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Federal Register of Legislative Instruments F2012C00567
1 **Name of determination** [see Note 1]

This determination is the *Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 4)*.

2 **Commencement** [see Note 1]

This determination commences on the day after it is registered.

3 **Definitions**

(1) In this determination:

*Act* means the *Social Security Act 1991*.

*destroyed*, for a place of residence, includes a residence damaged to the extent that it must be demolished.

*immediate family member*, of a person, means:

(a) the person’s partner; or  
(b) the person’s natural child, adoptive child or stepchild; or  
(c) the person’s natural parent, adoptive parent or step-parent; or  
(d) the person’s legal guardian; or  
(e) the person’s brother, sister, stepbrother or stepsister.

*Note*  This term is used in a different sense to that used in the Act.

*major damage*, for a residence, means:

(a) damage to at least a quarter of the interior of the residence; or  
(b) that the residence is structurally unsound; or  
(c) damage to the residence that exposes at least a quarter of the interior of the residence to the elements; or  
(d) sewage contamination of the interior of the residence, or of the water supply to the residence.

*seriously injured*, for a person, means:

(a) the person has sustained an injury; and  
(b) because of the injury:

(i) the person was admitted to hospital; or  
(ii) under normal circumstances, the person would have been admitted to hospital.

*utility service* means one of the following services:

(a) water;  
(b) electricity;  
(c) gas;  
(d) sewerage.
(2) In this determination:

(a) a place of residence is a person’s principal place of residence if the person regularly lives at the place with a degree of settled purpose and the person has a lawful right to reside at the place; and

(b) it is possible for a person to have more than one principal place of residence; and

(c) a prison or place of detention is not a principal place of residence; and

(d) a secondary residence used for holidays is not a principal place of residence.

4 Person adversely affected by a major disaster

For subsection 1061L(2) of the Act, a person is adversely affected by a major disaster mentioned in Schedule 1 if the person is affected in a way mentioned in Schedule 2.

Note Subsection 36(1) of the Social Security Act 1991 allows the Minister to determine, in writing, that an event is a major disaster if the event is a disaster that has such significant impact on individuals that a government response is required.
Schedule 1  Major disaster

The flooding that occurred during February and March 2012 which affected the New South Wales Local Government Areas of Central Darling, Coolamon, Forbes, Griffith, Gundagai, Leeton, Lockhart, Murrumbidgee, Narrandera, Tumbarumba, Tumut, Urana, Wagga Wagga, Young and the Township of Ungarie is a major disaster.
Schedule 2  Circumstances in which person adversely affected

A person is adversely affected by a major disaster mentioned in Schedule 1 if:

(a) as a direct result of the disaster:
   (i) the person is seriously injured; or
   (ii) the person is an immediate family member of an Australian who is killed; or
   (iii) the person’s principal place of residence has been destroyed or has sustained major damage; or
   (iv) the person is unable to gain access to his or her principal place of residence for at least 24 hours because:
      (A) access to the place of residence is cut off; or
      (B) the person is unable to leave a place affected by the disaster;
   (v) the person is stranded in his or her principal place of residence for at least 24 hours, or

(b) as a result of the disaster, the person’s principal place of residence was without a particular utility service for a continuous period of 48 hours; or

(c) the person is the principal carer of a child to whom paragraph (a) or (b) applies.
Notes to the **Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 4)**

**Note 1**

The Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 4) (in force under subsection 106IL (2) of the Social Security Act 1991) as shown in this compilation is amended as indicated in the Tables below.

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ad. = added or inserted  am. = amended  rep. = repealed  rs. = repealed and substituted