



## **Repatriation Commission**

### **Veterans' Entitlements Act 1986**

## **Veterans' Entitlements Income (Exempt Lump Sum — South Australian Fishery Payment) Determination**

**Instrument No. R4/2006**

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I, JEANETTE RICKETTS, Branch Head, Income Support Branch, Department of Veterans' Affairs, and delegate of the Repatriation Commission, determine, under paragraph 5H(12)(c) of the *Veterans' Entitlements Act 1986* (VEA), that an amount specified in Part 2 of the Schedule as an exempt lump sum is an exempt lump sum for the purposes of the definition of "ordinary income" in subsection 5H(1) of the VEA.

Dated 2 February 2006

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JEANETTE RICKETTS

# SCHEDULE

## Part 1: Preliminary and Interpretation

### 1. Explanation

- 1.1 Paragraph 5H(12)(c) of the VEA enables the Repatriation Commission to determine that an amount, or one of a class of amounts, is an exempt lump sum. The consequence of the determination is that the amount, or class of amounts, is not ordinary income for the purposes of the VEA.

### 1.2 Name of Determination

- 1.2.1 This determination is the Veterans' Entitlements Income (Exempt Lump Sum – South Australian Fishery Payment) Determination No. R4 of 2006.

### 1.3 Commencement of Determination

- 1.3.1 This determination commences on the date the determination is signed but can have effect in relation to an amount in Part 2 received or provided before the commencement of this determination.

### 1.4 Definitions

- 1.4.1 In this Determination:

**“service pension”** has the meaning given to *Service pension* in subsection 5Q(1) of the VEA.

**“income support supplement”** means the payment called the income support supplement payable under Part IIIA of the VEA.

**“River Murray fishery licence holders restructure adjustment package”** means a process by the State Government of South Australia to offer monetary compensation to certain River Murray commercial fishery licence holders to exit the River Murray fishery. It includes ex gratia payments for the complete relinquishment of existing commercial fishing licences. It does not include payments to persons electing to remain holders of a limited commercial River Murray fishery non-native licence.

## Part 2: Exempt Lump Sum

### 2. Exempt Lump Sum — South Australian Fisheries Payment

2.1 If:

- (a) a person or a person's partner has received an amount under the *River Murray fishery licence holders restructure adjustment package*; and
- (b) the person is eligible for, or in receipt of, a *service pension* or *income support supplement*;

then the amount received by the person or the person's partner, under the *River Murray fishery licence holders restructure adjustment package*, is an exempt lump sum.