence have suffered “major
damage” when, as a direct result of the disaster:

a) at least one-quarter of the interior of the residence has been
  affected by the disaster, including by flood water or associated
debris; or

b) the residence has been declared structurally unsound as supported
  by evidence.

c) the residence has been breached, exposing at least one-quarter of
  the interior of the residence to the elements; or

d) the interior of the residence has experienced sewerage
  contamination.

7.9 Assessment of “major damage”
For the purpose of this payment, the following elements are considered when
assessing a principal place of residence as experiencing “major damage”.

a) One-quarter has been affected by the event, including by
  associated debris

- “One-quarter” requires the area affected to be 25% or more
  of the interior of the residence.
o “One-quarter” can be calculated by assessing either the proportion of the number of rooms affected or the proportion of the surface floor area of the residence.

b) Structurally Unsound

o This element requires evidence from a credible authority specifying that the principal place of residence has been declared structurally unsound.

o A credible authority could include, but is not limited to, a builder or engineer’s report

c) Breach – one-quarter of the interior has been exposed

o One-quarter requires the area affected to be 25% or more of the rooms and/or surface floor area of the residence.

d) Sewerage contamination

o Sewerage contamination encompasses sewerage contamination and sewerage overflow in so far as this overflow adversely affects the interior of the principal place of residence.

e) Claimants are considered to have “major damage” in accordance with Clause 7.8 even if the damage has been repaired or the repairs are yet to be completed.

7.10 Definition of “stranded”

a) For the purposes of the payment, a person has been “stranded” if he/she was unable to leave their principal place of residence for a period of 24 hours or more as a direct result of the disaster, as supported by evidence.

b) For the purposes of the payment a person is not considered stranded when a person is able to access and leave their principal place of residence, for example to access a neighbour’s property, or access amenities including the centre of town.

c) A person may be stranded even in the absence of physical barriers to their property if they have a legitimate apprehension that they will be in danger if they leave the confines of their principal place of residence. This situation may occur where there is official advice that people should not leave their principal place of residence for a period of 24 hours or more. Each case will need to be assessed individually to determine whether legitimate apprehension was present, and whether any apprehension on the part of the claimant was reasonable under the circumstances. For questions to assist
with determining 'legitimate apprehension' please see Attachment C.

7.11 Definition of “unable to gain access”

a) For the purposes of the payment “unable to gain access” means the person was not able to return to their principal place of residence for 24 hours or more as a direct result of the disaster, as supported by evidence.

b) 7.11 (a) includes those people who were evacuated from their principal place of residence formally by emergency services authorities and those who were absent from their principal place of residence at the time of the disaster but were not able to return to their principal place of residence for 24 hours or more as a direct result of the disaster, as supported by evidence.

7.12 Assessment of “unable to gain access”

a) Evidence could include, but is not limited to, formal notification and/or public announcement of road closures and associated conditions limiting access from local council or emergency services authorities.

b) Where formal evidence is unavailable, a person may make a self-declaration that they were unable to gain access to their principal place of residence for 24 hours or more as a direct result of the disaster. Where DHS accepts self-declaration, DHS will seek to undertake third-party cross-checking with official lists at a later date.

c) The 24 hours qualifying period must be continuous and commences from:
   o the time the person evacuated their principal place of residence, or
   o the time the person was formally notified that they were unable to gain access to their principal place of residence in those cases where a person was absent from their home at the time of the disaster.

7.13 Definition of “utility failure”

a) A person’s principal place of residence experienced “utility failure” if as a result of the disaster the principal place of residence was without electricity, water, gas or sewerage service for a continuous period of 48 hours.

b) Where a person’s principal place of residence has lost access to electricity from the power-grid, but a generator is providing power
through the electricity sockets in their house, the person's principal place of residence is not considered to have experienced utility failure for the purposes of entitlement AGDRP.

c) Where a person has lost access to electricity from the grid and has a generator that is used to power individual appliance(s) (i.e. not through the wall sockets) this person's principal place of residence is considered to have experienced utility failure.

8 ASSESSMENT OF ADVERSELY AFFECTED

8.1 The scenarios at Attachment B provide further direction in relation to the assessment of claims.

8.2 The investigation should focus on the actual damage to the person's principal place of residence and not the potential for damage.

