

EXPLANATORY STATEMENT

Veterans' Entitlements (Warlike Service – Operation Paladin) Determination 2011

The Veterans' Entitlement 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.

The purpose of this Determination is to declare service with the Australian Defence Force (ADF) contribution to the UN Truce Supervision Organisation on Operation Paladin as warlike service for the purpose of the Act.

Clause 1 sets out the manner in which the Determination can be cited.

Clause 2 provides that the Determination applies to service commencing on the day after it is registered.

Clause 3 makes clear the definition of an acronym used throughout the Determination.

Clause 4 specifies that service in an operation as described in Schedule 1 is warlike for the purposes of subsection 5C (1) of the Act.

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 may have 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 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 of 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.

The Department of the Prime Minister and Cabinet and the Department of Veterans' Affairs were consulted during the reclassification process. It is noted that decisions about the nature of service are subject to bipartisan consultation through Government and do not impact business or competition.

Authority: Paragraph 5C (1) of the
Veterans Entitlement Act
1986