

Commonwealth of Australia

Social Security Act 1991

**Employment and Workplace Relations Exempt Lump Sum
(South Australian Fishery Payment) Determination 2005**

I, Shirley Douglas, Assistant Secretary, Payments, Legislation and Costings Branch and a delegate of the Secretary of the Department of Employment and Workplace Relations, make this determination under paragraph 8(11)(d) of the *Social Security Act 1991*.

Dated 20 June 2005.

Shirley Douglas

Assistant Secretary, Payments, Legislation and Costings Branch

Part 1 Preliminary

1 Name of determination

This determination is the *Employment and Workplace Relations Exempt Lump Sum (South Australian Fishery Payment) Determination 2005*.

2 Commencement

This determination commences on 13 January 2005 but can have effect in relation to amounts received, or assistance provided, before the commencement of this determination.

3 Interpretation

In this determination:

Act means the *Social Security Act 1991*;

ex gratia payment means a payment made by the State Government of South Australia in respect of the **River Murray fishery licence holders restructure adjustment package**. 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;

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;

social security payment has the same meaning as in the *Social Security Act 1991*.

Part 2 Exempt Lump Sums

4 Amount or class of amounts

- (1) Paragraph 8(11)(d) of the Act provides that the Secretary may determine that an amount or class of amounts received by a person, is an exempt lump sum.
- (2) If an eligible person:
 - (a) has received an ex gratia payment; and
 - (b) is in receipt of a social security payment;

then any amount received by the person as an ex gratia payment is an exempt lump sum.

5 Application—Exempt Lump Sums

An amount, or class of amounts received by a person referred to in subsection 4(2) is an exempt lump sum for the purposes of paragraph 8(11)(d) of the Act from the date that the amount was received.