8.3 Assessing whether the person's principal place of residence has been "destroyed" or "damaged" is to be judged objectively on the relevant facts and based upon consideration of the definitions provided above and in Attachment B.

8.4 Further advice on affected areas is at Attachment A.

9 PAYMENT

9.1 Under section 1061M(1) of the Social Security Act 1991, the amount of AGDRP payable to a person in relation to a major disaster that occurs in Australia is the sum of:

a) the adult rate for the financial year in which the major disaster is declared; and

b) if the adult is the principal carer of one or more children - the amount worked out by multiplying the child rate for that financial year by the number of children for whom the person is the principal carer.

9.2 Amount of Payment

a) $1,000 per adult and, if relevant, $400 for each child for which the eligible adult is the principal carer.

b) The payment will be exempt from all Australian Government means testing arrangements and is non-taxable.

c) The payment is recoverable if the payment is obtained fraudulently or in error.

d) Eligibility for a payment under these criteria is not affected by, nor does it affect, a person's entitlements under the Social Security Act 1991.
Only one payment can be made to a person in respect of a major disaster, even where a person meets more than one of the eligibility criteria.

9.3 Method of Payment

a) DHS will pay eligible applicants directly to their nominated Australian bank account on behalf of the Attorney-General’s Department.

b) Payments for children will be made to the principal carer in accordance with paragraph 6.2 and 6.3.

c) The payment is not subject to compulsory income management, and cannot be paid by ‘in kind’ assistance (e.g. voucher’s, goods etc.).

d) The payment is payable to a claimant’s legal guardian or payment nominee.

e) In individual cases, DHS may decide to pay an individual their AGDRP entitlement in instalments; however, there is no legislative basis for determining that a class of people should receive the AGDRP in instalments.

10 SERVICE DELIVERY AGENCY

10.1 DHS will deliver the payment on behalf of AGD.

11 VERIFICATION

11.1 The AGDRP will be subject to Proof of Identity (POI) testing consistent with POI Tier One.

11.2 DHS must undertake business assurance checks to ensure all legislative requirements are met.

11.3 Verification of expenditure is not required.

12 LODGEMENT OF CLAIMS

12.1 Applicants are required to complete a claim form in person, online or by telephone.

12.2 Under subdivision FA – Time limit for claims for AGDRP, s27A Time limit for claim:

- A claim for the payment relating to a major disaster must be lodged within six months after the Determination of the disaster under section 36 of the Social Security Act 1991.
- All claims for this assistance in the local government areas of Bundaberg, Gladstone, Gympie and Fraser Coast must be lodged by 29 July 2013.

Proof of birth/arrival (document/s) OR other approved document to the value of 50 points.

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• All claims for this assistance in the local government areas of North Burnett and Lockyer Valley must be lodged by 1 August 2013.

• All claims for this assistance in the local government areas of Rockhampton and Somerset must be lodged by 6 August 2013.

• All claims for this assistance in the local government area of South Burnett and Cherbourg must be lodged by 12 August 2013.

• The claim may be lodged more than six months after the declaration if the Secretary is satisfied that:
  a) there are special circumstances applying to the person's claim that justify a late lodgement, and
  b) the claim is lodged within a reasonable period having regard to those circumstances.
AGDRP OPERATIONAL INSTRUCTION ATTACHMENTS FOR
Queensland Floods – January 2013

Please read in conjunction with AGDRP Operational Instructions – main document

ATTACHMENT A

GUIDANCE ON AFFECTED REGIONS

Claimants in the following Local Government Areas in Queensland will be eligible for this assistance, provided they meet the eligibility criteria set out in section 7.1 of these Operational Instructions:

<table>
<thead>
<tr>
<th>Local Government Areas</th>
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</thead>
<tbody>
<tr>
<td>• Bundaberg</td>
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<tr>
<td>• Fraser Coast</td>
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<tr>
<td>• Gladstone</td>
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<tr>
<td>• Gympie</td>
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<td>• Lockyer Valley</td>
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<td>• North Burnett</td>
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<td>• Rockhampton</td>
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<tr>
<td>• Somerset</td>
</tr>
<tr>
<td>• South Burnett</td>
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<tr>
<td>• Cherbourg</td>
</tr>
</tbody>
</table>

If a claim is received from an area listed above, DHS should verify whether the claimant has been affected by the “major disaster” referred to in paragraph 4 based on impact information available at the time of assessment.

