



Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)

as amended

made under subsection 1061L(2) of the

Social Security Act 1991

Compilation start date: 21 February 2013

Includes amendments up to: Social Security (Australian Government Disaster
Recovery Payment) Amendment Determination
2013 (No. 7)

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

The compiled instrument

This is a compilation of the *Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)* as amended and in force on 21 February 2013. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 16 April 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 2013 (No. 4)*.

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

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- (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

The severe weather, rainfall and associated flooding that occurred as a result of ex-Tropical Cyclone Oswald that commenced on 27 January 2013 and continued in February 2013 and affected the Local Government Area of Clarence Valley.

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.

Endnote 1—Legislation history

Endnotes

Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)*.

Title	FRLI registration date	Commencement date	Application, saving and transitional provisions
Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)	6 Feb 2013 (<i>see</i> F2013L00164)	7 Feb 2013	
Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 7)	20 Feb 2013 (<i>see</i> F2013L00240)	21 Feb 2013	—

Endnotes

Endnote 2—Amendment history

Endnote 2—Amendment history

This endnote sets out the amendment history of the *Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)*.

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted exp. = expired or
ceased to have effect

Provision affected	How affected
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s 2	rep LIA s 48D
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Schedule 1

Schedule 1	see Endnote 4
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Endnote 3—Uncommenced amendments [none]

Endnote 3—Uncommenced amendments [none]

There are no uncommenced amendments.

Endnotes

Endnote 4—Misdescribed amendments

Endnote 4—Misdescribed amendments

This endnote sets out amendments of the *Social Security (Australian Government Disaster Recovery Payment) Determination 2013 (No. 4)* that have been misdescribed.

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2013 (No. 7)

Schedule 1

[1] Schedule 1

Omit everything after

continued in January 2013

Insert

and February 2013 and affected the Local Government Area of Clarence Valley and the township of Tumbulgum.