

EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986

Determination of Hazardous Service – Those international waters, contiguous ports and waters used for international navigation contained within the Arabian Gulf, the Gulf of Oman and the Northern Arabian Sea with an eastern extremity of 61 degrees, 50 minutes East and a southern extremity of 20 degrees North.

The *Veterans' Entitlements Act 1986* (the Act) provides for the payment of pensions and other benefits to, and medical treatment for, veterans and certain other persons, and for other purposes. In particular, it 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. Some of these entitlements and benefits require a member to have rendered "warlike service"; others only require "non-warlike service" or "hazardous service" for eligibility under the Act.

The purpose of this Determination is to revoke and replace the Determination made on 23 February 1996 ("the 1996 Determination") by then Minister for Defence, the Honourable Robert Francis Ray, in relation to service in those international waters, contiguous ports and waters used for international navigation contained within the Arabian Gulf, the Gulf of Oman and the Northern Arabian Sea with an eastern extremity of 61 degrees, 50 minutes East and a southern extremity of 20 degrees North. This Determination also remakes the 1996 Determination to overcome minor administrative impediments associated with mandatory registration requirements under the *Legislative Instruments Act 2003*. The text of this Determination is in similar terms to the 1996 Determination. This Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA) and is therefore subject to the registration and Parliamentary scrutiny regime outlined in the LIA.

This Determination applies to service on or after 1 April 1996, the date that members of the Australian Defence Force (ADF) were deployed on hazardous service in those international waters, contiguous ports and waters used for international navigation contained within the Arabian Gulf, the Gulf of Oman and the Northern Arabian Sea with an eastern extremity of 61 degrees, 50 minutes East and a southern extremity of 20 degrees North. This Determination is expressed to commence retrospectively, from 1 April 1996, which is the date specified in the instrument (and the date of commencement of the 1996 Determination).

The retrospective operation of this Determination is required to ensure that no ADF member (or his or her legal personal representative as the case may be) is disadvantaged if claiming for death, injury or disease that occurred between the period when they commenced service on the Operation and the date that this Determination is registered on the Federal Register of Legislative Instruments. The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth or an authority of the Commonwealth) so as to disadvantage that person nor does it impose liabilities on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date this 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.

Authority: Paragraph 120(7) of the *Veterans' Entitlements Act 1986*