



Social Security (Australian Government Disaster Recovery Payment—Eastern Queensland Bushfires) Determination 2019 (No. 14)

I, David Littleproud, Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, make the following determination under subsection 1061L(2) of the *Social Security Act 1991*.

Dated: 22 November 2019

David Littleproud
The Hon. David Littleproud MP
Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency
Management

1 Name

- (1) This instrument is the *Social Security (Australian Government Disaster Recovery Payment—Eastern Queensland Bushfires) Determination 2019 (No. 14)*
- (2) This instrument may also be cited as LIN 19/305.

2 Repeal

The *Social Security (Australian Government Disaster Recovery Payment—Eastern Queensland Bushfires) Determination 2019 (No. 13)* is repealed.

3 Commencement

This instrument commences on the day it is signed.

Note: Any retrospective application of this instrument is permitted by operation of subsection 12(2) of the *Legislation Act 2003*.

4 Definitions

- (1) In this instrument:

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 step-child; 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, step-brother or step-sister.

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

major damage, for a residence, means:

- (a) damage to the interior of the residence; or
- (b) that the residence is structurally unsound; or
- (c) damage to the residence that exposes 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.

- (2) 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 unless the place is:
- (a) a prison or a place of detention; or
 - (b) a secondary residence used for holidays.

Note: It is possible for a person to have more than one principal place of residence.

5 Person adversely affected by a major disaster

- (1) This section applies to the major disaster being the bushfires occurring in November 2019 in eastern Queensland, affecting the local government areas of Livingstone, Noosa, Somerset and Toowoomba.
- (2) For the purposes of subsection 1061L(2) of the Act, a person is taken to be adversely affected by the major disaster if one or more of the following circumstances apply:
- (a) the person is seriously injured as a direct result of the disaster;
 - (b) the person is an immediate family member of an Australian who is killed as a direct result of the disaster;
 - (c) the person's principal place of residence has been destroyed or has major damage as a direct result of the disaster;
 - (d) the person is a principal carer of a child to whom paragraphs (a), (b) or (c) apply.