

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

**Group 3**

**Program 1.7**

**Question No. 94**

**Senator Humphries asked the following question at the hearing on 12 February 2013:**

1. Have any requests or representations been made to the Minister or the Department for activation of the Australian Government Disaster Recovery Payment (AGDRP) from December 2012 to the current date? Please provide detail as to how many requests were received, from whom and on what dates?
2. Has the Minister or Department been approached by individuals, communities, state or local governments seeking to obtain clarification as to when the AGDRP is activated, what criteria must be met before activation and the process of activation? Please provide detail on how many representations have sought clarification pertaining to these payments for the years 2011, 2012 and 2013?
3. Does the Department consider requests for the activation of AGDRP from individuals, state and local governments when making an assessment to activate the payments?
4. Have there been any instances where the activation of the AGDRP was actuated in a community, Local Government Area or region where Category C of the Natural Disaster Relief and Recovery Arrangements (NDRRA) was not activated? Please provide detail as to the date/s and area/s of activation in these instances, and the reasons for activation?
5. Have there been any instances where the activation of the AGDRP was actuated in a community, Local Government Area or region where assistance under the NDRRA was not activated? Please provide detail as to the date/s and area/s of activation in these instances, and the reasons for activation?
6. What consultation has the Department had with communities, individuals, local and state governments regarding the AGDRP and its activation process?
7. How many complaints has the Minister or Department received regarding the AGDRP? Please provide detail of the context of these complaints?

**The answer to the honourable senator's question is as follows:**

1. Yes.

A search of the database reveals that the Department has received 51 pieces of Ministerial Correspondence referring to AGDRP generally between 1 December 2012 and 28 February 2013. There are also a number of requests via email made through the Department's Disaster Assist website.

The Department does not record Ministerial Correspondence or Disaster Assist enquiries in a way that would make the information on whom and what dates these requests were received

readily available. To provide the information to the level of detail requested in the question would involve an unreasonable diversion of resources.

2. Yes.

A search of the database reveals that the Department has received 127 pieces of Ministerial Correspondence referring to AGDRP generally from 1 January 2011 to 28 February 2013. There are also a number of requests made via email through the Department's Disaster Assist website.

The Department does not record Ministerial Correspondence or Disaster Assist enquiries in a way that would make the information readily available. To provide the information to the level of detail requested in the question would involve an unreasonable diversion of resources.

3. Yes.

The Department monitors the impact on individuals and the community in disaster-affected areas and provides advice to the Minister on the need for additional assistance. The Department collects information on the impact on individuals and the community. Impact information is generally obtained from our state emergency management contacts, other Commonwealth agencies such as GeoScience Australia, Australian Bureau of Statistics and the Bureau of Meteorology and through open sources.

The decision to activate the AGDRP lies solely with the Minister.

4. There have been ten instances when AGDRP has been provided where Category C assistance under the NDRRA was not provided as of 28 February 2013 (refer to table).

<b>Event</b>	<b>Date</b>	<b>Reason</b>
New South Wales Floods	January/February 2013	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .
Western Australian Bushfires	February 2011	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .
Victorian Storms	March 2010	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .
Western Australian Bushfires	December 2009	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .
Mid North Coast Flooding	November 2009	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .
South East Queensland Low Flood	May 2009	Determined by the Minister to be a major disaster under section 36 of

		<i>Social Security Act 1991.</i>
North Queensland Floods	January 2009	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
South East Queensland Storms	November 2008	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
Tropical Cyclone George	March 2007	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
Tropical Cyclone Jacob	March 2007	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
Dwellingup Bushfires	January 2007	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>

The AGDRP has also been activated in a number of Local Government Areas in 2013 and in previous years, where Category C assistance was subsequently provided under the NDRRA. For example, AGDRP was activated on 29 January 2013 for Bundaberg, Gladstone, Gympie and Fraser Coast as a result of ex-Tropical Cyclone Oswald. Category C assistance for Bundaberg and Gympie was requested by Queensland on 1 February 2013 and was announced on 4 February 2013.

Both AGDRP and Category C assistance are provided when a disaster has such an impact that an additional government response is required above the standard recovery assistance measures. However, the payments are provided for different purposes. AGDRP is an additional Commonwealth response above standard measures for individuals. Category C assistance is an additional government response above standard measures for the primary producer sector, small business sector or community. Category C assistance is activated by agreement from the Prime Minister following the request of a state government. AGDRP is activated by Ministerial determination and does not rely on a request from a state government.

5. Yes.

<b>Event</b>	<b>Date</b>	<b>Reason</b>
WA Bushfires	January 2011	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
Mumbai bombings	November 2008	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991.</i>
Samoaan Tsunami	September 2009	Determined by the Minister to be

		a major disaster under section 36 of <i>Social Security Act 1991</i> .
Sumatran Earthquake	September 2009	Determined by the Minister to be a major disaster under section 36 of <i>Social Security Act 1991</i> .

6. None. The AGDRP is a short-term recovery measure activated by the Minister following a major disaster.

7. This disaster season, the Department has received two complaints regarding the AGDRP through the feedback and complaints webpage.

One made a comment that AGDRP should be extended to those helping disaster victims. The other sought an explanation as to why Sunshine Coast and other unnamed areas had not been deemed AGDRP-eligible.