

EXPLANATORY STATEMENT

Defence Housing (Performance of Additional Functions) Determination 2006

This Defence Housing (Performance of Additional Functions) Determination 2006, is made under subsection 6(4) of the *Defence Housing Australia Act 1987* (the Act).

The provision of housing and housing-related services to the Australian Defence Force and the Department of Defence remains the first and primary responsibility of Defence Housing Australia (DHA), a body established by the Act.

The expanded capacity provided for in section 6 of the Act will enable DHA to compete in the market place to provide housing and housing-related services to other Commonwealth Government agencies as approved by the Minister. The purpose of subsection 6(1) of the Act is to allow DHA to expand its operations in order to promote the efficient use of DHA's housing stock and to enable the Commonwealth to benefit from DHA's expertise in the provision of housing and housing-related services. DHA will have greater scope in its operations which will assist the DHA to achieve its objectives as a government business enterprise. Subsection 6(4) of the Act permits the Minister to determine in writing, the extent to which DHA may perform the function in relation to, among other things, the persons to whom services can be provided.

Clause 1 of the Determination cites the Determination as the Defence Housing (Performance of Additional Functions) Determination 2006.

Clause 2 of the Determination specifies the commencement date as the day on which Schedule 1 to the *Defence Housing Authority Amendment Act 2006* commences.

Clause 3 of the Determination provides that pursuant to subsection 6(4) of the Act, Defence Housing Australia, subject to the written determination of the Minister, may provide adequate and suitable housing and housing-related services to officers and employees of other Commonwealth agencies and their families, and to persons contracted to provide goods or services to other Commonwealth agencies and their families, in order to meet the operational needs of that agency. A Commonwealth agency is defined using the definition of agency under the *Financial Management and Accountability Act 1997*.

The Act specifies no conditions that need to be satisfied before the power to make the proposed determination may be exercised.

The proposed determination would be a legislative instrument for the purpose of the *Legislative Instruments Act 2003* (LIA) but is not subject to the disallowance and sunset provisions of section 42 and Part 6 of the LIA.

The Office of Regulation Review, the Department of Finance and Administration and the Defence Housing Authority were consulted in the making of this determination.

Authority: Section 6 (4) of the
Defence Housing Australia Act 1987