

EXPLANATORY STATEMENT

Military Rehabilitation and Compensation (Members) Determination 2006

This Military Rehabilitation and Compensation (Members) Determination 2006, is made under section 8(1) of the *Military Rehabilitation and Compensation Act 2004* (the Act).

Subsection 8(1) of the Act provides that the Defence Minister, who is defined in section 5 of the Act as the Minister responsible for the administration of section 1 of the *Defence Act 1903*, may determine in writing, that a person or particular class of persons may be taken to be *members* for the purposes of the Act. Under the portfolio allocation of Ministerial Responsibilities, the Minister Assisting the Minister for Defence has responsibility for compensation matters and is therefore responsible for the promulgation of determinations by the Defence Minister under the Act.

A determination may be made under subsection 8(1) where a person or class of persons engage in activities or perform acts at the request or direction of the Defence Force, for the benefit of the Defence Force, or under a requirement made by or under a law of the Commonwealth for the purposes of the Defence Force. These persons are taken to be members for the purposes of the Act and are therefore entitled to certain benefits under the Act that are available to Defence Force members.

Clause I of the Determination cites the determination as the Military Rehabilitation and Compensation (Members) Determination 2006.

Clause 2 of the Determination specifies the commencement date as 1 February 2006. It further provides that the Determination applies from 1 February 2006 until 30 April 2006 for the purposes of subsection 8(2) of the Act.

Clause 3 determines the person specified in Schedule 1 as a member for the purposes of the Act.

Schedule 1 lists the person, together with the acts for the purposes of the Determination. These acts encompass such matters as recording Defence Force operations overseas as motion pictures and still photography in order to preserve and present the Australian history of armed conflict.

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA).

The Rule Maker has noted that even though this Determination is beneficial in nature and consultation in respect of this instrument may not be required, consultation did take place between the Department of Veterans' Affairs and Defence and both parties support the measure.

Authority: Subsection 8(1) of the
*Military Rehabilitation and
Compensation Act 2004*