EXPLANATORY STATEMENT

Defence Force (Home Loans Assistance) Act 1990

Declaration of warlike service (Operation JURAL)

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).

Subsection 3C(1) 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 Kingdom elements of the coalition force operation to patrol the Iraq No-Fly-Zones on Operation JURAL, as warlike service for the purpose of the Act.

Clause 1 of this Declaration sets out the manner in which this Declaration may be cited.

Clause 2 of this Declaration provides that the Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments in accordance with the Legislative Instruments Act 2003 (LIA).

Clause 3(a) of this Declaration specifies the area of operations for the purpose of the Declaration as comprising Iraq.

Clause 3(b) of this Declaration provides that the Declaration applies to a member of the Australian Defence Force who is allotted for duty on Operation JURAL.

Clause 3(c) of this Declaration specifies the period of effect of the Declaration to be 30 June 1991 to 12 January 2003.

The retrospective effect of the Declaration is required to enable members of the ADF who have rendered warlike service on Operation JURAL 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 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: Subsection 3C(1) of the Defence Force (Home Loans Assistance) Act 1990