ATTORNEY-GENERAL AND MINISTER FOR EMERGENCY MANAGEMENT

2nd Australian Government Disaster Recovery Payment (AGDRP) activation for ex-TC Oswald
Queensland

Deadline: As soon as possible.

Key Issues: Whether to extend the Australian Government Disaster Recovery Payment (AGDRP) to further communities impacted by the ex-Tropical Cyclone Oswald and associated rainfall and flooding in Queensland.

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.

Ex-Tropical Cyclone Oswald (large scale low pressure system) which developed in the Gulf of Carpentaria, has had a significant impact on a large number of communities as it followed a southerly trajectory down the coast of Queensland and into New South Wales. The low pressure system moved south-southeast, contracting further into New South Wales. In addition to widespread flooding, the low pressure system generated damaging winds and some communities have been impacted by mini-tornados. As you are aware, joint Commonwealth and State funded assistance under the Natural Disaster Relief and Recovery Arrangements has been made available to fifty local government areas (LGAs) in Queensland and ten in New South Wales as a result of the destructive winds, rainfall and flooding, including immediate personal hardship and distress assistance to eligible individuals. The Australian Defence Force has also been mobilised and is assisting in operations in Queensland.

The Disaster Assessment Tool (DAT) is used to assess a significant impact objectively and indicate whether the AGDRP may be required. The acting Attorney-General has already activated the AGDRP for the local government areas of Bundaberg, Gladstone, Fraser Coast and Gympie which have been severely impacted as a result of the severe weather and flooding.

There have been representations to the Commonwealth Government to activate AGDRP for a number of other LGAs throughout Queensland and there may be a number of other areas in Queensland and New South Wales that have been severely impacted by this event. However, data on the situation in these LGAs is not yet available. In particular, the local government of North Burnett has requested activation of AGDRP. We would not recommend activating AGDRP for this local government area as there is currently limited information available to demonstrate a severe impact on individuals. At this stage, we have unconfirmed reports of 200 homes being inundated by flood water which equates to approximately 3% of the residential properties in the LGA and power outages of over 72 hours in some areas. Currently, none of the five primary indicators in the DAT are indicating a level of impact above ‘low’. The Queensland Government have advised that rapid impact assessment teams are undertaking assessments of North Burnett today, and further information on the extent of the impact should be available tomorrow. This local government area received AGDRP assistance in the 2010-11 flood events, however, did not receive assistance in the 2011-12 flooding.
We would recommend delaying a decision on the activation of AGDRP for North Burnett until further information becomes available. The Department will continue to monitor the impact of this event on other LGA’s and will provide advice regarding further possible activations over the coming days.

As sufficient impact information at the community level is not currently available, activating at the LGA level will ensure that all individuals affected by the event are able to access the payment. Only those individuals that are able to demonstrate they have been directly impacted by the event in the local government areas would be eligible. Last year you expressed a desire to use the same eligibility criteria which we have applied consistently 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. The Department and DHS are ready to provide the New Zealand ex-gratia payment to eligible residents affected by the ex-Tropical Cyclone Oswald should you choose to activate the AGDRP for and North Burnett.

Should you choose to also activate AGDRP in the LGA of North Burnett, two Determinations are provided for your signature at Attachment C and D.

Financial Implications: The estimated cost of providing the AGDRP and New Zealand ex gratia payments for the two local government areas for this disaster is between $2,891,940 and $32,389,728. Given the unfolding nature of this event further activations are highly likely. Refer to Financial Summary in Background for costing assumptions.

Sensitivities and Communications Plan: A media release and relevant talking points will be provided to your office.

Recommendation: I recommend that you:

(i) ___________________________________________________________________________ and

(ii) sign the instruments at Attachment A and Attachment B; or

Alternatively:

(iii) activate the AGDRP for the LGAs of __________ and North Burnett; and

(iv) sign the instruments at Attachment C and Attachment D; and

(v) note that the Department will provide further advice on the activation of the AGDRP in other affected areas to you in the coming days

Approved / Not Approved / Discuss

Not Signed / Discuss

Sign / Discuss

Attached

Approved / Not Approved / Discuss

Not Approved / Discuss

Sign / Discuss

Noted / Discuss

Attorney-General
Minister for Emergency Management
2/2013

RELEASED UNDER THE FOI ACT 1982 BY THE ATTORNEY-GENERAL’S DEPARTMENT
Eligibility Criteria

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 stranded in his or her principal place of residence for at least 24 hours, or
f) 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
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.

Financial Summary

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<tr>
<th>LGA</th>
<th>Population of affected region/LGAs</th>
<th>5% of population claim</th>
<th>56% of population claim</th>
<th>Cost 5% of population in affected region/LGAs</th>
<th>Cost 56% of population in affected region/LGAs</th>
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<tr>
<td>North Burnett</td>
<td>10,832</td>
<td>542</td>
<td>6,066</td>
<td>$649,920</td>
<td>$7,279,104</td>
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<td>Total</td>
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<td>26,992</td>
<td>$2,891,940</td>
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Sensitivities and Communication Plan

When activated information on AGDRP and NZ ex gratia payments will be provided on the www.disasterassist.gov.au website.

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<th>Advice Rating</th>
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ATTACHMENTS:
1. Attachment A – Social Security Social Security (Queensland Floods 2013) Amendment Determination 2013 (No. 1)
2. Attachment B - Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 2)
3. Attachment C – Social Security Social Security (Queensland Floods 2013) Amendment Determination 2013 (No. 1)
Social Security (Queensland Floods) Amendment Determination 2013 (No. 1)

Social Security Act 1991


Dated 2013

Attorney-General
Minister for Emergency Management

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

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, Gladstone, Gympie, Fraser Coast and ___ ___ ___
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 2)

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. 2).

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. 2)
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,
Gladstone, Gympie, Fraser Coast and [___]

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.frlj.gov.au.
Social Security (Queensland Floods) Amendment Determination 2013 (No. 1)

Social Security Act 1991


Dated 15th February 2013

[Signature]
Attorney-General
Minister for Emergency Management

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

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

(secttcm 3)

Omit everything after continued in January 2013

Insert and February 2013 and affected the Local Government Areas of Bundaberg, Gladstone, Gympie, Fraser Coast, North Burnett and [ ]
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 2)

Social Security Act 1991


Dated 1st February 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. 2).

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. 2)
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, Gladstone, Gympie, Fraser Coast, North Burnett and

Note