The National Disaster Recovery Programs Branch, AGD, will update this list as information indicates that more Local Government Areas have been affected by the disaster.

Please note that this list is based on known affected regions as at 28 February 2013. Claimants in other areas of the state affected by this disaster can test their eligibility for this payment providing they have been adversely affected by the disaster and meet the eligibility criteria set out in section 7.1 of these Operational Instructions.

DHS should ensure that all DHS Offices in the state of Queensland are aware that this Payment is available to all individuals in the state of Queensland who were affected by this event if they meet the eligibility criteria set out in section 7.1 of these Operational Instructions.

If a claim is received from an area not listed above, DHS should assess whether the claimant has been affected by the major disaster and if the claimant satisfies eligibility criteria this claim should be forwarded to AGD via
Emergency Management Branch in DHS. AGD will assess the request based on emerging information.
The following scenarios are **eligible** for payment

<table>
<thead>
<tr>
<th>Eligible Definition Scenarios</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRINCIPAL PLACE OF RESIDENCE</strong></td>
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</table>
| 1. Claimant was residing with her grandmother for two months to provide care for her while she was recovering from surgery. The claimant was living at her grandmother’s residence at the time and was adversely affected by the disaster. Claimant maintains a separate home in an area not affected by the disaster. | Eligible Principal Place of Residence for Caring Purposes  
At the time of the disaster the claimant regularly lived at the residence with a degree of settled purpose, that purpose being to care for her grandmother. Other reasons a person may be living at a residence with a degree of settled purpose can include education, employment and health. This does not cover holidays. |
| Note: Even if both residences are affected the AGDRP can only be claimed once.                |                                                                        |
| Note: A Principal Place of Residence can also exist for medical treatment, employment or education purposes. |                                                                        |
| 2. Claimant is a fly-in fly-out businessman (or seasonal worker) who works and lives at an alternative residence for the purpose of employment. He maintains two properties: one in the area of the disaster event and another in his home town. He occupies both residences. At the time of the disaster, he was working and living in the area affected by the disaster. More than one-quarter of the property he maintains in this area was adversely affected by the disaster. | Eligible Principal Place of Residence for Employment Purposes  
The claimant regularly lived at both homes with a degree of settled purpose. If either of his principal places of residence are damaged he is able to qualify for the AGDRP. |
| Note: Even if both residences are affected the AGDRP can only be claimed once.                |                                                                        |
| 3. The disaster destroyed a tent which was pitched in a designated camping area. The tent is the claimant’s only residence. He had resided there for three months. | Eligible Principal Place of Residence Definition  
The tent was pitched on land to which the claimant had a right or licence to occupy. It was a designated camping area. Consequently the tent can qualify as the claimant’s principal place of residence. |
<p>| Note: If the claimant has no right or licence to reside on the land (including but not limited to a designated camping spot, a permit or ownership) the tent cannot be established as their principal place of residence. |                                                                        |</p>
<table>
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<tr>
<th>Eligible Definition Scenarios</th>
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<tr>
<td><strong>PRINCIPAL CARER</strong></td>
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</tbody>
</table>
| 4. A claimant who was adversely affected by the disaster is the principal carer of a child (under the age of 16). The child was with his/her grandparents at the time of the disaster and the claimant is seeking the AGDRP for this child. | Eligible  
As a principal carer of a child, the claimant is entitled to claim the AGDRP child rate even if the child was not with the claimant at the time of the disaster. |
| 5. The claimant is a principal carer of a 14 year old dependent child who suffered severe injuries as a direct result of the disaster, and was admitted to hospital. The claimant was not in the area at the time of the disaster and does not meet any other AGDRP eligibility criteria. The claimant has two other dependent children who were not injured in the disaster. | Eligible  
Claimant is principal carer of a seriously injured child. The principal carer is able to claim the AGDRP due to the affect of the disaster on their dependent child, under 7.1(h)(a) The claimant will receive the AGDRP for themself and for each of their dependent children, totalling $2,200. |
| 6. The claimant is a principal carer of a 15 year old child whose principal place of residence is a boarding school in the affected area. The boarding school's electricity was disrupted due to the disaster. The classrooms and dormitories have no available electricity for 5 days. | Eligible  
Claimant is principal carer of a child affected by utility failure  
The claimant is the principal carer of the dependent child. The dependant child’s principal place of residence is the boarding school, which experienced utility failure for a period of 48 hours or more. |
The following scenarios are eligible for payment

