

EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986

Determination of Warlike Service – North East Thailand (including Ubon)

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 the Determination is to revoke and replace the Determination made on 4 January 2001 ("the 2001 Determination") by then Minister for Veterans' Affairs, the Honourable Bruce Scott, in relation to service in North East Thailand (including Ubon). The Determination also remakes the 2001 Determination to overcome minor administrative impediments associated with mandatory registration requirements under the *Legislative Instruments Act 2003*. The text of the Determination is in identical terms to the 2001 Determination. The 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.

The Determination applies to service during the period from and including 25 June 1965 to and including 31 August 1968, the period that members of the Australian Defence Force (ADF) were deployed on warlike service in North East Thailand (including Ubon). The Determination is expressed to commence retrospectively, on 1 January 2001, which is the date of commencement of the 2001 Determination.

The retrospective operation of the 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 in question and the date that the Determination is registered on the Federal Register of Legislative Instruments. The retrospective application of the 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 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