I, Jeanette Ricketts, 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 19 day of April 2001.

Jeanette Ricketts
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 2001.

1.2 COMMENCEMENT

This determination applies from 7 November 2000.

1.3 DEFINITIONS

In this determination: Act means the Veterans’ Entitlements Act 1986.

Part 2 Exempt Lump Sums

2.1 AMOUNT OR CLASS OF AMOUNTS

(1) 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.

(2) Ex-gratia payments for British groups who were held prisoner by the Japanese during World War Two.

There are five categories of people eligible to receive this payment:
(a) surviving former members of HM Armed Forces who were held as Japanese prisoners of war in the Far East during WW2;
(b) surviving former service personnel who received payments after the Treaty of Peace with Japan in 1951. These were certain members of the then colonial forces; Indian Army and Burmese Armed Forces;
(c) surviving members of the Merchant Navy who were imprisoned by the Japanese in the Far East during WW2. For the purposes of this scheme, a member of the Merchant Navy is a person who has been employed, or engaged as, or for service as, a mariner in a British ship;
(d) surviving British civilians who were interned by the Japanese in the Far East during the Second World War; and
(e) the surviving widow or widower of a person who would otherwise have been entitled under category (a), (b), (c) or (d) above, providing they were still married at the time of death.

2.2 APPLICATION-EXEMPT LUMP SUMS

(1) It is appropriate to determine that an amount, or class of amounts, paid to a person, on or after the commencement of this determination, as described in subclause 2.1(2) of this determination, is an exempt lump sum under paragraph 5H(12)(c) of the Act from the date that the amount is paid.