

EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986 Determination of warlike service (Operation CATALYST)

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 revoke the previous Determination made for Operation CATALYST and provides that this Determination replaces that earlier instrument to declare service with the Australian Defence Force (the ADF) contribution in support of the United States led coalition operations in Iraq, on Operation CATALYST for the period 16 July 2003 to 31 July 2009 as warlike service for the purpose of the Act.

This Determination applies to service for the period 16 July 2003 to 31 July 2009, the period members of the ADF rendered warlike service in Operation CATALYST in the Specified Area.

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.

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