

Commonwealth of Australia

Social Security Act 1991

**Employment and Workplace Relations Exempt Lump Sum
(Tasmanian Child Abuse 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 (Tasmanian Child Abuse Payment) Determination 2005*.

2 Commencement

This determination commences on 15 December 2004.

3 Interpretation

In this determination:

Act means the *Social Security Act 1991*;

compensation payment means an ex gratia payment made by the State Government of Tasmania in respect of child abuse suffered by a person while in Tasmanian State care;

Tasmanian State care means care, provided by an institution responsible for the provision of child welfare services, which is, or has been:

- (a) administered by the Tasmanian State Government; or
- (b) funded by the Tasmanian State Government;

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:

(a) a person has received a compensation payment; and

(b) the person is in receipt of a social security payment;

then any amount received by the person, as a compensation payment, is an exempt lump sum.

5 Application—Exempt Lump Sums

An amount 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.