Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 1)

Social Security Act 1991


Dated 6 January 2013

Nicola Roxon
Attorney-General
Minister for Emergency Management

1 Name of determination
This determination is the Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 1).

2 Commencement
This determination commences on the day after it is registered.

3 Definitions
(1) In this determination:
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 a significant impact on individuals that a government response is required.
Schedule 1    Major disaster

Only the bushfires in South-East and East Tasmania that commenced on 3 or 4 January 2013 which as at 5 January 2013 covered the affected Local Government Areas of Sorrell, Tasman and Glamorgan-Spring Bay.
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;

(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.

Note