



Social Security (Australian Government Disaster Recovery Payment) Determination 2011 (No. 2)¹

Social Security Act 1991

I, ROBERT McCLELLAND, Attorney-General, make this Determination under subsection 1061L (2) of the *Social Security Act 1991*.

Dated 14 January 2011

ROBERT McCLELLAND
Attorney-General

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 14 January 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.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.