



Defence Service Homes Amendment Act 2019

No. 112, 2019

**An Act to amend the *Defence Service Homes Act
1918*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 112, 2019

An Act to amend the *Defence Service Homes Act 1918*, and for related purposes

[Assented to 9 December 2019]

The Parliament of Australia enacts:

1 Short title

This Act is the *Defence Service Homes Amendment Act 2019*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with
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column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The later of: (a) 1 January 2020; and (b) the day after this Act receives the Royal Assent.	1 January 2020 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Defence Service Homes Act 1918

1 Subsection 4(1)

Insert:

eligible recipient means a person who is:

- (a) a member of the Defence Force or a former member of the Defence Force; or
- (b) a member of a Peacekeeping Force or a former member of a Peacekeeping Force; or
- (c) a widow or widower of a person covered by paragraph (a) or (b).

member of a Peacekeeping Force has the same meaning as in Part IV of the *Veterans' Entitlements Act 1986*.

2 Section 38

Omit “and of houses, land, building materials and improvements of the kind mentioned in section 38CA”.

3 Section 38C

Repeal the section, substitute:

38C Insurance of dwelling-houses and rights of residence in retirement villages

Dwelling-houses

- (1) The Commonwealth may undertake insurance of, or in relation to:
 - (a) a dwelling-house that is wholly or partially owned by an eligible recipient; or
 - (b) building materials on a site where there is, or is to be, a dwelling-house referred to in paragraph (a), being materials that are for use in the building of, or use otherwise in relation to, the dwelling-house; or
 - (c) any permanent domestic improvement of a structural kind that has been made:

- (i) to a dwelling-house referred to in paragraph (a); or
- (ii) on the land on which such a dwelling-house is built, is being built or is to be built; or
- (d) building materials on a site where there is, or is to be, an improvement referred to in paragraph (c), being materials that are for use in the building of, or use otherwise in relation to, the improvement.

Note: For *eligible recipient*, see subsection 4(1).

- (2) The Commonwealth may undertake insurance against risks related to the land on which a dwelling-house referred to in paragraph (1)(a) is built, is being built or is to be built.

Rights of residence in retirement villages

- (3) The Commonwealth may undertake insurance of, or in relation to:
 - (a) a right of residence in a retirement village that is a right held by an eligible recipient; or
 - (b) building materials on a site where there is, or is to be, a retirement village covered by paragraph (a), being materials that are for use in the building of, or use otherwise in relation to, the retirement village; or
 - (c) any permanent domestic improvement of a structural kind that has been made to a retirement village covered by paragraph (a); or
 - (d) building materials on a site where there is, or is to be, an improvement referred to in paragraph (c), being materials that are for use in the building of, or use otherwise in relation to, the improvement.

Note: For *eligible recipient*, see subsection 4(1).

- (4) The Commonwealth may undertake insurance against risks related to the land on which a retirement village covered by paragraph (3)(a) is built, is being built or is to be built.

4 Sections 38CA, 38CAA and 38D

Repeal the sections.

5 Section 38E

Repeal the section, substitute:

38E Termination of insurance

- (1) This section applies if:
- (a) the Commonwealth has undertaken insurance under section 38C in relation to a dwelling-house that is wholly or partially owned by, or a right of residence in a retirement village that is a right held by, a person who is:
 - (i) a member of the Defence Force or a former member of the Defence Force; or
 - (ii) a member of a Peacekeeping Force or a former member of a Peacekeeping Force; and
 - (b) the person dies.

Notice that insurance will cease to have effect

- (2) If this section applies:
- (a) the insurance undertaken in relation to the dwelling-house, or the right of residence in the retirement village, does not cease to have effect because of the death of the person; and
 - (b) unless the insurance has already ceased to have effect for some other reason, the Secretary must give reasonable notice in writing to each person having an interest in the dwelling-house, or the right of residence in the retirement village, that the insurance will cease to have effect on a day specified in the notice.

Day insurance ceases to have effect

- (3) If the Secretary gives a notice under paragraph (2)(b), the insurance ceases to have effect on the day specified in the notice, unless it has already ceased to have effect.

Exception

- (4) If this section applies and the person referred to in paragraph (1)(a) is survived by a widow or widower, the Secretary must not give a notice under paragraph (2)(b) in relation to the dwelling-house or the right of residence in the retirement village.
- (5) Subsection (4) does not prevent the insurance ceasing to have effect for a reason other than the giving of a notice under paragraph (2)(b).

Notice not a legislative instrument

(6) A notice under paragraph (2)(b) is not a legislative instrument.

6 Sections 38EA, 38EAA and 38FA

Repeal the sections.

7 Application provision

The amendments made by this Schedule apply in relation to insurance undertaken by the Commonwealth on or after the commencement of this Schedule.

*[Minister's second reading speech made in—
Senate on 19 September 2019
House of Representatives on 28 November 2019]*

(179/19)
