

Reserve members access to Defence Home Ownership Assistance Scheme – Exemption from effective service

Reserve members who do not complete effective service for the purposes of the Defence Home Ownership Assistance Scheme (DHOAS) may apply to the relevant Director-General Personnel within each service for an exemption based on 'exceptional circumstances'.

Decisions regarding exemptions are made under Regulation 20 of the *Defence Home Ownership Assistance Scheme Regulations 2008*. Regulation 20 provides discretion to deem service to be effective where the Reserve member is unable to actually serve where 'exceptional circumstances exist'.

Reserve members must submit their applications through their units for prior endorsement by their Commanding Officer *before* the unit submits the application to the relevant Director-General Personnel (DGPERS-A, DGERPS-AF, or DGNP).

Reserve members are advised to discuss a request for an exemption with their chain-of-command before submitting a request. In their request, Reserve members need to articulate exactly why they consider exceptional circumstances exist (essentially, their inability to complete effective service was due to 'exceptional circumstances').

The following guidance is provided:

- Regulation 20 provides two specific cases of where exceptional circumstances will exist, but leaves it open for a member to raise other circumstances.
 - **Illness or injury.** Exceptional circumstances exist where a Reserve member has had an 'extended period of illness or injury that prevents the member from performing their effective service'.
 - This would be applicable where the illness/injury was long and serious enough to prevent service across the whole financial year (and evidence that service was actually prevented should be included in the request).
 - Where an illness or injury did not prevent service across an entire financial year, it would be important to explain why the minimum effective service period (for instance, 20 days) could not have been performed during that part of the year where they were not precluded from service by the illness or injury.
 - **Defective decisions.** Exceptional circumstances exist where service has been performed, but as a result of a defective decision, this service has not been recognised as service.
 - An example might include where a defect in a member's appointment, enlistment or transfer which is later fixed might leave a period where it is unclear that the member has provided the effective service.

- **Other circumstances.** As indicated, regulation 20 permits other circumstances to be considered. For example, pregnancy and family responsibilities might be relevant considerations in determining whether exceptional circumstances exist.
 - Nevertheless, as with injuries and illness, whatever the circumstances claimed, it will be important to explain in the request why in the member's particular case, it became reasonably impractical to render effective service during the particular year (for example, pregnancy would not automatically mean that service was impractical).
 - It will also be important for the member to explain why the minimum effective service period was unachievable during that part of the year in which service was reasonably practical.
- **Non-exceptional circumstances.** By way of example, 'exceptional' circumstances would not include civilian employment obligations or where a Reserve member is simply not offered service within the financial year. Nor would it include where the member is not offered service because they have applied to serve in a rank or employment category for which they are not qualified or competent to serve.

For more information on the DHOAS visit: www.dhoas.gov.au