EXPLANATORY STATEMENT

Defence Force (Home Loans Assistance) Act 1990

Declaration of warlike service (Operation PALATE II)

The Defence Force (Home Loans Assistance) Act 1990 (the Act), together with the Agreement incorporated in the Act, provides for the payment of housing loan subsidies for certain members of the Australian Defence Force (the ADF).

Section 3C of the Act enables the Minister to declare duty to be warlike service for the purposes of the Act.

The purpose of this Declaration is to declare duty with the United Nations Assistance Mission in Afghanistan, on Operation PALATE II, as warlike service for the purpose of the Act.

This Declaration applies to service which commenced on and from 27 June 2005, the day that members of the ADF began warlike service in Operation PALATE II.

Paragraph (a) declares that the area of operation for the purposes of the Declaration comprises Afghanistan and that service as a member of the ADF on Operation PALATE II during the period specified in the Declaration is warlike service for the purposes of section 3C of the Act.

As this Declaration is an instrument to which the Legislative Instruments Act 2003 (the LIA) applies, paragraph (b) provides that the Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments.

The effect of this Declaration is that it will enable members of the ADF who are rendering or have rendered warlike service on Operation PALATE II and are entitled to assistance under the Defence HomeOwner Scheme established under the Act and the Agreement, to certain additional benefits under the Act.

These benefits entitle a person who is rendering or has rendered warlike service to additional periods of housing subsidy as well as a waiver of the five year qualifying period of service. The entitlement to additional years of subsidy range from two additional years, for warlike service of less than three months, to five additional years for warlike service of more than nine months.

Consultation was considered unnecessary and inappropriate pursuant to section 18 of the LIA because the Determination relates to the service of members of the ADF.

Authority: Section 3C of the Defence Force (Home Loans Assistance) Act 1990