

# EXPLANATORY STATEMENT

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

The *Veterans' Entitlements Act 1986* (VEA) 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 Veterans' Entitlements Act eligibility.

This Determination is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (LIA) but is not subject to disallowance or sunseting. The instrument takes effect on and from 13 February 2006, the day specified in the instrument for the purposes of the commencement of the instrument. This date reflects the date that the reclassification of Rwandan service was announced.

The purpose of this Determination is to revoke a previous declaration of hazardous service made by the then Minister for Defence Science and Personnel in relation to this operation and to now declare service with the United Nations Assistance Mission in Rwanda, on Operation TAMAR, as warlike service for the purpose of the VEA.

This Determination applies to service commenced on 25 July 1994, the day that members of the Australian Defence Force (ADF) began warlike service in Operation TAMAR.

The retrospective effect of the Determination 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 day after the date that this instrument is registered under the LIA. 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 unnecessary pursuant to section 18 of the LIA because the Determination relates to the service of members of the ADF.

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