

GOVERNOR'S DIRECTIONS

TO THE MEMBERS OF THE COMMITTEE APPOINTED

TO ADMINISTER THE STATE EMERGENCY RELIEF FUND

DIRECTIONS IN RELATION TO THE EMERGENCY ARISING FROM THE EXPLOSION OF THE GLADSTONE FACTORY

The State Emergency Relief Fund (“the fund”) provides a publicly accountable mechanism for the disbursement of donated funds following an emergency. The fund is an administered item under the Department of the Premier and Cabinet. The Security and Emergency Management Office in the Department of the Premier and Cabinet, provides administrative and policy support to the fund.

The committee to administer the State Emergency Relief Fund is appointed by the Minister under section 37 (3) of the *Emergency Management Act 2004* (“the Act”) and is subject to broad directions by the Governor. The term “emergency” in these directions has the meaning given to it under the Act.

Certain members are appointed for a term of three years (“ongoing members”). Other members are appointed for a period of six months from the date of gazettal to provide knowledge and judgment in relation to administration of the fund in response to a particular emergency (“particular members”).

One of the particular members of the committee, the Hon Rob Kerin has been invited to chair meetings of the committee. A quorum of the committee will constitute the chair and four members of the committee.

Where possible the committee should reach decisions by consensus. However if a vote is required, and the results are tied, the chair will have a deliberative and casting vote. Particular members may only vote on issues relating to the administration and distribution of the fund in respect of the emergency to which their appointment relates.

Members of the committee are obliged to maintain confidentiality in relation to the deliberations of the committee and in relation to personal information that may be made available to the committee on potential recipients of fund monies.

Pursuant to the provisions of the Act and these directions, the committee is responsible for the appropriate disbursement of the monies in the fund for the relief of the families of the men who were killed and those injured in the explosion at the site of the explosion.

The committee may adopt any fair and reasonable assessment scheme for disbursement of monies, whether of its own design or that has been developed wholly or in part by any government or non-government agency.

The committee may make such enquiries as it thinks relevant as to the effect of the emergency upon victims.

In these directions “family” means a parent, spouse or domestic partner and children of a person killed or injured in the explosion; and, “injury” will include both physical and psychological injury.

The committee will be responsible for ensuring:

- Monies received by the fund are disbursed equitably and fairly for the relief of the families of the men who were killed and those injured in the explosion. Monies may be paid directly to such persons and may also be used to provide services or programs that will relieve the injury, loss or damage they have suffered;
- Administrative processes for the management and disbursement of the monies are developed which are transparent and meet all appropriate legal, probity and procedural requirements;
- Appropriate information is provided to affected parties and to the community on the availability of relief, on eligibility and disbursement and on any other matters which the committee determines should be communicated in order to assist the proper administration of the fund;
- A written report is provided to the Minister when the committee is satisfied that it has appropriately disbursed the available monies. The written report should include an audit of all monies disbursed, an evaluation of the effectiveness of the fund in meeting identified need and recommendations on any issues, which should be addressed in a future use of the Fund following an emergency.
- That monies are allocated in an equitable, fair and culturally appropriate manner, may take into account the following principles –
 - Priority is given to those in most financial need and those assessed to have the most difficulty recovering quickly;
 - Available monies can be used to provide relief over the short-term or long-term for the families of the men who were killed and those injured in the explosion, as determined by the committee;
 - Monies provided to the families of the men who were killed and those injured in the explosion are gifts from the community in recognition of injury, loss or damage arising from the explosion, not a form of compensation;
 - Monies provided may complement or recognise other forms of assistance received by those affected by the explosion including any insurance payments, government grants, other gifts from public donations or other sources of known tangible support;
 - Where the committee is of the opinion that a person who suffered injury, loss or damage as a result of the explosion has been overcompensated for that injury, loss or damage by reason of being paid money from the fund and damages for compensation from another

source, the committee may, by notice in writing given personally or by post to the person, require the person to pay the fund the amount of the overcompensation as determined by the committee and specified in the notice;

- Monies may be provided irrespective of the insurance status of the recipient;
- There will be a maximum and minimum amount that any recipient can receive from the fund, which will be determined by the committee from time to time;