<table>
<thead>
<tr>
<th>Eligible Payment Scenarios</th>
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<tbody>
<tr>
<td><strong>SERIOUSLY INJURED</strong></td>
<td></td>
</tr>
<tr>
<td>1. Claimant was trying to get away from the flood waters and suffered a broken limb after he tripped and fell. He was admitted to hospital for specific treatment of his limb.</td>
<td>Eligible The claimant has been admitted to hospital.</td>
</tr>
<tr>
<td>2. A claimant suffered stress related illness as a result of the disaster and was admitted to hospital for four days.</td>
<td>Eligible The claimant has been admitted to hospital.</td>
</tr>
<tr>
<td>3. Claimant suffered a stomach illness as a result of the drinking water contaminated by the flood waters. Due to an influx of patients she was not admitted to hospital, however under normal circumstances she would have been admitted to hospital.</td>
<td>Eligible Under normal circumstances the claimant would have been admitted to hospital.</td>
</tr>
<tr>
<td><strong>IMMEDIATE FAMILY MEMBER KILLED</strong></td>
<td></td>
</tr>
<tr>
<td>4. An immediate family member of the claimant died after being swept away by flood waters.</td>
<td>Eligible The immediate family member was killed as a direct result of the disaster</td>
</tr>
<tr>
<td>5. An immediate family member of the claimant suffered a heart attack in their home which was surrounded by flood waters and they were unable to seek medical attention.</td>
<td>Eligible The immediate family member was killed as a direct result of the disaster</td>
</tr>
<tr>
<td>6. An immediate family member of the claimant was protecting their home from flood waters through sandbagging and the physically strenuous nature of the activity caused a heart attack.</td>
<td>Eligible The immediate family member was killed as a direct result of the disaster</td>
</tr>
<tr>
<td><strong>PRINCIPAL PLACE OF RESIDENCE DESTROYED / DAMAGED</strong></td>
<td></td>
</tr>
<tr>
<td>7. Flood waters entered a principal place of residence causing damage to flooring and walls. The damage occurred to at least one-quarter of the residence (either one-quarter of the rooms or one-quarter of the surface floor area). In assessing whether “one-quarter” of the residence has been affected, consideration should be given to the floor area that could possibly be affected. In some circumstances, the ground floor of a multi-storey home for example can be considered in its own right in the assessment provided that 7.6 (d) and (e) are satisfied.</td>
<td>Eligible Damage The principal place of residence was damaged as one-quarter of the principal place of residence was damaged by flood water.</td>
</tr>
<tr>
<td>8. Flooding occurred to a principal place of residence that was raised on stilts. No internal damage was caused to the house but as a result of the flooding the house’s foundation had loosened. The claimant had appropriate documentation from an engineer stating that the residence was structurally unsound.</td>
<td>Eligible Structurally Unsound The principal place of residence was damaged as it was rendered structurally unsound as a direct result of the disaster.</td>
</tr>
<tr>
<td>9. The flooding caused damage to the principal place of residence causing the residence to be breached, exposing at least one quarter of the</td>
<td>Eligible Breach</td>
</tr>
</tbody>
</table>
| **10.** A principal place of residence was contaminated by sewerage because the toilet overflowed due to power outage to the sewerage pumping stations. | **Eligible**  
Sewerage Contamination  
The principal place of residence was damaged due to sewerage contamination. |
| --- | --- |
| **11.** A claimant's drinking water was contaminated by sewerage as a result of flooding. | **Eligible**  
Sewerage Contamination  
The principal place of residence was damaged due to sewerage contamination. |
| **STRANDED / UNABLE TO GAIN ACCESS** |  |
| **12.** A claimant is holidaying in a disaster affected area and, due to the disaster, the airport has been shut down for period of 30 hours. The claimant cannot fly out of the area as scheduled. | **Eligible**  
Unable to return  
The claimant could not access their principal place of residence for a period of 24 hours or more. |
| **13.** A claimant and their family were residing in emergency accommodation for two days because they could not access their residence. | **Eligible**  
Unable to return  
The claimant could not access their principal place of residence for a period of 24 hours or more. |
| **14.** A claimant lived in a flood affected area and their principal place of residence was surrounded by flood waters for over 24 hours, which resulted in isolation. | **Eligible**  
Stranded  
The claimant was stranded in their principal place of residence for a period of 24 hours or more. |
| **15.** A claimant was advised by official warnings not to leave their principal place of residence for a period of 24 hours or more. For the duration of this time, the claimant had an apprehension that it would be unsafe to leave. For questions to assist with determining ‘legitimate apprehension’ please see Attachment C. | **Eligible**  
Stranded  
The claimant had a legitimate apprehension which meant they could not reasonably have been expected to leave their principal place of residence. |
| **UTILITY FAILURE** |  |
| **16.** The claimant's principal place of residence has no access to electricity through the power grid for a period of over 48 hours as a direct result of the disaster. The claimant has a small generator which they use to | **Eligible**  
Utility Failure  
 |
power appliances directly and independently of the power-sockets in the claimant’s principal place of residence.

