



# **Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008**

**No. 28, 2008**

**An Act to deal with consequential matters in  
connection with the *Defence Home Ownership  
Assistance Scheme Act 2008*, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



---

## Contents

1	Short title .....	2
2	Commencement .....	2
3	Schedule(s) .....	2
<b>Schedule 1—Consequential amendments</b>		<b>3</b>
	<i>Defence Force (Home Loans Assistance) Act 1990</i>	3
	<i>Defence Service Homes Act 1918</i>	5





# **Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008**

**No. 28, 2008**

---

---

**An Act to deal with consequential matters in  
connection with the *Defence Home Ownership  
Assistance Scheme Act 2008*, and for related  
purposes**

[Assented to 23 June 2008]

The Parliament of Australia enacts:

---

*Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008* No. 28,  
2008 1

---

## 1 Short title

This Act may be cited as the *Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008*.

## 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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	23 June 2008
2. Schedule 1	At the same time as section 3 of the <i>Defence Home Ownership Assistance Scheme Act 2008</i> commences.	1 July 2008

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

### *Defence Force (Home Loans Assistance) Act 1990*

#### **1 Section 3 (definition of *finishing day*)**

Repeal the definition, substitute:

***finishing day:***

- (a) for the purpose of subsection 12(6), in relation to the issue of an entitlement certificate to a person—means:
  - (i) if (at the time the decision is made in relation to the issue of an entitlement certificate) the person is an eligible person who is a member of the Defence Force (other than an operational service member)—30 June 2008; or
  - (ii) in any other case—30 June 2010; and
- (b) for the purpose of subsection 15(3)—means 30 June 2010.

#### **2 At the end of subsection 12(1)**

Add:

- ; and (g) the person has not already been issued with an entitlement certificate on or after 1 July 2008.

#### **3 After section 20**

Insert:

#### **20A Condition of payment of subsidy—subsidy under one scheme only**

- (1) This section applies if subsidy (*2008 Act subsidy*) is, or has ever been, payable to a person under the *Defence Home Ownership Assistance Scheme Act 2008*.
- (2) Subsidy is not payable on a loan to the person under this Act on or after the earliest day the 2008 Act subsidy became payable.

#### **4 After section 36**

Insert:

---

### 36A Use and disclosure of personal information

- (1) This section applies to personal information about any of the following people:
  - (a) an applicant for an entitlement certificate;
  - (b) a person who has been issued with an entitlement certificate (whether or not the certificate is in force);
  - (c) a person who is, or has been, a subsidised borrower;
  - (d) a widow or widower, or a family member, of a person covered by paragraph (a), (b) or (c).
- (2) A person covered by subsection (3) may, for a purpose prescribed by the regulations:
  - (a) use the personal information; or
  - (b) disclose the personal information to another person covered by that subsection.
- (3) This subsection covers the following people:
  - (a) the Secretary;
  - (b) a delegate of the Secretary under section 37;
  - (c) a delegate of the Secretary under the *Defence Home Ownership Assistance Scheme Act 2008* (the **2008 Act**) or the *Defence Service Homes Act 1918* (the **1918 Act**);
  - (d) the Bank, if the Bank has:
    - (i) received an application for a subsidised loan from the person mentioned in paragraph (1)(b) of this section; or
    - (ii) made a subsidised loan to the person mentioned in paragraph (1)(c) of this section;
  - (e) a loan provider as defined under section 3 of the 2008 Act, if the loan provider has:
    - (i) received an application for a subsidised loan (as defined under section 3 of the 2008 Act) from the person mentioned in paragraph (1)(b) of this section; or
    - (ii) made a subsidised loan (as defined under section 3 of the 2008 Act) to the person mentioned in paragraph (1)(c) of this section;
  - (f) a credit provider as defined under section 4 of the 1918 Act, if the credit provider has:



