

EXPLANATORY STATEMENT

Issued by authority of the Minister for Emergency Management

Social Security Act 1991

Social Security (AGDRP—Ex-Tropical Cyclone Alfred—Queensland) Determination (No. 3) 2025

Legislative authority

The Australian Government Disaster Recovery Payment (AGDRP) provides an immediate, one-off payment to a person adversely affected by a major disaster.

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’.

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.

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.

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.

Background

On 11 March 2025 the Minister for Emergency Management made a determination under subsection 36(1) of the Act that the severe weather and flooding from Tropical Cyclone Alfred (including as Ex-Tropical Cyclone Alfred) that commenced on 4 March 2025 is a major disaster within the meaning of the Act and affected the local government areas (LGA) of City of Gold Coast, City of Logan and Redland City, as well as specified suburbs and localities of:

- Craignish, Dundowran, Dundowran Beach, Eli Waters, Kawungan, Pialba, Point Vernon, Scarness, Torquay, Urangan, Urraween, and Wondunna in the LGA of the Fraser Coast Region;
- Forest Hill, Grantham, Laidley, Laidley Creek West, Laidley Heights, Laidley North and Laidley South in the LGA of the Lockyer Valley Region; and
- Eudlo, Nambour and Palmwoods in the LGA of the Sunshine Coast Region.

On 13 March 2025, the Minister made a further determination under 36(1) of the Act to determine that the major disaster also extends to the suburbs of Forest Hill, Grantham, Laidley, Laidley Creek West, Laidley Heights, Laidley North, and Laidley South in the LGA of Lockyer Valley Region and the suburbs of Eudlo, Nambour and Palmwoods in the LGA of Sunshine Coast Region. The Minister has made a further determination under subsection 36(1) of the Act to include the LGAs of City of Brisbane, City of Gold Coast, City of Ipswich and Toowoomba Region as well as specified suburbs and localities of:

- Allenvue, Barney View, Beechmont, Benbobble, Binna Burra, Boyland, Bromelton, Canungra, Ferny Glen, Flying Fox, Illinbah, Mount Barney, Mount Lindesay, O'Reilly, Palen Creek, Rathdowney, Running Creek, Sarabah, Tamborine, Tamborine Mountain, Witheren, Wonglepong and Wyaralong in the LGA of Scenic Rim Region; and
- Brightview, Dundas, Glamorgan Vale and Royston in the LGA of Somerset Region.

The *Social Security (AGDRP—Ex-Tropical Cyclone Alfred—Queensland) Determination (No. 3) 2025* (the Determination) sets out the circumstances in which a person is ‘adversely affected’ by this major disaster for AGDRP purposes.

The Determination repeals and replaces the *Social Security (AGDRP—Ex-Tropical Cyclone Alfred—Queensland) (No. 2) Determination 2025*, to also include the LGAs of City of Brisbane, City of Gold Coast, City of Ipswich and Toowoomba Region as well as specified suburbs and localities of:

- Allenvue, Barney View, Beechmont, Benbobble, Binna Burra, Boyland, Bromelton, Canungra, Ferny Glen, Flying Fox, Illinbah, Mount Barney, Mount Lindesay, O'Reilly, Palen Creek, Rathdowney, Running Creek, Sarabah, Tamborine, Tamborine Mountain, Witheren, Wonglepong and Wyaralong in the LGA of Scenic Rim Region; and
- Brightview, Dundas, Glamorgan Vale and Royston in the LGA of Somerset Region.

Notes on clauses of the Determination

Section 1 sets out the name of the Determination.

Section 2 provides that the Determination commences immediately after 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.

Section 3 provides that the Determination is made under subsection 1061L(2) of the Act.

Section 4 provides definitions relevant to the Determination, including *Act*, *destroyed*, *immediate family member*, *major asset or assets*, *major damage*, *seriously injured* and *principal place of residence*.

Subsection 5(1) provides that the Determination applies to the major disaster being the severe weather and flooding from Tropical Cyclone Alfred (including as Ex-Tropical Cyclone

Alfred) that commenced on 4 March 2025, and which has affected or affects the locations listed in Schedule 1.

Subsection 5(2) provides that the circumstances in which a person is taken to be adversely affected by the major disaster mentioned in subsection 5(1) are if:

- the person is seriously injured as a direct result of the major disaster (paragraph 5(2)(a)); or
- 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 5(2)(b)); or
- the person's principal place of residence has been destroyed or has major damage as a direct result of the major disaster (paragraph 5(2)(c)); or
- 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
- the person is a carer of a child to whom paragraphs 5(2)(a), (b), (c) or (d) apply (paragraph 5(2)(e)).

Section 6 provides for:

- the repeal of *Social Security (AGDRP—Ex-Tropical Cyclone Alfred—Queensland) Determination (No. 2) 2025* upon commencement of the Determination; and
- the repeal of the Determination two years after it commences.

The repeal of the Determination will not affect review rights for applications for the AGDRP lodged within the claiming period, or those who have made late claims with exceptional circumstances prior to the repeal of the Determination. Any review of decisions made on AGDRP applications will be decided based on the Determination in force at the time of the application.

Schedule 1 to the Determination sets out the locations in Queensland affected, for the purposes of this instrument, by the severe weather and flooding from Tropical Cyclone Alfred, including from Ex-Tropical Cyclone Alfred.

Consultation

The National Emergency Management Agency (NEMA) consulted with the Queensland Reconstruction Authority on impact.

Information about the support made available to individuals affected by this event will be made available on NEMA's website.

Other matters

Subsection 1061L(3) of the Act provides that a determination made under section 1061L is a legislative instrument. Subsection 1061L(3) of the Act provides that section 42 of the *Legislation Act 2003* does not apply to it. The Determination is therefore exempt from disallowance by the Parliament, in accordance with subsection 44(2) of the *Legislation Act 2003*.