

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

Group: 3

Program: 1.7

Question No. AE15/061

Senator Ludwig asked the following written question from the 24 February and 27 March 2015 hearings:

In January, 2015 the NDRRA guidelines were revised to make it more difficult for people to access Category C and Category D payments.

1. Please outline the NDRRA determination changes made at the end of 2014/2015: Please include changes to Category c payments; and the changes to the "standard grants".
2. Please outline what was previously eligible that is no longer eligible under these grants.
3. Please outline the process by which it was determined to change the guidelines for category C and D funding.
4. Who was involved in this process? Please detail the involvement of the minister; his office; any other ministers or their offices; the department; any other departments.
5. What outside consultation was done during this process? Please include dates and costs associated with these consultations.
6. What was the justification for changing the guidelines to give less people access to the grants?
7. Have any studies of reports been commissioned to study what impact the change in guidelines will have on those affected? If yes, please provide copies.
8. Given the widespread destruction and suffering caused by cyclone Marcia in February, has the Minister considered opening Category C and D payments up to those affected, using the old guidelines? If no, why not? If yes:
 - a. Please provide a time frame for when this will happen?
 - b. Will there be any restrictions placed on applicants that did not exist prior to the changes in January?
 - c. Have the impacts on those affected by the lack of access to grants been provided to the minister to aid in this decision? If yes please provide a copy of these impacts.

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

1. No changes were made to the NDRRA Determination or "standard grants". Changes were made were to consolidate two existing Category C guidelines into a single Category C guideline. Specifically, prior to December 2014 there were two separate guidelines to the NDRRA Determination 2012 for Category C measures that covered different elements of Category C assistance; Guideline 4 – NDRRA Category C Framework Community Recovery

Package Guidelines; and Guideline 9 – Category C Assistance: Interim Assessment Framework and Forms.

- In December 2014, a new Guideline 4 was issued to the States and Territories which combined the previous Guideline 4 and Guideline 9 into a single Category C Guideline entitled Category C Interim Assessment Frameworks. The original Guideline 9 was discontinued.
 - The revision combined the two original Guidelines to streamline the information supporting the Category C application process. This involved:
 - removing duplicated clauses and paragraphs,
 - removing unnecessary general background information on the NDRRA, and
 - removing information on defining small businesses or primary producers already covered in Australian Tax Office guidelines (while retaining reference to the ATO guidelines).
 - Importantly, the revision did not change any of the eligible measures, access criteria, grant amounts, or any other clauses associated with accessing Category C grants.
2. There were no changes to any of the eligible measures, access criteria, grant amounts, or any other clauses associated with accessing Category C grants.
 3. As part of general reviews of the guidelines, it was determined that guidance for Category C assistance could be more clearly and effectively provided by combining the two original Guidelines 4 and 9.

Following consultations with the States and Territories through the NDRRA Stakeholders Group, the Attorney-General's Department.

There were no changes to Category D funding.

4. The Attorney-General's Department is responsible for the guidelines to the NDRRA Determination and managed the revision.

The Office of the Minister for Justice was informed of the proposal to combine the two guidelines while retaining the existing Category C measures and grant criteria.

5. The States and Territories were formally consulted on the proposed revision via the NDRRA Stakeholders Group Meeting held on Monday 8 September 2014. At this meeting the group agreed to the Commonwealth combining the two guidelines to streamline the Category C application process while retaining Category C grant criteria.

Following this, on 17 November 2014 AGD provided a draft guideline via email to the States and Territories inviting feedback. Between then and 17 December 2014 AGD liaised with the States and Territories in relation to the draft guidelines including to clarify unclear language and further streamline paragraphs and clauses.

This consultation was part of a regular Stakeholders Group meeting and did not create any new costs for jurisdictions or the Commonwealth.

6. There were no changes to any of the eligible measures, access criteria, grant amounts, or any other clauses associated with accessing Category C grants.

7. No. There were no changes to any of the eligible measures, access criteria, grant amounts, or any other clauses associated with accessing Category C grants.
8. Given the widespread destruction and suffering caused by cyclone Marcia in February, has the Minister considered opening Category C and D payments up to those affected, using the old guidelines? If no, why not? If yes:
 - a. The new guideline for Category C applies to all disaster events from 17 December 2014. As stated above, there were no changes to any of the eligible measures, access criteria, grant amounts, or any other clauses associated with accessing Category C grants.
 - b. Queensland has been given permission to use the old guidelines for Category C in relation to Tropical Cyclone Marcia. This is due to Queensland's *Rural and Regional Adjustment Act 1994* which requires that all schemes of assistance administered by the Queensland Rural Adjustment Authority in Queensland, including NDRRA assistance, be set out in detail by regulation. As such, the previous guidelines were set in the Queensland regulation. The Queensland Government has not progressed changes to its state regulation to allow the administration of Category C assistance in accordance with the new Guideline 4.
 - c. This is an administrative issue, and as such has no material impact to people's ability to access the Category C grants (compared to possible access if the new guidelines were applied) in relation to Tropical Cyclone Marcia.

There were no changes to Category D funding.