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## Veterans' Entitlements (Compensation — Japanese Internment) Regulations 2001

Statutory Rules 2001 No.  $\angle^1$

102

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Veterans' Entitlements Act 1986*.

Dated                      30 MAY 2001                      2001

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command

BRUCE SCOTT  
Minister for Veterans' Affairs

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### 1 Name of Regulations

These Regulations are the *Veterans' Entitlements (Compensation — Japanese Internment) Regulations 2001*.

### 2 Commencement

These Regulations commence on gazettal.

### 3 Definitions

In these Regulations:

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

*designated war period* means the period beginning on 7 December 1941 and ending at the end of 29 October 1945.

*interned* means:

- (a) confined in a camp, building, prison or other place (including a vehicle); or
- (b) restricted to residing within specified limits.

*Japanese military forces* means air forces, naval forces, land forces or other military forces of Japan (however described).

*veteran* means a person covered by subsection 6A (1) of the Act.

*Note* A number of expressions used in these Regulations are defined in the Act. For example:

- child
- Commission
- dependant.

#### 4 Eligibility for compensation for internment by Japanese military forces

- (1) A veteran is eligible for a single compensation payment of \$25 000 if the following conditions are satisfied:
  - (a) the veteran was interned by Japanese military forces at any time during the designated war period;
  - (b) the veteran was alive on 1 January 2001.
- (2) A dependant (other than a child) of a deceased veteran is eligible for a single compensation payment of \$25 000 if the following conditions are satisfied:
  - (a) the dependant was alive on 1 January 2001;
  - (b) the veteran was interned by Japanese military forces at any time during the designated war period;
  - (c) the veteran died before 1 January 2001.
- (3) A person in relation to whom the conditions in both subregulations (1) and (2) are satisfied is eligible for a single compensation payment of \$25 000 only.

*Note 1* The payment of a compensation payment to a veteran, or a dependant of a deceased veteran, in accordance with this regulation is exempt from income tax — see sections 52-65 and 52-75 of the *Income Tax Assessment Act 1997*.

*Note 2* The amount of a compensation payment received by a person in accordance with this regulation is determined to be an exempt lump sum under paragraph 5H (12) (c) of the Act, and is therefore not part of the person's ordinary income for the purposes of the Act — see the definition of *ordinary income* in subsection 5H (1) of the Act.

**5 Payment into bank account**

- (1) This regulation applies if the Commission has determined, under section 122 of the Act, that a compensation payment under these Regulations is to be paid to the credit of a bank account nominated and kept by a person.
- (2) The account may be an account that is kept by the person alone, or jointly or in common with another person.

*Note* A pecuniary benefit that is payable to a person under the Act:

- (a) is payable in the way the Commission determines — see subsection 122 (4) of the Act; and
- (b) may, on request by the person, be paid to another person if the Commission approves the payment to that other person — see subsection 122 (2) of the Act.

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**Note**

1. Notified in the *Commonwealth of Australia Gazette* on / 2001. 31 May