

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF HOUSING ASSISTANCE SCHEMES REGULATIONS

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Regulations 2000, No. 46

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## NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2000, No. 46\*

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### Regulations under the *Housing Act*

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Housing Act*.

Dated 30 August 2000.

N. R. CONN  
Administrator

By His Honour's Command

T. D. Baldwin  
Minister for Industries and Business  
acting for and behalf of the  
Minister for Housing

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\* Notified in the *Northern Territory Government Gazette* on 1 September 2000.

**AMENDMENTS OF HOUSING ASSISTANCE SCHEMES  
REGULATIONS**

**1. Commencement**

These Regulations come into operation on 4 September 2000.

**2. Principal Regulations**

The Housing Assistance Schemes Regulations are in these Regulations referred to as the Principal Regulations.

**3. Interpretation**

Regulation 2 of the Principal Regulations is amended –

- (a) by inserting after the definition of "approved" in subregulation (1) the following:

" 'first home owner's assistance' means –

- (a) a first home owner grant under the *First Home Owner Grant Act*;
  - (b) an amount to be used as, or to form part of, a deposit under the Homenorth Early Start Deposit Assistance Scheme set out in Schedule 8; or
  - (c) any other amount provided by the Commonwealth or the Territory under a scheme for the payment of grants to first home owners;"
- (b) by inserting in the definition of "market rate" in subregulation (1) "per annum" after "rate of interest" and "variable home lending rate";
- (c) by inserting after the definition of "market rate" in subregulation (1) the following:
- " 'market value' has the same meaning as in the Act except that, for the purposes of Schedules 1, 3 and 6, a reference to a dwelling is to be read as a reference to a house;"
- (d) by omitting from subregulation (1) the definition of "market value".

**4. Repeal and substitution**

Regulation 5 of the Principal Regulations is repealed and the following substituted:

**"5. Continuation of certain Schemes**

"(1) The Homenorth Homestart Loan Scheme set out in Schedule 6 to these Regulations as in force immediately before 4 September 2000 continues to apply in relation to the following:

- (a) housing loans advanced under that Scheme before that date;
- (b) housing loans advanced on or after that date on applications approved in principle under that Scheme before that date.

"(2) The Homenorth Homeshare Tenant Equity Scheme set out in Schedule 7 to these Regulations as in force immediately before 4 September 2000 continues to apply in relation to the following:

- (a) housing loans advanced under that Scheme before that date;
- (b) housing loans advanced on or after that date on applications approved in principle under that Scheme before that date.

"(3) The Homenorth Early Start Deposit Assistance Scheme set out in Schedule 8 to these Regulations as in force immediately before 4 September 2000 continues to apply in relation to the following:

- (a) amounts advanced to or paid on behalf of persons under that Scheme before that date;
- (b) amounts advanced to or paid on behalf of persons on or after that date on applications approved under that Scheme before that date.

"(4) The Homenorth Assist Interest Subsidy Scheme set out in Schedule 9 to these Regulations as in force immediately before 4 September 2000 continues to apply in relation to the payment of interest subsidies to approved lenders in respect of loans advanced by those lenders to persons to whom certificates of eligibility were issued under that Scheme before that date."

**5. Schedule 6**

Schedule 6 to the Principal Regulations is amended –

- (a) by omitting the heading to clause 1 and substituting "1. INTERPRETATION";
- (b) by omitting from clause 1 "In this Scheme" and substituting "(1) In this Scheme";
- (c) by adding at the end of clause 1 the following:

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"(2) In this Scheme, a reference to the purchase of a house is to be read as including a reference to the erection of a house.";

- (d) by omitting from clause 1(b) "70% of the market value of the house" and substituting "so much of the market value of the house as is determined in accordance with clause 8(2)(a)(i)";
- (e) by omitting from the heading to clause 3 "CLAUSE 4" and substituting "CLAUSE 5";
- (f) by omitting from clause 3(1) "(1) A person" and substituting "A person";
- (g) by omitting from clause 3(1)(a) "approved" and substituting "approved by the Minister";
- (h) by omitting from clause 3(1)(a) "the Territory" and substituting "the Territory or a State or another Territory of the Commonwealth";
- (j) by omitting from clause 3(1)(c) "\$140,000" and substituting "\$180,000";
- (k) by omitting from clause 3(1)(d) "70% of the market value of a house" and substituting "so much of the market value of a house as is determined in accordance with clause 8(2)(a)(i)";
- (m) by omitting clause 3(1)(e) and substituting the following:
  - "(e) unless the person has an amount of not less than 5% of the market value of the house or share in the house to which the application relates that will be, or form part of, the deposit for the purchase of the house, which amount is to include—
    - (i) not less than \$2,000 that is the person's own savings and is not obtained by way of a loan or is in any other way encumbered or committed; and
    - (ii) any amount paid or payable to, on behalf of, or at the direction of, the person as first home owner's assistance; or";
- (n) by omitting clause 3(2);
- (p) by omitting clause 4 and substituting the following;

"4. WHO MAY APPLY?