In spite of the claimant being able to power some appliances, the claimant’s principal place of residence was without utilities for a period of 48 hours or more.

The following scenarios are **ineligible** for payment

<table>
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<tr>
<td><strong>PRINCIPAL CARER</strong></td>
<td></td>
</tr>
<tr>
<td>1. Claimant was caring for his grandchild (under the age of 16) when the disaster occurred. The claimant is not the principal carer of the child. Claimant wishes to claim the additional rate for that child.</td>
<td><strong>Ineligible</strong> The AGDRP child rate is only available to the principal carer. The grandparent is not the principal carer of this child.</td>
</tr>
<tr>
<td>2. A child was staying with a non-principal carer for the school holidays and the non-principal carer’s residence is damaged by the disaster event, in turn damaging the child’s belongings. The Principal Carer wishes to claim the AGDRP for this child.</td>
<td><strong>Ineligible</strong> The AGDRP child rate is only available to the principal carer on this criterion if their principal place of residence if affected. Generally, a child’s principal place of residence is with the principal carer. However, there are exceptions to this, such as a boarding school. Please submit a policy query if clarification is required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ineligible Payment Scenarios</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SERIOUSLY INJURED</strong></td>
<td></td>
</tr>
<tr>
<td>1. Claimant suffers minor cuts as a result of the disaster and is treated in a hospital emergency department but is not admitted.</td>
<td><strong>Ineligible</strong> The claimant has not been admitted to hospital.</td>
</tr>
<tr>
<td>2. An overseas tourist was injured by the disaster. Claimant was admitted to hospital.</td>
<td><strong>Ineligible</strong> The claimant is not an Australian resident.</td>
</tr>
</tbody>
</table>

| DAMAGED OR DESTROYED | |

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RELEASED UNDER THE FOI ACT 1992 BY THE ATTORNEY-GENERAL'S DEPARTMENT
3. Principal place of residence sustains superficial damage to an exterior wall as a direct result of the disaster but the damage does not breach the exterior of the home in such a way to exposing the interior.  
**Ineligible**  
The principal place of residence is not damaged by being breached as a result of the disaster.

4. Claimant is holidaying with immediate family in a holiday house, which is not his/her principal place of residence. The holiday house is damaged as a result of the disaster.  
**Ineligible**  
At the time of the disaster the residence is not the claimant's principal place of residence.  
This is because the claimant was not living at the residence with a degree of settled purpose.

5. The principal shearing shed on a property has been badly damaged by the disaster and is no longer functional.  
**Ineligible**  
This building is not the principal place of residence.

6. A garage, which is separate to the residence, is severely damaged by the disaster. There is no damage to the residential part of the home.  
**Ineligible**  
The principal place of residence is not damaged by disaster.

