



## Repatriation Commission

*Veterans' Entitlements Act 1986*

### **Veterans' Entitlements Income (Exempt Lump Sum — Compensation payments in respect of certain World War Two internments) Determination**

**Instrument No. R5/2008**

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I, JEANETTE RICKETTS, 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 4<sup>th</sup> February 2008

Jeanette Ricketts.....

JEANETTE RICKETTS

# 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 – Compensation payments in respect of certain World War Two internments) Determination No. R5 of 2008.

### 1.3 Commencement of Determination

- 1.3.1 This Determination is taken to have commenced on the date it is signed but has effect in relation to relevant amounts received, or assistance provided, before the commencement of this determination.

### 1.4 Definitions

- 1.4.1 In this Determination:

**“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.

**“Compensation payments in respect of certain World War Two internments”** means a one-off payment of \$25,000 made to a person by the Australian Government Department of Veterans' Affairs under the *Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007*.

## Part 2: Exempt Lump Sum

### 2. Exempt Lump Sum — Compensation payments in respect of certain World War Two internments

#### 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 the person's partner has received a *Compensation payment in respect of certain World War Two internments*; and
- (b) the person is in receipt of, or has claimed a *service pension or income support supplement*;

then any amount received by the person or the person's partner, under the *Compensation payments in respect of certain World War Two internments* 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.