ATTORNEY-GENERAL AND MINISTER FOR EMERGENCY MANAGEMENT

Australian Government Disaster Recovery Payment (AGDRP) activation for Banana, South Burnett and Southern Downs

Deadline: As soon as possible.

Key Issues: Whether to extend the Australian Government Disaster Recovery Payment (AGDRP) to the Banana, South Burnett and Southern Downs Local Government Areas (LGAs)

AGD Analysis:

Australian Government Disaster Recovery Payment (AGDRP)

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.

The Disaster Assessment Tools (DAT) impact indicators include an indicative figure above which the number of individuals affected per population demonstrates a significant impact and therefore that a Government response may be required. When assessed against the DAT, the flooding in Banana has seen a low level of impact for all five primary indicators based on current information available. While 124 residential buildings have been damaged, this represents only 2.1% of the total LGA. 215 people were isolated for between one and seven days, however, this number represents only 1.4% of the population. The information currently available does not allow us to consider the impact data at a more localised level. We would not recommend activating the AGDRP for this LGA as there is currently limited impact information available to demonstrate a severe impact on individuals.

Southern Downs Regional Council has written to the Department requesting activation of the AGDRP. While the Department welcomes the sharing of local councils’ impact data where it is available, a direct request is not the appropriate and established process to inform your decision on whether to activate the AGDRP. In this case, the Council’s request contains limited and unconfirmed impact data indicating that individuals in Southern Downs were stranded in their homes, unable to gain access to their homes, and experienced income loss. When assessed against the DAT, the flooding in Southern Downs has only seen a low level of impact for all five primary indicators. We have unconfirmed reports of 104 residential buildings being damaged, representing 0.7% of the LGA. The current information does not allow us to consider the impact data at a more localised level. We would not recommend activating the AGDRP for this LGA as there is currently limited impact information available to demonstrate a severe impact on individuals.

While the flooding in South Burnett has seen a low level of impact for four primary indicators in the DAT, the percentage of residential buildings damaged falls in the moderate to severe impact range. 920 residential buildings have been impacted, however specific damage is still being assessed and this impact is currently unconfirmed. Given that South Burnett borders the LGAs of Gympie and North Burnett, which were severely impacted by ex-Tropical Cyclone Oswald and have been activated for the AGDRP, DIRS and NDRRA Category C assistance, the Department recommends you extend the AGDRP to this LGA. In considering the unusualness of the impact in South Burnett, it is also worth noting the vulnerability of the area. South Burnett has a higher than average elderly population (18.6% over 65 compared to the national average of 14%), a high level of non-workforce participation (42.2% compared to the national average of 33%) and a high percentage of individuals needing assistance with core activities (7.9% compared to the national average of 4.6%).

If you agree to make the AGDRP available for the South Burnett LGA at this time, we suggest activating for the
whole LGA, rather than for a specific community. We would also suggest the same approach if you are inclined to make the AGDRP available to the Banana and Southern Downs LGAs. As sufficient impact information at the community level is not currently available, this is necessary to ensure all individuals similarly affected by the floods are able to access the payment. This is also consistent with the current activation in other parts of Queensland.

The Determinations at Attachments A and B presume you decide to activate the AGDRP for South Burnett. Should you also decide to activate for Banana and Southern Downs, alternative Determinations are provided at Attachments C and D.

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 these additional LGAs.

Financial Implications: The estimated cost of providing the AGDRP and New Zealand ex-gratia payments for the South Burnett LGA is between $1,861,200 and $20,850,000. The estimated cost of providing the AGDRP and New Zealand ex-gratia payments for the South Burnett LGA as well as the Banana and Southern Downs LGAs is between $4,761,600 and $53,332,800.

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

(i) Activate the AGDRP for the LGA of South Burnett; and

(ii) Sign the instruments at Attachments A and B.

Alternatively: If you wish to activate the AGDRP for the LGAs of South Burnett, Banana and Southern Downs;

(iii) Sign the instruments at Attachments C and D.

(v) Sign the letter to the Prime Minister at Attachment E.

Luke Brown
A/g Assistant Secretary
National Disaster Recovery Programs Branch
6141 3640

Attorney-General
Minister for Emergency Management

AGD Clearance

Tony Sheehan, Deputy Secretary, National Security and Criminal Justice Group, 02 6141 4130

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

Branch Head: Chris Collett, National Disaster Recovery Programs Branch, 02 6141 4120

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

2. The LGAs of Banana, South Burnett and Southern Downs received AGDRP assistance in the 2010-11 flood events, however, did not receive assistance in the 2011-12 flooding.

Eligibility Criteria

3. 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.

4. 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>AGDRP</th>
<th>Population of affected region/LGAs</th>
<th>5% of population claim</th>
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<th>Cost 5% of population in affected region/LGAs</th>
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<td>Banana</td>
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<td>Southern Downs</td>
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<td>1 694</td>
<td>18 974</td>
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<td>Total</td>
<td>79 365</td>
<td>3 968</td>
<td>44 444</td>
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RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL’S DEPARTMENT
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ATTACHMENTS:
Attachment A – Social Security (Queensland Floods) Amendment Determination 2013 (No. 4)
Attachment B – Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 5)
Attachment C – Social Security (Queensland Floods) Amendment Determination 2013 (No. 4)
Attachment D – Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 5)
Attachment E – Letter to the Prime Minister
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 5)

Social Security Act 1991

I, Mark Dreyfus, Attorney-General and Minister for Emergency Management, make this determination under subsection 1061(2) of the Social Security Act 1991.

Dated 12th February 2013

Mark Dreyfus
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. 5).

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

[1] Schedule 1

Omit everything after continued in January 2013

Insert

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

Note

Social Security (Queensland Floods) Amendment Determination 2013 (No. 4)

Social Security Act 1991


Dated 12th February 2013

I, Mark Dreyfus, Attorney-General
Minister for Emergency Management

1 Name of determination
This determination is the Social Security (Queensland Floods) Amendment Determination 2013 (No. 4).

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, Fraser Coast, Gladstone, Gympie, Lockyer Valley, North Burnett, Rockhampton, Somerset and South Burnett.
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 5)

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 2013

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. 5).

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

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Omit everything after
continued in January 2013

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Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See http://www.frls.gov.au.
Social Security (Queensland Floods) Amendment Determination 2013 (No. 4)

Social Security Act 1991


Dated 2013

Attorney-General
Minister for Emergency Management

1 Name of determination
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