



Repatriation Commission

Veterans' Entitlements Act 1986

Veterans' Entitlements Income (Exempt Lump Sum – Defence Abuse Reparation Scheme) Determination

Instrument No. R41/2013

I, MARK HARRIGAN, Senior Executive Band 1, Rehabilitation and Entitlements Policy Branch, as a 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 June 2013

Mark Harrigan

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MARK HARRIGAN

Senior Executive Band 1 (Rehabilitation and Entitlements Policy Branch)
Department of Veterans' Affairs
Delegate of the Repatriation Commission

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 – Defence Abuse Reparation Scheme) Determination No. R41 of 2013.

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:

(1) **Defence Abuse Reparation Payment** means a payment made to a person, or to an authorised representative on behalf of a person, by the Department of Defence under the Defence Abuse Reparation Scheme.

(2) **Service Pension and Income Support Supplement** means the income support payments payable under Part III and Part IIIA of the *Veterans' Entitlements Act 1986*, respectively.

Part 2: Exempt Lump Sum

2. Exempt Lump Sum — Defence Abuse Reparation Scheme

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 has received a *Defence Abuse Reparation Payment*;
and
 - (b) the person or the person's partner is in receipt of a *service pension, or income support supplement*;

the *Defence Abuse Reparation Payment* 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.