- (i) received an application for a subsidised advance (as defined under section 4 of the 1918 Act) from the person mentioned in paragraph (1)(b) of this section; or
  - (ii) made a subsidised advance (as defined under section 4 of the 1918 Act) to the person mentioned in paragraph (1)(c) of this section.
- (4) The use and disclosure of personal information under subsection (2) is taken to be authorised by law for the purposes of:
- (a) the *Privacy Act 1988*; and
  - (b) any provision of a law of a State or Territory that provides that personal information may be used or disclosed if the use or disclosure is authorised by law.
- Note: The authorisation under this subsection is only for the use and disclosure of personal information for a prescribed purpose mentioned in subsection (2).
- (5) The regulations may prescribe circumstances in which a person may, or must not, use or disclose personal information for the purposes of this section.
- (6) In this section:

*personal information* has the same meaning as in the *Privacy Act 1988*.

## **5 At the end of section 37**

Add:

- ; or (d) a delegate of the Secretary under subsection 81(2) of the *Defence Home Ownership Assistance Scheme Act 2008*.

## ***Defence Service Homes Act 1918***

### **6 After section 24**

Insert:

#### **24A Condition of payment of subsidy—subsidy under one scheme only**

- (1) This section applies if subsidy (*2008 Act subsidy*) is, or has ever been, payable to a person under the *Defence Home Ownership Assistance Scheme Act 2008*.
-

- (2) Subsidy is not payable by the Commonwealth to a credit provider on a subsidised advance to the person or the assignee of the person on or after the earliest day the 2008 Act subsidy became payable.

## 7 After section 45B

Insert:

### 45C Use and disclosure of personal information

- (1) This section applies to personal information about any of the following people:
- (a) an applicant for a certificate of entitlement;
  - (b) a person who has been issued with a certificate of entitlement (whether or not the certificate is in force);
  - (c) a person, or the assignee of a person, to whom a subsidised advance has been made;
  - (d) a widow or widower of a person (other than an assignee) covered by paragraph (a), (b) or (c).
- (2) A person covered by subsection (3) may, for a purpose prescribed by the regulations:
- (a) use the personal information; or
  - (b) disclose the personal information to another person covered by that subsection.
- (3) This subsection covers the following people:
- (a) the Secretary;
  - (b) a delegate of the Secretary under section 6A;
  - (c) a delegate of the Secretary under the *Defence Home Ownership Assistance Scheme Act 2008* (the **2008 Act**) or the *Defence Force (Home Loans Assistance) Act 1990* (the **1990 Act**);
  - (d) a credit provider, if the credit provider has:
    - (i) received an application for a subsidised advance from the person mentioned in paragraph (1)(b) of this section; or
    - (ii) made a subsidised advance to the person mentioned in paragraph (1)(c) of this section;
  - (e) a loan provider as defined under section 3 of the 2008 Act, if the loan provider has:

- (i) received an application for a subsidised loan (as defined under section 3 of the 2008 Act) from the person mentioned in paragraph (1)(b) of this section; or
  - (ii) made a subsidised loan (as defined under section 3 of the 2008 Act) to the person mentioned in paragraph (1)(c) of this section;
- (f) the Bank as defined under section 3 of the 1990 Act, if the Bank has:
  - (i) received an application for a subsidised loan (as defined under section 3 of the 1990 Act) from the person mentioned in paragraph (1)(b) of this section; or
  - (ii) made a subsidised loan (as defined under section 3 of the 1990 Act) to the person mentioned in paragraph (1)(c) of this section.
- (4) The use and disclosure of personal information under subsection (2) is taken to be authorised by law for the purposes of:
  - (a) the *Privacy Act 1988*; and
  - (b) any provision of a law of a State or Territory that provides that personal information may be used or disclosed if the use or disclosure is authorised by law.

Note: The authorisation under this subsection is only for the use and disclosure of personal information for a prescribed purpose mentioned in subsection (2).

- (5) The regulations may prescribe circumstances in which a person may, or must not, use or disclose personal information for the purposes of this section.

- (6) In this section:

***personal information*** has the same meaning as in the *Privacy Act 1988*.

---

*[Minister's second reading speech made in—  
House of Representatives on 28 May 2008  
Senate on 16 June 2008]*

(112/08)

---

8 *Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008*  
No. 28, 2008