

Explanatory Statement

Social Security (Australian Government Disaster Recovery Payment—South East Queensland Severe Storms and Flooding– December 2023 to January 2024) (LIN 24/013) Determination 2024 (No. 2)

Social Security Act 1991

Issued by authority of the Minister for Emergency Management

1. The Australian Government Disaster Recovery Payment (the **AGDRP**) provides an immediate, one-off payment to a person adversely affected by a major disaster.
2. Section 1061K of the *Social Security Act 1991* (the **Act**) specifies the qualification criteria for the AGDRP. One of the qualification criteria requires a person to be ‘adversely affected by a major disaster’.
3. Subsection 1061L(1) of the Act provides that, for the Act, a person is adversely affected by a major disaster if the person is affected by the major disaster in a way determined by the Minister.
4. Subsection 1061L(2) of the Act provides that the Minister may determine in writing, for a major disaster, the circumstances in which persons are to be taken to be adversely affected by the major disaster.
5. Subsection 36(1) of the Act empowers the Minister to determine in writing that an event is a major disaster if the Minister is satisfied that an event is a disaster that has such a significant impact on individuals that a government response is required, or the event is an emergency to which a national emergency declaration relates.
6. The Minister has made a determination under subsection 36(1) of the Act that applies only to the severe storms and associated flooding which commenced on 24 December 2023 and continued through to 12 January 2024 (inclusive) in Queensland, which has affected a number of suburbs within three local government areas. These suburbs are specified in the table below.

Local Government Area	Suburb
City of Gold Coast	Arundel
	Biggera Waters
	Bonogin
	Clagiraba
	Coombabah
	Coomera
	Gaven
	Guanaba
	Helensvale
	Hollywell
	Labrador
	Lower Beechmont
	Maudsland
	Mount Nathan
	Mudgeeraba
	Nerang
Oxenford	

	Pacific Pines Paradise Point Pimpama Runaway Bay Springbrook Tallai Upper Coomera Wongawallan Worongary
City of Logan	Cedar Creek Cedar Grove Cedar Vale Flagstone Jimboomba Mundoolun Tamborine Woodhill
Scenic Rim Region	Beechmont Gleneagle Tamborine Tamborine Mountain

7. The *Social Security (Australian Government Disaster Recovery Payment—South East Queensland Severe Storms and Flooding— December 2023 to January 2024) (LIN 24/013) Determination 2024 (No. 2)* (the **Determination**) sets out the circumstances in which a person is to be ‘adversely affected’ by the major disaster.

8. Section 1 specifies the name of the Determination.

9. Section 2 provides that the Determination commences on the day it is signed. For section 12 of the *Legislation Act 2003*, the Determination may commence before it is registered as it will not disadvantage any persons adversely affected by the major disaster.

10. Section 3 provides definitions relevant to the Determination, including *destroyed, immediate family member, major asset or assets, major damage* and *seriously injured* and *principal place of residence*.

11. Subsection 4(1) provides that the Determination applies to the major disaster being the severe storms and associated flooding that commenced on 24 December 2023, and continued through to 12 January 2024 (inclusive) in Queensland, affecting the suburbs listed in the Schedule.

12. Subsection 4(2) provides that the circumstances in which a person is taken to be adversely affected by the major disaster described in subsection 4(1) are if:

- (a) the person is seriously injured as a direct result of the major disaster (paragraph 4(2)(a)); or
- (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 major disaster (paragraph 4(2)(b)); or
- (c) the person’s principal place of residence has been destroyed or has major damage as a direct result of the major disaster (paragraph 4(2)(c)); or
- (d) a major asset or assets of the person has or have been destroyed or suffered major damage as a result of the major disaster; or

- (e) the person is a carer of a child to whom paragraphs 4(2)(a), (b), (c) or (d) apply (paragraph 4(2)(e)).

13. Section 5 of the Determination provides that *Social Security (Australian Government Disaster Recovery Payment—South East Queensland Severe Storms and Flooding— December 2023 to January 2024) (LIN 24/007) Determination 2024 (No. 1)* is repealed, as enabled under section 33(3) of the *Acts Interpretation Act 1901*.

14. Section 6 provides that despite the operation of section 5, anything done under the *Social Security (Australian Government Disaster Recovery Payment—South East Queensland Severe Storms and Flooding— December 2023 to January 2024) (LIN 24/007) Determination 2024 (No. 1)* continues to have effect as if it was done under this Determination.

15. Schedule 1 identifies the suburbs that are affected by the major disaster and the local government areas they fall within, including the City of Gold Coast, City of Logan and the Scenic Rim Region.

16. Subsection 1061L(3) of the Act provides that a determination under section 1061L is a legislative instrument. However, the Determination is not subject to disallowance by the Parliament as subsection 1061L(3) of the Act provides that section 42 of the *Legislation Act 2003* does not apply to it.

17. Formal consultation has not been undertaken as the Determination was required to commence as a matter of urgency.

18. The Office of Impact Analysis was consulted prior to making this instrument and advised that an impact analysis was not required. The OIA reference number is OIA24-06318. No further formal consultation was undertaken as the Determination was required to commence as a matter of urgency.