

EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986

Determination of non-warlike service (Operation HEDGEROW)

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" for eligibility under the Act.

The purpose of this Determination is to declare service with the Australian Defence Force (ADF) mission in the Sudan on Operation HEDGEROW as non-warlike service for the purpose of the Act in the specified area comprising Sudan.

This Determination applies to service commencing on 28 July 2008, the day ADF members were first approved to deploy on non-warlike service in Operation HEDGEROW.

This Determination takes effect on and from 28 July 2008 reflecting the date ADF personnel were first approved to deploy.

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 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.

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