

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

**Group 3**

**Program 1.7**

**Question No. 47**

**Senator Cameron asked the following question at the hearing on 18 November 2013:**

On 21 October a spokeswoman for the Minister for Justice was reported in the Sydney Morning Herald (page 5) saying "the bushfire situation was still unfolding and that as it became clearer, the payment may be extended to other categories". On 24 October in *The Land* newspaper page 37 the spokesperson [for the Attorney General's Department] said the government was keeping the situation under review.

- a) Describe the review process.
- b) Provide any correspondence or confirm any discussions on the review with the Prime Minister, the Minister for Justice, the Attorney General, the Minister for Human Services and the Member for Macquarie, other departments such as Treasury, Finance, Prime Minister & Cabinet and Human Services.
- c) Is the situation still under review?
- d) Please define 'severely impacted' and 'moderately impacted' criteria as used in the Blue Mountains bushfires.
- e) Was any formal representation made by the Member for Macquarie or Minister for Human Services to the Attorney General or Minister for Justice seeking a review of the AGDRP determination to include payments based on 'moderately impacted' criteria?
- f) On what date did the Minister for Justice determine not to amend the AGDRP determination made on 18 October 2013 to include 'moderately impacted' criteria? On what date was the Minister for Human Services and Member for Macquarie advised of the decision?

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

- a) The Department conducts evidence-based disaster assessment processes to support briefing to the Minister in relation to the activation of the Australian Government Disaster Recovery Payment (AGDRP). The information that supports the assessment process is reviewed on an ongoing basis. Any significant new information can trigger further assessment.

Information for the purpose of the ongoing review of AGDRP activation is obtained through such sources as the Australian Government Crisis Coordination Centre (CCC); EMA liaison officers deployed to state and territory crisis centres; engagement between senior Commonwealth and State officials; Australian Government agencies such as Geoscience Australia and Bureau of Meteorology; and open source media.

The data sourced by the Department can comprise information on the impact of an event on individuals and the local communities in respect of fatalities; injuries; percentage of residential

buildings destroyed/damaged; percentage of population evacuated/isolated/displaced; loss of utilities; and total number of requests for assistance from state authorities.

- b) The Department is not able to answer the question in regard to correspondence or discussions between the Minister for Justice, other Ministers and Federal Members. The Department engaged with a range of Australian Government Departments throughout the NSW Bushfires including through six meetings of the Australian Government Crisis Committee and the Australian Government Disaster Recovery Committee from 17 to 24 October 2013 as well as through whole-of-government situation reports.
- c) Yes.
- d) The AGDRP criteria for the October 2013 NSW bushfires are set out in the Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No.5):
- a person was seriously injured, or
  - a person is the immediate family member of an Australian who is killed as a direct result of the disaster, or
  - a person's principal place of residence has been destroyed, or
  - a person's principal place of residence has sustained major damage, or
  - a person is the principal carer of a dependent child and the dependent child has been affected by any of the above.
- e) The Department is not able to answer the question in regard to correspondence or discussions between the Minister for Justice, other Ministers and Federal Members.
- f) The Minister for Justice signed the AGDRP Determination to provide AGDRP on 18 October 2013 to Blue Mountains, Lithgow, Muswellbrook, Port Macquarie-Hastings, Port Stephens, Wyong and Wingecarribee. The Minister signed the AGDRP Determination to extend commensurate AGDRP assistance on 21 October 2013 to Lake Macquarie and on 25 October 2013 to Wollondilly. The Department of Human Services was advised on each occasion of activation on the day the decision was made.