



**Social Security (Australian Government Disaster Recovery Payment—
Victorian storms and floods) Determination 2021 (No. 8)**

I, Bridget McKenzie, Minister for Emergency Management and National Recovery and Resilience, make this instrument under subsection 1061L(2) of the *Social Security Act 1991* (the *Act*).

Dated

1 October 2021

Minister for Emergency Management and National Recovery and Resilience

1 Name

This instrument is the *Social Security (Australian Government Disaster Recovery Payment—Victorian storms and floods) Determination 2021 (No. 8)*.

2 Commencement

This instrument commences on the day it is signed.

3 Definitions

(1) In this instrument:

destroyed means damaged to the extent that:

- (a) for a residence—it must be demolished; or
- (b) for a major asset or assets—it is unusable.

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 asset or assets means:

- (a) an asset, with a market value of at least \$20 000, located at the person's principal place of residence; or
- (b) assets, with a combined market value of at least \$20 000, located at the person's principal place of residence.

Examples Building, large fixed structure, motor vehicle, caravan, water tank, large scale machinery, heavy equipment.

major damage means:

- (a) for a residence:
 - (i) damage to the interior of the residence; or
 - (ii) that the residence is structurally unsound; or
 - (iii) damage to the residence that exposes the interior of the residence to the elements; or
 - (iv) sewage contamination of the interior of the residence or of the water supply to the residence; or
- (b) for a major asset or assets other than a water tank—that it is damaged by the heavy rainfall or by flood waters, to the extent that it needs to be replaced; or
- (c) for a major asset that is a water tank—damage to the extent that it needs to be repaired or cleaned, or the water replaced.

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.

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- (2) A place of residence is a person's ***principal place of residence*** if:
- (a) the person regularly lives at the place with a degree of settled purpose; and
 - (b) the person has a lawful right to reside at the place; and
 - (c) the place is not:
 - (i) a prison or a place of detention; or
 - (ii) a secondary residence used for holidays.

Note It is possible for a person to have more than 1 principal place of residence.

4 Person adversely affected by a major disaster

- (1) This section applies to the major disaster being the severe storms and associated flooding that occurred between 9 June 2021 and 17 June 2021 in Victoria affecting the local government areas of Bass Coast, Baw Baw, Cardinia, Hepburn, Latrobe, Macedon Ranges, Moorabool, Mornington Peninsula, South Gippsland, Wellington and Yarra Ranges.
- (2) For subsection 1061L(2) of the Act, a person is taken to be adversely affected by the major disaster if any 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) a major asset or assets of the person has or have been destroyed or suffered major damage as a direct result of the disaster;
 - (e) the person is a principal carer of a child to whom paragraph (a), (b), (c) or (d) applies.

5 Repeal

Social Security (Australian Government Disaster Recovery Payment—Victorian storms and floods) Determination 2021 (No. 7) is repealed.

6 Savings and transitional

Anything done under the *Social Security (Australian Government Disaster Recovery Payment—Victorian storms and floods) Determination 2021 (No. 7)* continues to be in effect as if it had been done under this instrument.