



LIN 24/035

Social Security (Australian Government Disaster Recovery Payment—Western Victoria—Bushfires—February 2024) Determination (No. 2) 2024

I, Murray Watt, Minister for Emergency Management, make this determination under subsection 1061L(2) of the *Social Security Act 1991*.

Dated: 29 February 2024

Time: 9:49 pm

[Signed]

Murray Watt

Minister for Emergency Management

Contents

1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions	1
5 Person adversely affected by a major disaster.....	2
6 Repeal.....	2
Schedule 1—Affected Localities	3
List of Affected Localities	3

1 Name

This instrument is the *Social Security (Australian Government Disaster Recovery Payment—Western Victoria—Bushfires—February 2024) Determination (No. 2) 2024*.

2 Commencement

This instrument commences immediately after it is signed.

3 Authority

This instrument is made under subsection 1061L(2) of the *Social Security Act 1991*.

4 Definitions

(1) In this instrument:

Act means the *Social Security Act 1991*.

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 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

-
- (b) for a major asset or assets other than a water tank—that the asset is burnt or otherwise damaged by fire, heat, ash or smoke 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 the tank needs to be repaired or cleaned, or the water contained in it needs to be 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.
- (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.

5 Person adversely affected by a major disaster

- (1) This section applies to the major disaster being the bushfires that commenced on or after 13 February 2024 in Victoria and which have affected, or affect, the localities mentioned in Schedule 1.
- (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 citizen or resident who is missing and presumed killed, or 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 of the person has been destroyed or suffered major damage as a direct result of the disaster;
 - (e) the person is a carer of a child to whom paragraph (a), (b), (c) or (d) applies.

6 Repeal

The *Social Security (Australian Government Disaster Recovery Payment—Bushfires—Western Victoria—February 2024) Determination 2024* is repealed.

Schedule 1—Affected Localities

List of Affected Localities

The localities mentioned in column 2 of the following table, within the local government areas mentioned in column 1, are the affected localities for the purposes of subsection 5(1) of this instrument.

Column 1	Column 2
Rural City of Ararat	Pomonal
Rural City of Horsham	Dadswells Bridge
Shire of Pyrenees	Raglan