



National Housing Finance and Investment Corporation Investment Mandate Amendment (Regional First Home Buyer Guarantee) Direction 2022

I, Julie Collins, Minister for Housing, Minister for Homelessness, and Minister for Small Business, make the following direction.

Dated 23 September 2022

Julie Collins
Minister for Housing
Minister for Homelessness
Minister for Small Business

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendments	2
	<i>National Housing Finance and Investment Corporation Investment Mandate Direction 2018</i>	<i>2</i>

1 Name

This instrument is the *National Housing Finance and Investment Corporation Investment Mandate Amendment (Regional First Home Buyer Guarantee) Direction 2022*.

2 Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) 1 October 2022.	1 October 2022

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 12(1) of the *National Housing Finance and Investment Corporation Act 2018*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

1 Section 4

Insert:

Australian Defence Force has the same meaning as in the *Defence Act 1903*.

Australian Statistical Geography Standard means the Australian Statistical Geography Standard (ASGS): Volume 1 - Main Structure and Greater Capital City Statistical Areas, July 2016, published by the Australian Bureau of Statistics, as existing at the time this instrument commenced.

Note: The Standard could in 2022 be viewed on the Australian Bureau of Statistics website (<https://www.abs.gov.au>).

capital city—see subsection 4A(1).

regional area—see subsection 4A(3).

regional centre—see subsection 4A(2).

Regional First Home Buyer Guarantee means a guarantee issued under section 29IBA.

Reserves has the same meaning as in the *Defence Act 1903*.

Statistical Area Level 4 area has the same meaning as in the Australian Statistical Geography Standard.

2 After section 4

Insert:

4A Meaning of *capital city*, *regional centre* and *regional area*

- (1) The *capital city* of a State or the Northern Territory is the Greater Capital City Statistical Area (within the meaning of the Australian Statistical Geography Standard) in that State or Territory.
- (2) A *regional centre* for a State specified in an item in the following table is one of the Statistical Area Level 4 areas specified in that item.

Item	State	Regional centre
1	New South Wales	Newcastle and Lake Macquarie Illawarra
2	Victoria	Geelong
3	Queensland	Gold Coast Sunshine Coast

- (3) A *regional area* is:

-
- (a) a Statistical Area Level 4 area in a State or the Northern Territory that is not the capital city of that State or Territory; or
 - (b) Norfolk Island; or
 - (c) the Jervis Bay Territory; or
 - (d) the Territory of Christmas Island; or
 - (e) the Territory of Cocos (Keeling) Islands.

3 Part 5A (at the end of the box after the heading)

Add:

Regional First Home Buyer Guarantee

The purpose of the Regional First Home Buyer Guarantee is to help persons living in a regional area to purchase a home in that area. It does this by allowing the NHFIC to issue up to an additional 10,000 guarantees for each of the 2022-23, 2023-24 and 2024-25 financial years. Additional eligibility requirements relating to the area in which the home is located, and residency in the area, must be satisfied.

4 Subsection 29B(2A)

Omit “and 29IB”, substitute “, 29IB and 29IBA”.

5 At the end of subsection 29C(2)

Add:

- ; (l) for a Regional First Home Buyer Guarantee:
 - (i) the residential property is located in a regional area; and
 - (ii) at least one borrower under the loan agreement either, has lived throughout the previous 12 month period in the regional area or an adjacent regional area, or is covered by subsection (2AA).

6 After subsection 29C(2)

Insert:

- (2AA) The borrower is covered by this subsection if:
- (a) the borrower has lived during some of the previous 12 month period in the regional area or an adjacent regional area; and
 - (b) throughout the rest of the period the borrower has been unable to do so because of a posting required in the course of the borrower performing duties as a member of the Australian Defence Force (other than as a member of the Reserves).

7 Subsection 29F(3)

Repeal the subsection.

8 Subsection 29IA(1)

Omit “or 29IB”, substitute “, 29IB or 29IBA”.

9 Subsection 29IB(1)

Omit “or 29IA”, substitute “, 29IA or 29IBA”.

