



Defence Force (Home Loans Assistance) Amendment Act 1991

No. 152 of 1991

An Act to amend the *Defence Force (Home Loans Assistance) Act 1990*

[Assented to 21 October 1991]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Defence Force (Home Loans Assistance) Amendment Act 1991*.

Commencement

2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Paragraph 4(a) is taken to have commenced on 21 January 1991.

Principal Act

3. In this Act, “**Principal Act**” means the *Defence Force (Home Loans Assistance) Act 1990*¹.

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Definitions

4. Section 3 of the Principal Act is amended:

- (a) by inserting “Kuwait, Iraq,” before “Bahrain” in paragraph (a) of the definition of “Middle-East operational area”;
- (b) by omitting the definition of “operational service member” and substituting the following definition:
“**‘operational service member’** means a person who is an operational service member under subsection 3A(1) or (3);”.

5. After section 3 of the Principal Act the following section is inserted:

Operational service member

“3A.(1) A person is an operational service member for the purposes of this Act if:

- (a) the person is a member; and
- (b) the person is a non-DSH member; and
- (c) the person is allotted for duty anywhere within the Middle-East operational area; and
- (d) the duty includes duty sometime during the period that starts on 2 August 1990 and ends on 9 June 1991.

“(2) An allotment for duty:

- (a) may be taken into account for the purposes of subsection (1) even though it takes effect retrospectively; and
- (b) may be taken into account for the purposes of subsection (1) whether it occurs before or after the commencing day; and
- (c) will not be taken into account for the purposes of subsection (1) unless it is made by written instrument signed by the Vice Chief of the Defence Force.

“(3) A person is also an operational service member for the purposes of this Act if:

- (a) the person is a member; and
- (b) the person is a non-DSH member because of an election under section 4BA of the DSH Act; and
- (c) the person is an Australian Soldier for the purposes of the DSH Act because of paragraph (a), (b), (c), (g) or (ga) of the definition of ‘Australian Soldier’ in subsection 4(1) of the DSH Act.

Note 1: for paragraph (3)(b) see paragraph (b) of the definition of ‘non-DSH member’ in section 3 of this Act.

Note 2: the people referred to in paragraph (3)(c) served in operational areas in military conflicts before the Gulf conflict.”.

When do former members stop being eligible members?

6. Section 4 of the Principal Act is amended by adding at the end the following subsection:

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“(2) Subsection (1) does not apply to a person who has been an operational service member under subsection 3A(1).”

Application for certificate

7. Section 10 of the Principal Act is amended by adding at the end the following subsection:

“(4) Subsection (3) does not apply if the deceased eligible person was, or had been, an operational service member under subsection 3A(1).”

Criteria for issue of certificate

8. Section 12 of the Principal Act is amended by inserting in paragraph (1)(d) “under subsection 3A(3)” after “member”.

Application for approval in relation to loan increase

9. Section 14 of the Principal Act is amended:

(a) by inserting after subsection (3) the following subsection:

“(3A) Subsection (3) does not apply to a person who has been an operational service member under subsection 3A(1).”;

(b) by adding at the end the following subsection:

“(5) Subsection (4) does not apply if the deceased eligible person was, or had been, an operational service member under subsection 3A(1).”

Subsidy period—eligible persons

10. Section 23 of the Principal Act is amended:

(a) by omitting paragraph (b) of the definition of “entitlement period” in subsection (3) and substituting the following paragraphs:

“(b) in relation to a person who is or has been an operational service member under subsection 3A(1):

(i) if the member has served 16 completed years or less of effective full-time service—16 years; or

(ii) if the member has served more than 16, but not more than 20, completed years of effective full-time service—the number of completed years of effective full-time service served by the member; or

(iii) if the member has served more than 20 completed years of effective full-time service—20 years; or

“(ba) in relation to a member who is an operational service member under subsection 3A(3):

(i) if the member has served 20 completed years or less of effective full-time service—the number of

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completed years of effective full-time service served by the member; or

(ii) if the member has served more than 20 completed years of effective full-time service—20 years.”;

(b) by inserting in subsection (3) the following definition:

“**‘rejoining member’** does not include a person who has been an operational service member under subsection 3A(1).”.

Subsidy period—widows and widowers

11. Section 24 of the Principal Act is amended by inserting after paragraph (a) of the definition of “prescribed member” in subsection (4) the following paragraph:

“(aa) who is not an operational service member; and”.

NOTE

1. No. 14, 1991.

*[Minister's second reading speech made in—
House of Representatives on 22 August 1991
Senate on 10 September 1991]*