



## Repatriation Commission

### *Veterans' Entitlements Act 1986*

# **Veterans' Entitlements Income (Exempt Lump Sum - Thalidomide Class Action Payment) Determination 2014**

**Instrument No. R19/2014**

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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 13 March 2014

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 – Thalidomide Class Action Payment) Determination No. R19 of 2014.

### 1.3 Commencement of Determination

1.3.1 This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

### 1.4 Definitions

1.4.1 In this Determination:

***Thalidomide Class Action Payment*** means a lump sum payment made pursuant to the settlement of a class action by persons in Australia and New Zealand who suffered thalidomide-caused injuries that was approved by the Victorian Supreme Court on 7 February 2014.

***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 — Thalidomide Class Action Payment

#### 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 *Thalidomide Class Action Payment*; and
  - (b) the person or the person's partner is in receipt of a *service pension, or income support supplement*;the *Thalidomide Class Action 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.