7. A worker from interstate was staying in a motel for two weeks. The claimant's room was destroyed by the disaster so he was moved up to a vacant room on the second floor unit.  
**Ineligible**  
The destroyed residence is not the person's principal place of residence.

8. The shearing shed/shearers quarters on a property has been damaged.  
**Ineligible**  
The property owner is ineligible as this is not the Claimant's principal place of residence.  
The shearers/residents may be eligible if the shearers/residents occupy the residence with a degree of settled purpose.

9. Claimant is unable to return to their principal place of residence due to a fallen tree that resulted in a road closure for a few hours. The claimant stayed at a friend's house even though they were able to return home.  
**Ineligible**  
The claimant was able to return to their principal place of residence within 24 hours.

10. A family evacuates their residence due to concern that their home may be flooded. There is no formal evacuation notice given and the family has made the choice to evacuate. They can return home at any time.  
**Ineligible**  
The principal place of residence is not damaged by the disaster and the claimant was not evacuated by an official authority.

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**STRANDED / UNABLE TO GAIN ACCESS**

9. Claimant is unable to return to their principal place of residence due to a fallen tree that resulted in a road closure for a few hours. The claimant stayed at a friend's house even though they were able to return home.  
**Ineligible**  
The claimant was able to return to their principal place of residence within 24 hours.

10. A family evacuates their residence due to concern that their home may be flooded. There is no formal evacuation notice given and the family has made the choice to evacuate. They can return home at any time.

**Ineligible**  
The principal place of residence is not damaged by the disaster and the claimant was not evacuated by an official authority.
11. The main road to the claimant’s principal place of residence is cut by fallen tree, however, she is able to leave her property by a dirt track. 

<table>
<thead>
<tr>
<th>Ineligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>The claimant was able to leave their principal place of residence.</td>
</tr>
</tbody>
</table>

17. The claimant is able to access and leave their principal place of residence, for example to access a neighbour’s property, or access amenities including the centre of town.

<table>
<thead>
<tr>
<th>Ineligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>The claimant was able to leave their principal place of residence.</td>
</tr>
</tbody>
</table>

**UTILITY FAILURE**

12. The power grid fails as a direct result of the disaster, meaning the claimant cannot access power through the electricity grid for a period of 48 hours or more. The claimant produces electricity for their principal place through use of a generator which is connected to the power sockets permanently fixed in their home, meaning the residence is not without power for a period of 48 hours or more.

<table>
<thead>
<tr>
<th>Ineligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>The claimant’s principal place of residence did not experience a utility failure, as their generator meant they were with power.</td>
</tr>
</tbody>
</table>
ATTACHMENT C

Questions for Determining 'Legitimate Apprehension'

These questions may assist in assessing whether a person was 'stranded' in their principal place of residence as a result of the disaster, where they remained because they had a 'legitimate apprehension' that if they left they would be in danger.

General questions relating to 'legitimate apprehension':

- As a result of the disaster were you stranded in (that is, unable to leave) your principal place of residence?
- What prevented you from leaving your principal place of residence?
- What did you think would have happened if you left your principal place of residence?
- (If they have said it would have been unsafe to leave, or they thought it was unsafe to leave, their principal place of residence) Why did you believe it would have been unsafe to leave your principal place of residence?

Further questions

- Factor one – official warnings:
  - Had you heard any official warnings or received advice that you should remain in your principal place of residence, or that it would be unsafe to leave your principal place of residence?
  - When did you hear the warning?
  - Who did you hear the warning from?

- Factor two – evidence of danger:
  - What evidence is there that if you had left your place of residence you would have been in danger?
  - How close was your place of residence to the disaster?
  - Did you believe your principal place of residence, or areas nearby, were likely to be affected by the disaster? On what grounds did you believe this?

- Factor three – ability to leave:
  - Were you able to safely leave your principal place of residence by any means?
  - Was there any in particular reason why you would have been in danger if you had left your principal place of residence? (ie not having the correct vehicle to leave in such as a 4wd on muddy roads, or in the instance they have a disability or are frail/aged).

- Factor four – local conditions:
  - What were the local conditions like during the disaster?
  - Did these conditions remain the same or did they change?
Did these conditions cause you to believe you could not leave your principal place of residence? (i.e. they have experienced a disaster similar to this before).