ATTORNEY-GENERAL AND MINISTER FOR EMERGENCY MANAGEMENT

Australian Government Disaster Recovery Payment (AGDRP) activation for Cherbourg

Deadline: As soon as possible.

Key Issues: Whether to extend the Australian Government Disaster Recovery Payment (AGDRP) to the Cherbourg Local Government Area (LGA).

AGD Analysis: To activate the AGDRP, under Section 36 of the Social Security Act 1991, you must be satisfied that an event has had such a significant impact on individuals that a Commonwealth government response is required and is therefore a ‘major disaster’. You must also have regard to the number of individuals affected and the extent to which the nature or extent of the disaster is unusual. To activate the payment you must make a determination that the disaster is a ‘major disaster’ and a determination specifying the meaning of ‘adversely affected’ in relation to that disaster.

Cherbourg Aboriginal Shire is geographically situated inside the South Burnett LGA (see map at Attachment A). Your recent activation of AGDRP for South Burnett inadvertently excluded the local government area of Cherbourg Aboriginal Shire by way of omission. For further context, the Cherbourg LGA has an Indigenous population of 97.3% and an unemployment rate of 35.5%. 39.7% of families in Cherbourg are one parent families, compared to the national average of 15.9%. Following your agreement to make the AGDRP available for the South Burnett LGA, we suggest extending the AGDRP activation for the Cherbourg LGA would be an appropriate course of action to ensure all individuals similarly affected by the floods within the boundary of the South Burnett LGA are able to access the payment. The vulnerability profile of the Cherbourg community provides further grounds for extending this assistance. The Determinations at Attachments B and C have been provided for your signature, should you agree to activate the AGDRP for Cherbourg.

As you are aware, the previous Attorney-General had expressed a desire to use the same eligibility criteria which have been applied consistently to activations of AGDRP and are included in the Background. On 15 January 2013, the Prime Minister approved the provision of ex-gratia payments equivalent to the AGDRP to New Zealand ‘non-protected’ Special Category Visa (SCV) holders (subclass 444) in all areas in which the AGDRP is activated, until 30 June 2013. Accordingly, the New Zealand ex-gratia payment would be provided to eligible residents should you choose to extend the AGDRP to the Cherbourg LGA.

Financial Implications: The estimated cost of providing the AGDRP and New Zealand ex-gratia payments for the Cherbourg LGA is between $73,200 and $823,200. Refer to Financial Summary in Background for costing assumptions.

Sensitivities and Communications Plan: Media release is being drafted.
**Recommendation:** I recommend that you:

(i) Activate the AGDRP for the LGA of Cherbourg; and

(ii) Sign the instruments at **Attachments B** and C.

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**AGD Clearance**

Mark Crosweller, Director General, Emergency Management Australia

Date Cleared:

**Action Officer:** Ariane Malpas, Ph: 02 6141 3245 Date sent for approval by AO: 11/02/2013

**Branch Head:** Luke Brown, National Disaster Recovery Programs Branch, 02 6141 3623

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RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL'S DEPARTMENT
Background

Eligibility Criteria

2. The eligibility criteria outlines that a person is “adversely affected” if:
   a) a person is 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 to whom paragraphs (a) – (f) apply.

3. The Department is trialling the Disaster Assessment Tool (DAT) over the 2012-13 summer. The DAT is designed to strengthen and improve the Department’s advice to you on AGDRP activations. It brings together contextual information on the characteristics of a community, information on the nature of a disaster event, and data on the impact of the event on individuals. The former Attorney-General approved the trialling of the DAT in October 2012.

Financial Summary

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<th>Population of affected region/LGAs</th>
<th>5% of population claim</th>
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ATTACHMENTS:
Attachment A – Map of Cherbourg Local Government Area
Attachment B – Social Security (Queensland Floods) Amendment Determination 2013 (No. 5)
Attachment C – Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 6)
Social Security (Queensland Floods) Amendment Determination 2013 (No. 5)

Social Security Act 1991


Dated 24th February 2013

Attorney-General
Minister for Emergency Management

1 Name of determination
This determination is the Social Security (Queensland Floods) Amendment Determination 2013 (No. 5).

2 Commencement
This determination commences on the day it is signed.

3 Amendment of Social Security (Queensland Floods) Determination 2013 (No. 1)
Schedule 1 amends the Social Security (Queensland Floods) Determination 2013 (No. 1).
Schedule 1 Amendment

(Section 3)

Omit everything after

continued in January 2013

Insert

and February 2013 and affected the Local Government Areas of Bundaberg, Cherbourg, Fraser Coast, Gladstone, Gympie, Lockyer Valley, North Burnett, Rockhampton, Somerset and South Burnett.
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 6)

Social Security Act 1991

I, Mark Dreyfus, Attorney-General and Minister for Emergency Management, make this determination under subsection 106IL (2) of the Social Security Act 1991.

Dated 14th February 2013

[Signature]

Attorney-General
Minister for Emergency Management

1 Name of determination
This determination is the Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 6).

2 Commencement
This determination commences on the day after it is registered.

3 Amendment of Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 3)
Schedule 1 amends the Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 3).
Schedule 1 Amendment

Schedule 1 Amendment

[1] Schedule 1

Omit everything after

continued in January 2013

Insert

and February 2013 and affected the Local Government Areas of Bundaberg, Cherbourg, Fraser Coast, Gladstone, Gympie, Lockyer Valley, North Burnett, Rockhampton, Somerset and South Burnett.

Note


2 Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 6)