

EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986

Determination of warlike service (Operation PROVIDE COMFORT)

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.

The purpose of this Determination is to declare service with the United States elements of the coalition force operation to patrol the Iraq No-Fly-Zones on Operation PROVIDE COMFORT as warlike service for the purpose of the Act in Iraq.

This Determination applies to service commencing on 11 August 1991, the day that members of the Australian Defence Force (ADF) began warlike service in Operation PROVIDE COMFORT.

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 that 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.

This Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA) and is exempt from disallowance pursuant to item 10 of Schedule 2 of the *Legislative Instruments Regulations 2004* (the Regulations) and is also exempt from sunseting pursuant to item 7(a) of Schedule 3 of the Regulations. This Determination takes effect on and from 16 April 2007 reflecting the date the Minister for Defence agreed to classify the area of operations for this service in Iraq as warlike.

Consultation was considered 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