"A person whose gross weekly income is not more than \$800 may apply to the Chief Executive Officer (Housing) for the advance of a housing loan under clause 5.";

- (q) by omitting the table at the foot of clause 6 and substituting the following:

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TABLE	
Column 1	Column 2
Gross weekly income (\$ per week)	Maximum amount of loan
Less than \$500	\$100,000
\$500 – 599	\$110,000
\$600 – 800	\$115,000

(r) by omitting clause 7 and substituting the following:

"7. RATE OF INTEREST

"(1) Subject to this Scheme, the rate of interest per annum payable by a person on a housing loan advanced under clause 5 is, in any year of the loan –

- (a) if the person's gross weekly income at the time of the application for the loan is less than \$500 –
  - (i) the rate per annum specified in Table 1 to this clause opposite the range of years specified in that Table within which the year of the loan falls; or
  - (ii) 5% per annum,whichever is the greater;
- (b) if the person's gross weekly income at the time of the application for the loan is not less than \$500 and not more than \$599 –
  - (i) the rate per annum specified in Table 2 to this clause opposite the range of years specified in that Table within which the year of the loan falls; or
  - (ii) 5% per annum,whichever is the greater; or
- (c) if the person's gross weekly income at the time of the application for the loan is not less than \$600 and not more than \$800 –
  - (i) the rate per annum specified in Table 3 to this clause opposite the range of years specified in that Table within which the year of the loan falls; or
  - (ii) 5% per annum,

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whichever is the greater.

"(2) Where but for this subclause the rate of interest per annum payable by a person on a housing loan advanced under clause 5 is to increase from the market rate per annum to the market rate per annum plus 1% per annum, the Chief Executive Officer (Housing) may approve the rate of interest per annum payable by the person on that loan remaining at the market rate per annum for not more than 3 years if satisfied that –

- (a) the person would suffer financial hardship if approval were not given; and
- (b) the person is unable to refinance the loan, including the amount required to purchase the whole of the interest of the Chief Executive Officer (Housing) in the house.

"(3) For the purposes this clause, if the gross weekly income of a person includes an amount that is not a whole dollar, the gross weekly income of the person is to be calculated exclusive of that amount.

TABLE 1	
Gross weekly income less than \$500	
Year of loan	Rate of interest (% per annum)
1st to 5th	Market rate p.a. less 2% p.a.
6th to 8th	Market rate p.a. less 1% p.a.
9th to 11th	Market rate p.a.
12th and following	Market rate p.a. plus 1% p.a.

TABLE 2	
Gross weekly income not less than \$500 and not more than \$599	
Year of loan	Rate of interest (% per annum)
1st to 5th	Market rate p.a. less 1% p.a.
6th to 8th	Market rate p.a.
9th and following	Market rate p.a. plus 1% p.a.



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TABLE 3	
Gross weekly income not less than \$600 and not more than \$800	
Year of loan	Rate of interest (% per annum)
1st to 8th	Market rate p.a.
9th and following	Market rate p.a. plus 1% p.a.

(s) by omitting clause 8(2)(a) and substituting the following:

"(a) that the applicant is to purchase the house by purchasing —

(i) a first share in the house, being —

(A) not less than 70% of the market value of the house;  
or

(B) the market value of the house less \$45,000,

whichever is the greater; and

(ii) on repayment of the loan advanced in respect of that first share, a second and final share being the whole of the interest of the Chief Executive Officer (Housing) in the house;"

(t) by omitting from clause 12(1) "(1) A housing loan" and substituting "A housing loan";

(u) by omitting from clause 12(1)(b) "the Territory" and substituting "the Territory or a State or another Territory of the Commonwealth";

(v) by omitting from clause 12(1)(c) "approved" and substituting "approved by the Minister";

(w) by omitting from clause 12(1)(c) "the town in the Territory" and substituting "the Territory or a State or another Territory of the Commonwealth";

(x) by omitting clause 12(2);

(y) by omitting clause 15 and substituting the following:

**"15. RATE OF INTEREST ON TRANSFERRED LOAN**

"Subject to this Scheme, the rate of interest per annum payable by a person on a housing loan advanced under clause 11 (the transferred loan) is the same as

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the rate of interest per annum that would have been payable by the person on the housing loan advanced under clause 5 to which the transferred loan relates ('the original loan') had the mortgage securing the original loan not been discharged.";

- (z) by omitting from clause 16(1)(b) "not later than 45 years" and substituting "subject to subclause (3), not later than 30 years";
- (za) by adding at the end of clause 16 the following:

"(3) The Chief Executive Officer (Housing) may extend the term of a housing loan under this Scheme to not more than 45 years if satisfied that the person to whom the loan is advanced would suffer financial hardship if the term were not extended.";

- (zb) by omitting from clause 18 all the words after "increase" and substituting "the rate of interest per annum payable on the housing loan, with effect for that period only, to a rate per annum it considers suitable, being a rate per annum not greater than 1% per annum more than the market rate per annum"; and
- (zc) by omitting clause 20.

