Veterans' Entitlements Act 1986

Determination of Hazardous Service

I, Bruce Billson, Minister for Veterans' Affairs:

a. revoke the Determination made under paragraph 120(7) of the Veterans' Entitlements Act 1986 (the Act) on 19 July 2006 in relation to service in Afghanistan with the United Nations Office for Co-ordinating Assistance to Afghanistan (UNOCA) or the United Nations Mine Clearing Training Team (UNMCTT) on or after 8 June 1992; and

b. determine that:

(i). service rendered as a member of the Australian Defence Force with the United Nations Office for Co-ordinating Assistance to Afghanistan (UNOCA) or the United Nations Mine Clearing Training Team (UNMCTT) on or after 8 June 1991 in the specified area, is hazardous service for the purposes of the definition of "hazardous service" in paragraph 120(7) of the Act, and

(ii). the specified area comprises Afghanistan.

c. This Determination is taken to have commenced on 8 June 1991.

Dated

24th May 2007

BRUCE BILLSON
Minister for Veterans' Affairs
EXPLANATORY STATEMENT

Veterans' Entitlements Act 1986

Determination of Hazardous Service – Afghanistan

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" or “hazardous service” for
eligibility under the Act.

The purpose of this Determination is to revoke and replace the Determination made on
19 July 2006 ("the 2006 Determination") by the Minister for Veterans’ Affairs, the
Honourable Bruce Billson, in relation to service in Afghanistan. This Determination
overcomes a minor administrative error recording an incorrect year of commencement in the
2006 Determination. The text of this Determination is the same as the 2006 Determination.
This 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.

This Determination applies to service on or after 8 June 1991, the date that members of the
Australian Defence Force (ADF) were deployed on hazardous service in Afghanistan with
the United Nations Office for Co-ordinating Assistance to Afghanistan (UNOCA) or the
United Nations Mine Clearing Training Team (UNMCTT). This Determination is expressed
to commence retrospectively, from 8 June 1991, which is the date specified in the instrument.

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 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 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 this 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.

Authority: Paragraph 120(7) of the Veterans’
Entitlements Act 1986