

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

**Group 3**

**Program 1.7**

**Question No. 45**

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

I refer to Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No 5) - Schedule 2 Circumstances in which person adversely affected.

1. What criteria did the Attorney General's Department (AGD)/Emergency Management Australia (EMA) recommend to the Minister for Justice?
2. Was it similar to previous equivalent bushfire disasters like Tasmania in January 2013 or Victoria in 2009?
3. Did the AGD/EMA recommend criteria that reflected an inability to gain access to place of residence for at least 24 hours and/or loss of essential service such as electricity and/or gas for at least 48 hours?
4. Did the Minister for Justice or Attorney-General seek advice from the State government or Federal departments on determinations made for previous bushfires? If yes provide all correspondence and details of times of discussions and with whom.
5. Did the Minister for Justice ask AGD/EMA for a recommendation on criteria?
6. What information on the scale of the disaster such as number the of homes destroyed, number of homes damaged, number of evacuations, number of street closures, loss of essential utilities was provided to the Minister prior to signing the determination? Who provided the information?
7. Please provide the data AGD/EMA has on the number of people that were unable to return to undamaged homes for 24 hours or more and/or the number of undamaged homes that without essential utilities like electricity and gas for 72 hours or more.
8. Has the AGD/EMA recommended amending the determination to include criteria around inability to gain access and loss of essential services in the light of information becoming available after 18 October?
9. Has the Department of Finance and/or Treasury provided advice or direction to the AGD/EMA or Minister for Justice to limit the eligibility criteria?
10. Has the NSW Government provided advice to the AGD/EMA or Minister for Justice to limit the eligibility criteria?

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

1. It is not appropriate for the Department to provide information on specific recommendations or advice provided to the Minister for Justice.
2. It is not appropriate for the Department to provide information on specific recommendations or advice provided to the Minister for Justice.
3. It is not appropriate for the Department to provide information on specific recommendations or advice provided to the Minister for Justice.
4. It is not appropriate for the Department to provide information on specific advice requested by the Minister for Justice.
5. It is not appropriate for the Department to provide information on specific recommendations or advice provided to the Minister for Justice.
6. The Department provided submissions to the Minister for Justice on 18 October, 19 October and 25 October 2013 with information available at that point in time on reports of homes destroyed or damaged and fatalities. The Minister was advised that the bushfires were uncontained and due to the unfolding nature of the disaster, impact data was still in the process of being collected and assessed. Between the start of the bushfires on 16 October 2013 and the Minister signing the Determinations, the Department did not have data on the number of people separated their homes or who had lost access to utilities for extended periods. On 18 October 2013, the Department informed the Minister that fires were burning across six local government areas (Blue Mountains, Lithgow, Muswellbrook, Port Macquarie-Hastings, Port Stephens and Wingecarribee) and a significant number of homes had been lost or damaged although the exact number could not be confirmed. There was one confirmed fatality at Lake Munmorah. On 19 October 2013, the Department informed the Minister that fires had spread to the LGA of Lake Macquarie and that there were unconfirmed reports of further houses damaged and destroyed. On 25 October 2013, the Department informed the Minister that two houses had been destroyed in the LGA of Wollondilly, with a further two houses damaged and ten outbuildings destroyed.
7. To the 18 November 2013, the Department was not able to source detailed, validated data from official or open sources in regard to this information. The Department sought and received information from Traffic NSW on road closures. However this information did not translate into the number of people unable to access their principal place of residence noting that many affected by road closures were not necessarily residents of the affected local government areas.
8. It is not appropriate for the Department to provide information on specific recommendations or advice provided to the Minister for Justice.
9. No. The Department of Finance and Treasury have no decision-making role in the activation of AGDRP.
10. No. The NSW Government has no decision-making role in the activation of AGDRP.