

2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Defence Home Ownership Assistance
Scheme (Consequential Amendments)
Bill 2008**

No. , 2008

(Defence)

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

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1 **A Bill for an Act to deal with consequential matters**
2 **in connection with the *Defence Home Ownership***
3 ***Assistance Scheme Act 2008*, and for related**
4 **purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

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

9 **2 Commencement**

10 (1) Each provision of this Act specified in column 1 of the table
11 commences, or is taken to have commenced, in accordance with
12 column 2 of the table. Any other statement in column 2 has effect
13 according to its terms.

1

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.	
2. Schedule 1	At the same time as section 3 of the <i>Defence Home Ownership Assistance Scheme Act 2008</i> commences.	

2

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.

3

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(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.

6

7

8

3 Schedule(s)

9

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

10

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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:

1 **36A Use and disclosure of personal information**

- 2 (1) This section applies to personal information about any of the
3 following people:
4 (a) an applicant for an entitlement certificate;
5 (b) a person who has been issued with an entitlement certificate
6 (whether or not the certificate is in force);
7 (c) a person who is, or has been, a subsidised borrower;
8 (d) a widow or widower, or a family member, of a person
9 covered by paragraph (a), (b) or (c).
- 10 (2) A person covered by subsection (3) may, for a purpose prescribed
11 by the regulations:
12 (a) use the personal information; or
13 (b) disclose the personal information to another person covered
14 by that subsection.
- 15 (3) This subsection covers the following people:
16 (a) the Secretary;
17 (b) a delegate of the Secretary under section 37;
18 (c) a delegate of the Secretary under the *Defence Home*
19 *Ownership Assistance Scheme Act 2008* (the **2008 Act**) or the
20 *Defence Service Homes Act 1918* (the **1918 Act**);
21 (d) the Bank, if the Bank has:
22 (i) received an application for a subsidised loan from the
23 person mentioned in paragraph (1)(b) of this section; or
24 (ii) made a subsidised loan to the person mentioned in
25 paragraph (1)(c) of this section;
26 (e) a loan provider as defined under section 3 of the 2008 Act, if
27 the loan provider has:
28 (i) received an application for a subsidised loan (as defined
29 under section 3 of the 2008 Act) from the person
30 mentioned in paragraph (1)(b) of this section; or
31 (ii) made a subsidised loan (as defined under section 3 of
32 the 2008 Act) to the person mentioned in
33 paragraph (1)(c) of this section;
34 (f) a credit provider as defined under section 4 of the 1918 Act,
35 if the credit provider has:

- 1 (i) received an application for a subsidised advance (as
2 defined under section 4 of the 1918 Act) from the
3 person mentioned in paragraph (1)(b) of this section; or
4 (ii) made a subsidised advance (as defined under section 4
5 of the 1918 Act) to the person mentioned in
6 paragraph (1)(c) of this section.

- 7 (4) The use and disclosure of personal information under
8 subsection (2) is taken to be authorised by law for the purposes of:
9 (a) the *Privacy Act 1988*; and
10 (b) any provision of a law of a State or Territory that provides
11 that personal information may be used or disclosed if the use
12 or disclosure is authorised by law.

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

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

- 19 (6) In this section:

20 *personal information* has the same meaning as in the *Privacy Act*
21 *1988*.

22 **5 At the end of section 37**

23 Add:
24 ; or (d) a delegate of the Secretary under subsection 81(2) of the
25 *Defence Home Ownership Assistance Scheme Act 2008*.

26 ***Defence Service Homes Act 1918***

27 **6 After section 24**

28 Insert:

29 **24A Condition of payment of subsidy—subsidy under one scheme** 30 **only**

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

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

4 **7 After section 45B**

5 Insert:

6 **45C Use and disclosure of personal information**

- 7 (1) This section applies to personal information about any of the
8 following people:
9 (a) an applicant for a certificate of entitlement;
10 (b) a person who has been issued with a certificate of entitlement
11 (whether or not the certificate is in force);
12 (c) a person, or the assignee of a person, to whom a subsidised
13 advance has been made;
14 (d) a widow or widower of a person (other than an assignee)
15 covered by paragraph (a), (b) or (c).
- 16 (2) A person covered by subsection (3) may, for a purpose prescribed
17 by the regulations:
18 (a) use the personal information; or
19 (b) disclose the personal information to another person covered
20 by that subsection.
- 21 (3) This subsection covers the following people:
22 (a) the Secretary;
23 (b) a delegate of the Secretary under section 6A;
24 (c) a delegate of the Secretary under the *Defence Home*
25 *Ownership Assistance Scheme Act 2008* (the **2008 Act**) or the
26 *Defence Force (Home Loans Assistance) Act 1990* (the **1990**
27 **Act**);
28 (d) a credit provider, if the credit provider has:
29 (i) received an application for a subsidised advance from
30 the person mentioned in paragraph (1)(b) of this section;
31 or
32 (ii) made a subsidised advance to the person mentioned in
33 paragraph (1)(c) of this section;
34 (e) a loan provider as defined under section 3 of the 2008 Act, if
35 the loan provider has:
-

- 1 (i) received an application for a subsidised loan (as defined
2 under section 3 of the 2008 Act) from the person
3 mentioned in paragraph (1)(b) of this section; or
4 (ii) made a subsidised loan (as defined under section 3 of
5 the 2008 Act) to the person mentioned in
6 paragraph (1)(c) of this section;
- 7 (f) the Bank as defined under section 3 of the 1990 Act, if the
8 Bank has:
- 9 (i) received an application for a subsidised loan (as defined
10 under section 3 of the 1990 Act) from the person
11 mentioned in paragraph (1)(b) of this section; or
12 (ii) made a subsidised loan (as defined under section 3 of
13 the 1990 Act) to the person mentioned in
14 paragraph (1)(c) of this section.
- 15 (4) The use and disclosure of personal information under
16 subsection (2) is taken to be authorised by law for the purposes of:
- 17 (a) the *Privacy Act 1988*; and
18 (b) any provision of a law of a State or Territory that provides
19 that personal information may be used or disclosed if the use
20 or disclosure is authorised by law.
- 21 Note: The authorisation under this subsection is only for the use and
22 disclosure of personal information for a prescribed purpose mentioned
23 in subsection (2).
- 24 (5) The regulations may prescribe circumstances in which a person
25 may, or must not, use or disclose personal information for the
26 purposes of this section.
- 27 (6) In this section:
- 28 ***personal information*** has the same meaning as in the *Privacy Act*
29 *1988*.