Repatriation Commission

Veterans’ Entitlements Act 1986

Veterans’ Entitlements Income (Exempt Lump Sum — Redress WA) Determination

Instrument No. R10/2008

I, RIC MOORE, Senior Executive Band 1 (Income Support and Aged Care Policy Group), Department of Veterans’ Affairs, and delegate of the Repatriation Commission, 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 22 April 2008

Ric Moore.................................................................................................................................

RIC MOORE
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 – Redress WA) Determination No. R10 of 2008.

1.3 **Commencement of Determination**

1.3.1 This Determination commences on 1 May 2008.

1.4 **Definitions**

1.4.1 In this Determination:

*“income support payment”* means a *service pension* or *income support supplement*.

*“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.

*“ex-gratia payment”* means a one-off lump sum payment up to a maximum amount of $80,000 made by the State of Western Australia under the scheme known as Redress WA.

Note: All eligibility criteria for receipt of this payment are determined by the State of Western Australia.
Part 2: Exempt Lump Sum

2. Exempt Lump Sum — Redress WA

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 or a person’s partner has received an ex-gratia payment from the State of Western Australia under the scheme known as Redress WA; and

(b) the person is in receipt of, or has claimed, an income support payment;

then any amount received by the person or the person’s partner, under the scheme known as Redress WA 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.