

Social Security Legislation Amendment (Disaster Recovery Allowance) Bill 2013

Introduced into the House of Representatives on 20 March 2013

Portfolio: Emergency Management

Overview

1.103 This bill will introduce a new short-term income support payment called the Disaster Recovery Allowance for individuals whose income has been affected by a major disaster in Australia.

1.104 The allowance will be means tested and based on the maximum applicable Newstart or Youth Allowance rate. It will be paid fortnightly for a maximum of 13 weeks or until the individual regains their pre-disaster income level. The payment is modelled on previous ex-gratia payments that were made available in 2009 following the Victorian bushfires and in 2010-11 and 2013 following flooding across a number of states.

Compatibility with human rights

1.105 The bill is accompanied by a short, self-contained statement of compatibility which states that the bill engages and advances the right to social security in article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR):

Legislating the Disaster Recovery Allowance will continue an existing social security payment, but with a clearer and more certain legal basis and with more fixed and defined qualification criteria. In addition, individuals applying for the Allowance will have access to review mechanisms in relation to decisions which affect them. This will generally advance the right to social security.

1.106 The bill would also promote the enjoyment of the right to an adequate standard of living as guaranteed by article 11 of the ICESCR. The bill may also engage the right to equality and non-discrimination under articles 2(1) and 26 of the International Covenant on Civil and Political Rights insofar as it draws distinction between areas, industries and persons affected by 'major disasters' and those affected by other natural disasters which do not rise to that level.

1.107 The committee considers that the bill does not appear to give rise to any human rights concerns.