Repatriation Commission

Veterans’ Entitlements Act 1986

Veterans’ Entitlements Income (Exempt Lump Sum — Tasmanian Government Stolen Generations of Aboriginal Children) Determination

Instrument No. R11/2008

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 24 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 – Tasmanian Government Stolen Generations of Aboriginal Children) Determination No. R11 of 2008.

1.3 Commencement of Determination

1.3.1 This Determination commences on the day after it is registered.

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 either:

(a) a one-off payment of up to $5,000 (with a maximum of $20,000 per eligible family group of children) made by the Secretary of the Tasmanian Department of Premier and Cabinet to an applicant under the Stolen Generations of Aboriginal Children Act 2006 (Tas) from the Stolen Generations Fund; or

(b) an amount of money paid from the balance remaining in the Stolen Generations Fund after claims made by applicants (a) above have been paid by the Secretary of the Tasmanian Department of Premier and Cabinet.
Part 2: Exempt Lump Sum

2. Exempt Lump Sum — Tasmanian Government Stolen Generations of Aboriginal Children

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 a one-off ex-gratia payment made by the Secretary of the Tasmanian Department of Premier and Cabinet under the Stolen Generations of Aboriginal Children Act 2006 (Tas) from the Stolen Generations Fund; 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 Stolen Generations of Aboriginal Children Act 2006 (Tas) 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.