I, ADAM LUCKHURST, 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 7 July 2010

Adam Luckhurst

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ADAM LUCKHURST
Senior Executive Band 1 (Rehabilitation and Entitlements Policy Group)
Department of Veterans’ Affairs
Delegate of the Repatriation Commission
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 – Farm Exit Support Grants) Determination No. R48 of 2010.

1.3 Commencement of Determination

1.3.1 This Determination is taken to have commenced on the day it is signed but has effect in relation to relevant amounts received, or assistance 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.

“Farm Exit Support Grant” means a payment made by the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF) under the Farm Exit Support Program to a person to assist them in exiting farming. This includes the Farm Exit Support Grant, the Farm Exit Support Advice and Re-training Grant, and the Farm Exit Support Relocation Grant.

Farm Exit Support Program means the farmer specific exit program offering one-off exit assistance to those farmers within the pilot region that sell their farm enterprise and leave farming.
Part 2: Exempt Lump Sum

2. Exempt Lump Sum—Farm Exit Support Grants

2.1 Amount or class of amounts

(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.

(2) If:
   (a) a person has received a Farm Exit Support Grant; and
   (b) the person is in receipt of a service pension or income support supplement;

the Farm Exit Support Grant is an exempt lump sum.

2.2 Application—Exempt Lump Sums

I determine that an amount, or class of amounts, paid to a person as mentioned in paragraph 2.1(2)(a) is an exempt lump sum for the purposes of paragraph 5H(12)(c) of the VEA from the date that the payment is made.