I, ROBERT J HAY, Branch Head, Income Support and a delegate of the Repatriation Commission, Department of Veterans’ Affairs, make this determination, under paragraph 5H(12)(c) of the Veterans’ Entitlements Act 1986.

Dated this 6th day of June 2000.

R J HAY
Branch Head
Income Support
Part 1 Preliminary

1.1 NAME OF DETERMINATION

This determination is the Veterans’ Entitlements Income Exempt Lump Sum Determination No.2 of 2000.

1.2 COMMENCEMENT

This determination commences on the day on which it is signed.

1.3 DEFINITIONS

In this determination:

*Act* means the *Veterans’ Entitlements Act 1986*.

*ATSIC* means the Aboriginal and Torres Strait Islander Commission.

*Dairy exit payment* means the grant of financial assistance payable under the *DEP scheme*.

*DEP scheme* means the scheme established under section 52C of the *Farm Household Support Act 1992*.

*Income Support Pension* has the same meaning as under the *Veterans’ Entitlements Act 1986*. 
Part 2 Exempt Lump Sums

2.1 AMOUNT OR CLASS OF AMOUNTS

Paragraph 5H(12)(c) of the Act provides that an amount or class of amounts, received by a person is an exempt lump sum if the amount, or class of amounts is determined by Commission to be an exempt lump sum. Set out below are payments to be regarded as exempt lump sums under paragraph 5H(12)(c):

1. Section 52C of the Farm Household Support Act 1992 provides for the DEP scheme and for payment of a grant of financial assistance known as a dairy exit payment.

2. Grants paid on or after 1 July 1999

   If:

   (a) a person has received a Business Development Programme Grant paid by ATSIC; and

   (b) the grant was paid on or after 1 July 1999;

   then, subject to clause 2.2, any amount paid, as a lump sum by ATSIC to that person, is an exempt lump sum.

2.2 APPLICATION-EXEMPT LUMP SUMS

It is appropriate to determine that an amount or class of amounts paid to a person:

(a) on or after 1 July 2000, and known as a dairy exit payment is an exempt lump sum for the purposes of paragraph 5H(12)(c) of the Act from 1 July 2000.

(b) on or after 1 July 1999, and known as a business development Programme Grant paid by ATSIC is an exempt lump sum for the purposes of paragraph 5H(12)(c) of the Act.
Part 3  Circumstances where 5H(12)(c) is not applicable

It is not appropriate to determine that an amount or class of amounts, is an exempt lump sum for the purposes of paragraph 5H(12)(c) of the Act in the following circumstances.

(1)  Wages or other monies withdrawn from the grant

   If:

   (a) a person (in this section known as the grant recipient) has received a Business Development Programme Grant from ATSIC; and

   (b) the grant recipient is paid wages, or any other monies that are withdrawn from the Business Development Programme Grant; and

   (c) the wages, or any other monies that are withdrawn from the Business Development Programme Grant are for the personal use or benefit of the grant recipient;

   then, the wages, or any other monies that are withdrawn, are not exempt from the income test.