Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2)
as amended

made under subsection 1061L(2) of the

Social Security Act 1991

Compilation start date: 18 July 2011
Includes amendments up to: Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2011 (No. 2)
About this compilation

The compiled instrument

This is a compilation of the Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2) as amended and in force on 18 July 2011. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 5 August 2013.

The notes at the end of this compilation (the endnotes) include information about amending Acts and instruments and the amendment history of each amended provision.

Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.
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1 Name of Determination

This Determination is the *Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2).*

2 Commencement

This Determination commences on the day 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) sewerage contamination of the interior of 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.

(2) In this Determination, a place of residence is a person’s *principal place of residence* if the person:

(a) normally resides at the place; and  
(b) has a lawful right to reside at the place.
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.
Schedule 1—Major disaster

(section 4)

The flooding in the State of New South Wales determined to be a major disaster under section 36 of the Act by the Attorney-General on 15 July 2011.
Schedule 2 — Circumstances in which person adversely affected

(Section 4)

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; or
   (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 electricity, water, gas, sewerage service or another essential service for at least 48 hours; or

(c) the person is the principal carer of a child to whom paragraph (a) or (b) applies.
Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2)*.

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(a) These instruments were taken to have been registered on Saturday, 15 January 2011 under subsection 31(3) of the *Legislative Instruments Act 2003*. They were gazetted in the Commonwealth of Australia Special Gazette Nos. S10 and S11 on 15 January 2011.
Endnotes

Endnote 2—Amendment history

This endnote sets out the amendment history of the Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2).

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Endnote 3—Uncommenced amendments [none]

There are no uncommenced amendments.
Endnotes

Endnote 4—Misdescribed amendments [none]

Endnote 4—Misdescribed amendments [none]

There are no misdescribed amendments.