



# **Defence Service Homes Amendment (Insurance) Act 2025**

**No. 10, 2025**

**An Act to amend the *Defence Service Homes Act 1918* and validate certain activities and arrangements, 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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**An Act to amend the *Defence Service Homes Act 1918* and validate certain activities and arrangements, and for related purposes**

[Assented to 14 February 2025]

The Parliament of Australia enacts:

## 1 Short title

This Act is the *Defence Service Homes Amendment (Insurance) Act 2025*.

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## 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 column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	15 February 2025

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 and validation**

### **Part 1—Amendments**

#### *Defence Service Homes Act 1918*

##### **1 At the end of subsection 6A(1)**

Add “or VIA”.

##### **2 After Part VI**

Insert:

### **Part VIA—Other insurance activities**

#### **39 Other insurance activities**

- (1) The Commonwealth may engage in activities with respect to insurance within the meaning of paragraph 51(xiv) of the Constitution, other than State insurance that does not extend beyond the limits of the State concerned, as an agent (including an authorised representative) for an insurer.
- (2) The Secretary may, on behalf of the Commonwealth, do anything necessary or convenient for the purposes of carrying out such activities.

## Part 2—Validation

### 3 Validation of past insurance activities

#### *Validation*

- (1) The Commonwealth and the Secretary of the Department are taken to have had, at all times on and after 1 January 1990, the powers conferred by section 39 of the *Defence Service Homes Act 1918* as inserted by this Schedule.
- (2) An arrangement covered by subitem (3), or a thing covered by subitem (4), is taken for all purposes to be, and to have always been, as valid and effective as it would have been if:
  - (a) the Commonwealth and the Secretary of the Department had always had the powers conferred by section 39 of the *Defence Service Homes Act 1918* as inserted by this Schedule; and
  - (b) the arrangement had been made or the thing had been done by the Secretary of the Department.
- (3) For the purposes of subitem (2), this subitem covers an arrangement (whether or not still in force) that:
  - (a) was purportedly made, on or after 1 January 1990 and before this item commences, on behalf of the Commonwealth by a person working in or for the Department; and
  - (b) was or is an arrangement for the Commonwealth to be an agent (including an authorised representative) of an insurer, in relation to insurance within the meaning of paragraph 51(xiv) of the Constitution, other than State insurance that does not extend beyond the limits of the State concerned.
- (4) For the purposes of subitem (2), this subitem covers a thing that was done or purportedly done, on or after 1 January 1990 and before this item commences, by a person working in or for the Department.
- (5) This item has effect despite any effect on the accrued rights of any person. However, it does not affect rights or liabilities arising between parties to proceedings heard and finally determined by a court before this item commences.



*Compensation for acquisition of property*

- (6) If the operation of this item would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
  - (7) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
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*[Minister's second reading speech made in—  
House of Representatives on 5 February 2025  
Senate on 10 February 2025]*

(5/25)

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