



LIN 25/072

Social Security (AGDRP—NSW East Coast Severe Weather and Flooding) Determination 2025

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

Dated: 26 May 2025

Time: 10:49 am

Kristy McBain
Minister for Emergency Management

1 Name

This instrument is the *Social Security (AGDRP—NSW East Coast Severe Weather and Flooding) Determination 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

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- (b) for a major asset or assets other than a water tank—that the asset is damaged by severe weather or flooding 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 severe weather and flooding in the east coast region of New South Wales, that commenced on 18 May 2025 and which has affected, or is 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 Repeal

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 local government areas

A local government area in New South Wales mentioned in an item of the following table is an affected area for the purposes of this instrument.

Item	Column 1
1	Bellingen
2	Coffs Harbour
3	Dungog
4	Kempsey
5	Maitland
6	Mid-Coast
7	Nambucca Valley
8	Port Macquarie-Hastings
9	Port Stephens