

# EXPLANATORY STATEMENT

## **Veterans' Entitlements Act 1986 Determination of warlike service (Operation PALATE)**

The *Veterans' Entitlements Act 1986* (the Act) provides for automatic treatment for certain cancers, post traumatic stress disorder and some other prescribed conditions, access to the Veterans' Counselling Service, funeral benefits, Service pension, access to gold card, and the Victoria Cross Allowance. While some of these require warlike service, others only require non-warlike service for eligibility under the Act.

The purpose of this Determination is to declare service with the United Nations Assistance Mission in Afghanistan, on Operation PALATE, as warlike service for the purpose of the Act.

This Determination applies to service commenced on 18 April 2003, the day that members of the Australian Defence Force (ADF) began warlike service in Operation PALATE.

This Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA). The Determination takes effect retrospectively from 18 April 2003, which is the date specified in the instrument.

The retrospective application is required to ensure no ADF member is disadvantaged if claiming for death, injury or disease that occurred between the period when they commenced duty on the operation and the date this instrument is registered. The retrospective application of this Determination does not affect the rights of any persons (other than the Commonwealth) so as to disadvantage those persons nor does it impose liabilities (other than on the Commonwealth) in respect of anything done before the date the Determination is registered.

Consultation was considered inappropriate and unnecessary pursuant to section 18 of the LIA because the Determination relates to the service of members of the ADF (service instrument).

Authority: Subsection 5C(1) of the  
*Veterans' Entitlements Act*  
1986