

EXPLANATORY STATEMENT

Issued by authority of the Minister for Housing and Assistant Treasurer

National Housing Finance and Investment Corporation Amendment Act 2019

National Housing Finance and Investment Corporation (First Home Loan Deposit Scheme Commencement) Determination 2019

The *National Housing Finance and Investment Corporation Amendment Act 2019* (the Act) established new functions for the National Housing Finance and Investment Corporation (NHFIC) to administer the First Home Loan Deposit Scheme by issuing guarantees to assist first home buyers to enter the housing market sooner.

Subitem 16(2) of Schedule 1 to the Act provides that the Minister may, by legislative instrument, determine a day for the purposes of item 16. Subitem 16(1) of Schedule 1 to the Act provides that the NHFIC may not decide to make a decision to issue a guarantee before either a day determined by the Minister, or if there is no determination, the later of 1 January 2020 or 3 months after the day the Act commences.

The purpose of the *National Housing Finance and Investment Corporation (First Home Loan Deposit Scheme Commencement) Determination 2019* (Determination) is to determine 1 January 2020 as the day for the purposes of item 16 of Schedule 1 to the Act. A decision by the NHFIC to issue a guarantee cannot be made prior to the day determined.

This Determination has the effect of allowing the NHFIC to make a decision to issue a guarantee on and after 1 January 2020.

The Act specifies no conditions that need to be met before the power to make the Determination may be exercised.

Public consultation was not undertaken as the Determination is technical and machinery in nature. The Determination allows the making of a decision by the NHFIC that is intended to benefit eligible first home buyers at an earlier time. The NHFIC and home loan providers have been consulted in the development of the First Home Loan Deposit Scheme.

The Determination has a negligible compliance cost impact.

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Determination commenced on the day after it was registered.

A statement of Compatibility with Human Rights is at [Attachment A](#).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

National Housing Finance and Investment Corporation (First Home Loan Deposit Scheme Commencement) Determination 2019

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *National Housing Finance and Investment Corporation (First Home Loan Deposit Scheme Commencement) Determination 2019* (Determination) is to determine 1 January 2020 as the day for the purposes of item 16 of Schedule 1 to the Act. A decision by the NHFIC to issue a guarantee cannot be made prior to the day determined.

This Determination has the effect of allowing the NHFIC to make a decision to issue a guarantee on and after 1 January 2020.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.