

1989

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

DEFENCE SERVICE HOMES AMENDMENT BILL 1989

EXPLANATORY MEMORANDUM

(Circulated by authority of the Honourable Ben Humphreys, M.P.
Minister for Veterans' Affairs)

DEFENCE SERVICE HOMES AMENDMENT BILL 1989

GENERAL OUTLINE

The amendments to section 19 of the Defence Service Homes Act 1918 and certain definitions in that Act are intended to clarify and put beyond doubt the meaning of those provisions. The amendments would ensure that any previous assistance a person may have received under the Defence Service Homes Act 1918 to purchase or build a home is taken properly into consideration in determining the entitlement of that person to any further assistance under the Act for that purpose and the amount and terms of any such assistance.

The amendment to section 50B of the Defence Service Homes Act 1918 would bring that section into line with similar provisions in other Commonwealth legislation.

FINANCIAL IMPACT STATEMENT

This Bill would have no financial impact.

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Clause 1: Short Title

This clause provides for the Act to be cited as the Defence Service Homes Amendment Act 1989.

The Defence Service Homes Act 1918 is cited as the Principal Act.

Clause 2: Commencement

This clause provides for the amending Act to commence on the date of commencement of section 10 of the Defence Service Homes Amendment Act 1988. Section 10, which commenced on 19 December 1988, inserted a number of new sections, including section 19, into the Principal Act. This Bill would replace the existing section 19 with a new section 19 and that replacement would be taken to have happened immediately after the existing section 19 commenced.

This clause also permits the proposed new definitions of "further advance" and "initial advance" in section 4 of the Principal Act and the proposed amendment of section 50B of the Principal Act to take effect from 19 December 1988.

Clause 3: Interpretation

This clause omits the existing definitions of "further advance" and "initial advance" in section 4 of the Principal Act, and substitutes two replacement definitions. The new definitions of "further advance" and "initial advance" would enable the fact of whether a person has been a purchaser or borrower, as defined in the Principal Act either before or after its amendment by the Defence Service Homes Amendment Act 1988, to be taken into account in determining whether an advance to that person is to be an initial advance or a further advance.

Clause 4: Certificate of entitlement not to be issued in certain other cases.

This clause repeals the existing section 19 of the Principal Act and substitutes a new section 19. The new section 19 would specify more clearly that a person who has received assistance under the Principal Act on or before 9 December 1987, and in certain cases after 9 December 1987, for the purpose of acquiring a home or for one of certain other purposes in relation to a home, must obtain the Minister's approval before receiving any further assistance of that kind. The new section 19 also would provide that, with the exception of certain cases, where a person has received assistance under the Principal Act after 9 December 1987 to acquire a home or for one of certain other purposes in relation to a home, including assistance obtained with the Minister's approval under section 19, no such Ministerial approval is needed in relation to any further assistance of that kind.

Clause 5: Annual Report

This clause amends section 50B of the Principal Act by making a minor technical amendment to ensure that the provision is consistent with similar provisions contained in other Commonwealth legislation - principally the Audit Act 1901.

