



## Australian Government

Australian Participants in British Nuclear Tests (Treatment) Act 2006

# Australian Participants in British Nuclear Tests (Treatment) Act 2006 (Participants in British Nuclear Tests – Extension of Eligibility) Instrument 2012

Instrument No. R8/2012

The Repatriation Commission, pursuant to subsection 5(3D) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (the Act), specifies, for the purposes of subsection 5(3C) of the Act, the requirements a person must satisfy in order to be a nuclear test participant.

Dated this 24th day of January 2012

Ian Campbell

Shane Carmody

Major General Mark Kelly AO DSC

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IAN CAMPBELL  
PSM  
PRESIDENT

SHANE CARMODY  
DEPUTY PRESIDENT

MAJOR GENERAL MARK KELLY  
AO DSC  
COMMISSIONER

## **1. Name of Instrument**

This instrument is the *Australian Participants in British Nuclear Tests (Treatment) Act 2006 (Participants in British Nuclear Tests – Extension of Eligibility) Instrument 2012*

## **2. Commencement**

This instrument commences on the day after the day it is registered on the Federal Register of Legislative Instruments.

Note: Item 5 of Schedule 1 to the *Veterans' Affairs Legislation Amendment (Participants in British Nuclear Tests) Act 2011* provides that the Repatriation Commission may approve treatment under the Act for an eligible person where it was provided before this instrument took effect, but on or after 19 June 2006, provided the person made a claim for a determination that the person is an eligible person and the claim was made before this instrument took effect or within 6 months after the instrument took effect, and the Repatriation Commission determines the person is an eligible person because the person satisfies the requirements in this instrument.

## **3. Definitions**

Several words and expressions used in this Instrument have the meaning given in the Act. For example:

*Australian resident* (subsection 4(1)).

*Commission* (subsection 4(1)).

*Nuclear test area* (subsection 4(1)).

## **4. Requirements**

- (1) A person is a nuclear test participant under subsection 5(3C) if the person satisfies the following requirements:
  - (a) the person was involved in the transport, recovery, maintenance or cleaning of an aircraft that was contaminated as a result of its use in a nuclear test conducted in a nuclear test area, being involvement that occurred at any time during:
    - (i) if the area was the Monte Bello Islands area—the period from the beginning of 3 October 1952 to the end of 19 July 1956; or

- (ii) if the area was the Emu Field area—the period from the beginning of 15 October 1953 to the end of 15 May 1956; or
- (iii) if the area was the Maralinga area—the period from the beginning of 27 September 1956 to the end of 30 May 1963; and

(b) the person was, at that time:

- (i) a member of the Australian Defence Force; or
- (ii) an employee of the Commonwealth; or
- (iii) a person who, under a contract with the Commonwealth, provided construction, maintenance or support services relating to the conduct of nuclear tests in that nuclear test area during that period; and

(c) the person was, at that time, an Australian resident.

(2) To avoid doubt, the aircraft referred to in subclause (1) does not have to have been in the nuclear test area at the time it was contaminated.

(3) For the purposes of subclause (1), aircraft includes any equipment on or attached to the aircraft.