

LIN 25/033

Social Security (Australian Government Disaster Recovery Payment—North Queensland Floods) Determination (No. 5) 2025

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

Dated 05/03/2025 2025 Time: 21:56

Jenny McAllister

Minister for Emergency Management

1 Name

 This instrument is the *Social Security (Australian Government Disaster Recovery Payment—North Queensland Floods) Determination (No. 5) 2025*.

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 flooded or has water damage 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 floods that commenced on 29 January 2025 and continue through February and March 2025 in North Queensland and which have affected, or are affecting, one or more of the areas 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 has 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 Repeals

 (1) Under subsection 1061L(2) of the Act, the *Social Security (Australian Government Disaster Recovery Payment—North Queensland Floods) Determination (No. 4) 2025* is repealed immediately after the commencement of this instrument.

 (2) This instrument is repealed on the day after the end of the period of two years that begins on the day the instrument commences.

Schedule 1—Affected areas

1 Affected suburbs and localities

A suburb or locality mentioned in column 2 of the following table, within a local government area mentioned in column 1 of the same item, is an affected area for the purposes of this instrument.

|  |  |  |
| --- | --- | --- |
| Item | Column 1 | Column 2 |
| 1 | Cassowary Coast Region | Cardwell |
| 2 | Cassowary Coast Region | Carruchan |
| 3 | Cassowary Coast Region | Damper Creek |
| 4 | Cassowary Coast Region | Ellerbeck |
| 5 | Cassowary Coast Region | Kennedy |
| 6 | Cassowary Coast Region | Rungoo |
| 7 | Cassowary Coast Region | South Mission Beach |
| 8 | Cassowary Coast Region | Wongaling Beach |
| 9 | Charters Towers Region | Paluma |
| 10 | Shire of Burdekin | Giru |
| 11 | Shire of Burdekin | Groper Creek |
| 12 | Shire of Etheridge | Georgetown |
| 13 | Townsville City | Annandale |
| 14 | Townsville City | Balgal Beach |
| 15 | Townsville City | Belgian Gardens |
| 16 | Townsville City | Black River |
| 17 | Townsville City | Bluewater |
| 18 | Townsville City | Bluewater Park |
| 19 | Townsville City | Condon |
| 20 | Townsville City | Cosgrove |
| 21 | Townsville City | Cranbrook |
| 22 | Townsville City | Cungulla |
| 23 | Townsville City | Currajong |
| 24 | Townsville City | Garbutt |
| 25 | Townsville City | Gulliver |
| 26 | Townsville City | Heatley |
| 27 | Townsville City | Hermit Park |
| 28 | Townsville City | Horseshoe Bay (Magnetic Island) |
| 29 | Townsville City | Mundingburra |
| 30 | Townsville City | Mutarnee |
| 31 | Townsville City | Nelly Bay (Magnetic Island) |
| 32 | Townsville City | Nome |
| 33 | Townsville City | North Ward |
| 34 | Townsville City | Oak Valley |
| 35 | Townsville City | Oonoonba |
| 36 | Townsville City | Paluma |
| 37 | Townsville City | Picnic Bay (Magnetic Island) |
| 38 | Townsville City | Railway Estate |
| 39 | Townsville City | Rasmussen |
| 40 | Townsville City | Roseneath |
| 41 | Townsville City | Rowes Bay |
| 42 | Townsville City | South Townsville  |
| 43 | Townsville City | Toolakea |
| 44 | Townsville City | Townsville City |
| 45 | Townsville City | Vincent |
| 46 | Townsville City | Wulguru |

2 Affected local government area

The local government area known as the Shire of Hinchinbrook, in Queensland, is an affected area for the purposes of this instrument.