EXPLANATORY STATEMENT

Defence Force (Home Loans Assistance) Act 1990

Declaration of warlike service (Operation HUSKY)

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 International Military Advisory and Training Team in Sierra Leone on Operation HUSKY, as warlike service for the purpose of the Act.

This Declaration applies to service which commenced on and from 15 January 2001, the day that members of the ADF began warlike service in Operation HUSKY.

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

This Declaration is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (the LIA). The instrument takes effect from the 15 January 2001, the day specified in the instrument for the purposes of the commencement of the instrument.

The retrospective effect of the Declaration is required to enable members of the ADF who have rendered warlike service on Operation HUSKY and are already entitled to assistance under the Act and the Agreement, to certain additional benefits under the Act. The retrospective application of this Declaration does not affect the rights of any persons nor does it impose liabilities (other than on the Commonwealth) in respect of anything done before the date of the Declaration is registered.

These benefits entitle an eligible person who rendered warlike service to additional periods of housing subsidy as well as an exemption 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 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*