

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.6

Question No. 75 & 78

Senators Back and Humphries asked the following questions at the hearing on 22 February 2011:

Assistance provided to Western Australia following the floods in December 2010 inclusive of the following questions:

- a. Was Category C activated for the December 2010 floods in the Pilbara, Gascoyne etc regions?
- b. What were the gaps in the information that EMA required that resulted in AGDRP not being activated for these regions until 11 February 2011?
- c. Can you confirm that the Attorney-General as well as the Finance Minister was copied into the letter from the Premier to the Prime Minister (about the AGDRP)?

The answers to the honourable senators' questions are as follows:

- a. The Australian Government has long-standing disaster recovery assistance through the Natural Disaster Relief and Recovery Arrangements (NDRRA). Much of the assistance under the NDRRA is automatically activated once States and Territories reach a set financial threshold. However, Category C of the NDRRA can only be activated on agreement by the Australian Government following a request from the relevant Premier or Chief Minister.

The NDRRA was activated for the floods that impacted regions of north-west Western Australia in mid-December 2010. Under the NDRRA the following assistance was available:

- Category A – including personal hardship and distress payments
- Category B – including restoration of essential public infrastructure
- Category C – grants to primary producers and small business

The immediate needs of individuals following a disaster are primarily met by the State which may make emergency grants available. These grants, which are usually cost-shared with the Commonwealth under the NDRRA, aim to assist people with things such as food, shelter and clothing. These emergency grants are not means-tested.

- b. The impact of disasters on individuals is not always immediately obvious. The nature of the hazard, such as whether it is a flood, cyclone or bushfire, rapid or slow onset, together with the severity of the event and the overall resilience of the affected communities, can determine the level of vulnerability. Impact data on disasters is sourced from a variety of different mediums not just the State Government.

Other sources include Australian Government agencies such as the Bureau of Meteorology (BOM). The AGDRP is a legislated payment under the *Social Security Act (1991)* and is authorised by the Attorney-General on a case-by-case basis. As an Australian Government payment, the AGDRP is not activated on the basis of a request from the Premier or Chief Minister as is the case for Category C of the NDRRA.

When determining whether to activate the payment, the Attorney-General considers whether the disaster has such a significant impact on individuals and communities that an Australia Government response is required, taking into consideration the number of individuals affected and the extent to which the nature or extent of the disaster is unusual. Consideration may also be given to the affect that multiple disasters may have on a State or Territory particularly in terms of its overall disaster resilience.

The BOM reports flooding in the Gascoyne River was one of the highest on record. Many affected areas recorded their average annual rainfall in one or two days. According to the Government of Western Australia, more than 800 properties in the Gascoyne region were disconnected from power as a result of the floods and approximately 150 people registered at evacuation centres. In mid January 2011, the Western Australian Government requested an increase in the NDRRA Category C grant amounts in recognition of the significant impact of the floods in that area.

As with the eastern states, the state of Western Australia has experienced a particularly severe disaster season. In addition to the December 2010 floods, the state has also been impacted by three tropical cyclones (Carlos, Bianca and Dianne) as well as severe bushfires. In light of the multiple events affecting the state and in the interests of equity, the AGDRP for the WA December 2010 floods was activated at the same time as the WA bushfires on 11 February 2011.

- c. The Attorney-General has not received a letter from the West Australian Government regarding AGDRP.