10 After section 29IB

Insert:

29IBA Regional First Home Buyer Guarantees

Additional guarantees for the 2022-23 financial year

- (1) In addition to the guarantees that the NHFIC may issue under section 29I, 29IA or 29IB, the NHFIC may issue up to 10,000 additional guarantees (***Regional First Home Buyer Guarantees***) for the 2022-23 financial year.

Additional guarantees for the 2023-24 and 2024-25 financial years

- (2) In addition to the guarantees that the NHFIC may issue under section 29I, 29IA or 29IB, the NHFIC may issue additional guarantees (***Regional First Home Buyer Guarantees***) for each of the 2023-24 and 2024-25 financial years.
- (3) The total number of additional guarantees that may be issued for a financial year under subsection (2) must not exceed the sum of the following:
 - (a) 10,000;
 - (b) the number determined under paragraph (4)(b) for the financial year.

Roll over of guarantees to next financial year

- (4) If a number of Regional First Home Buyer Guarantees that could have been issued for the 2022-23 financial year under subsection (1), or for the 2023-24 financial year under subsection (2), were not issued under that subsection for that financial year:
 - (a) the NHFIC must notify the Minister of the number of the guarantees for that financial year that were not issued; and
 - (b) the Minister may determine, by written notice given to the NHFIC, the number of those guarantees that may be issued for the next financial year.

Note: A determination cannot be made in relation to guarantees not issued for the 2024-25 financial year.

- (5) In making a determination under paragraph (4)(b), the Minister must take into account the performance of the Regional First Home Buyer Guarantee, and any unique circumstances influencing the uptake of Regional First Home Buyer Guarantees.
- (6) Notification for the purposes of paragraph (4)(a):
 - (a) must be given, in writing, on the 100th day after the end of the financial year (or as otherwise directed by the Minister in writing); and
 - (b) must include a detailed breakdown of the guarantees that were not issued for the financial year, as assessed at the time of giving the notice, including:
 - (i) the number of guarantees that were not issued; and
 - (ii) the respective numbers of those guarantees that are reserved, lapsed and expired; and
 - (iii) any other information requested in writing by the Minister.

Counting of Regional First Home Buyer Guarantees

- (7) For the purposes of this section:
- (a) subject to subsection (8), a Regional First Home Buyer Guarantee is issued for the financial year during which its issue is approved by the NHFIC, even if the arrangement relating to the guarantee is entered into in a later financial year; and
 - (b) a Regional First Home Buyer Guarantee issued in relation to a loan that satisfies subsection 29C(4) is disregarded.
- (8) Paragraph (7)(a) does not apply to guarantees that are the subject of a determination under paragraph (4)(b).

11 Section 29IC

Repeal the section, substitute:

29IC Interaction between sections 29I, 29IA, 29IB and 29IBA

- (1) None of sections 29I, 29IA, 29IB and 29IBA (the *limiting sections*) limits the types of guarantees that may be issued under another limiting section.
- (2) If a guarantee could, taking account of the eligible lender's credit assessment and the limits on numbers for the relevant limiting sections, be issued under one or more of the limiting sections, the following rules apply:
 - (a) if it could be issued under section 29IA, 29IB or 29IBA:
 - (i) it may not be issued under section 29I; and
 - (ii) if it could be issued under more than one of sections 29IA, 29IB and 29IBA—the NHFIC may determine which of those sections it is to be issued under;
 - (b) if it could not be issued under any of sections 29IA, 29IB and 29IBA—it may be issued under section 29I.

12 Subsection 29JA(1)

Omit “and the Family Home Guarantee”, substitute “, the Family Home Guarantee and the Regional First Home Buyer Guarantee”.

13 Paragraph 29K(1)(b)

Omit “, as those terms are defined in the *Defence Act 1903*”.

14 Subsection 29L(2)

Omit “and Family Home Guarantees”, substitute “, Family Home Guarantees and Regional First Home Buyer Guarantees”.