### **6. Schedule 7**

Schedule 7 to the Principal Regulations is amended –

- (a) by omitting from the heading to Schedule 7 "**TENANT EQUITY**" and substituting "**PUBLIC HOUSING TENANT PURCHASE**";
- (b) by omitting the heading to clause 1 and substituting "1. INTERPRETATION";
- (c) by omitting from clause 1 "In this Scheme" and substituting "(1) In this Scheme";
- (d) by omitting from clause 1(b) "70% of the market value of the dwelling" and substituting "so much of the market value of the dwelling as is determined in accordance with clause 4(1)(a)(ii)";
- (e) by adding at the end of clause 1 the following:

"(2) In this Scheme –

'approved person', in relation to the tenant of a dwelling, means –

- (a) a parent of the tenant;
- (b) a child of the tenant;
- (c) a sibling of the tenant; or

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- (d) a person approved by the Chief Executive Officer (Housing) for the purpose of determining in accordance with clause 6(3) the amount of the advance under clause 5.";
- (f) by omitting from clause 3(1)(c) "70% of the market value of a dwelling" and substituting "so much of the market value of a dwelling as is determined in accordance with clause 4(1)(a)(ii)";
- (g) by omitting clause 3(1A);
- (h) by omitting from clause 3(2)(a) "that dwelling" and substituting "the dwelling or the share of the dwelling, which amount is to include any amount paid or payable to, on behalf of, or at the direction of, the person as first home owner's assistance";
- (j) by omitting from clause 3(2)(b) "that amount" and substituting "the value of which amounts ";
- (k) by omitting clause 3(2)(c) and substituting the following:
  - "(c) the Chief Executive Officer (Housing) is satisfied that –
    - (i) the applicant has made improvements to the dwelling to which the application relates;
    - (ii) the applicant has an amount that will form part of the deposit for the purchase of the dwelling or the share of the dwelling, which amount is to include any amount paid or payable to, on behalf of, or at the direction of, the person as first home owner's assistance; and
    - (iii) the total of the value of the improvements and the amount that will form part of the deposit is not less than 5% of the purchase price of the dwelling or the share of the dwelling.";
- (m) by omitting clause 4 and substituting the following:

"4. WHO MAY APPLY?

"(1) Subject to this Scheme, a person who is a tenant of a dwelling and whose –

- (a) gross weekly income is not more than \$1,000 may apply to the Chief Executive Officer (Housing) to purchase –
  - (i) that dwelling; or
  - (ii) a share in that dwelling that is not less than –

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- (A) if the tenant's gross weekly income at the time of application is not more than \$899 – 70%; or
  - (B) if the tenant's gross weekly income at the time of application is not less than \$900 and not more than \$1,000 – 80%; or
- (b) gross weekly income is not less than \$1,001 and not more than \$1,100 may apply to the Chief Executive Officer (Housing) to purchase that dwelling (but not a share in that dwelling),

and for the advance under clause 5 of a housing loan to purchase that dwelling or share.

"(2) For the purposes of this clause, if the gross weekly income of an applicant includes an amount that is not a whole dollar, the gross weekly income of the applicant is to be calculated exclusive of that amount.";

- (n) by omitting from clause 5(1) "(1) Where" and substituting "Where";
- (p) by omitting clause 5(1)(a) and substituting the following:
  - "(a) grant the application by selling the dwelling or the share in the dwelling and making an advance to purchase the dwelling or share to –
    - (i) the applicant; or
    - (ii) where clause 6(3) applies – the applicant and an approved person jointly; or";
- (q) by omitting clause 5(2);
- (r) by omitting from clause 6(1) "into which the person's gross weekly income, as at the time the application for the loan is made, falls." and substituting the following:

"into which –

  - (a) the applicant's gross weekly income; or
  - (b) where clause 6(3) applies – the combined gross weekly income of the applicant and an approved person,

falls at the time of the application.";
- (s) by inserting in clause 6(2) "or to an applicant and an approved person" after "an applicant" (wherever occurring);
- (t) by inserting after clause 6(2) the following:

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"(3) In determining the amount of an advance under clause 5, if requested by an applicant to do so, the Chief Executive Officer (Housing) must take into account the combined gross weekly income of the applicant and an approved person.

"(4) Where subclause (3) applies, the gross weekly income of the approved person is to be taken into account only in determining the amount of the advance under clause 5 and is not to be taken into account in determining the applicant's eligibility to apply under clause 4.

"(5) For the purposes of this clause –

- (a) if the gross weekly income of an applicant includes an amount that is not a whole dollar, that gross weekly income is to be calculated exclusive of that amount; or
- (b) where subclause (3) applies – if the combined gross weekly income of the applicant and an approved person includes an amount that is not a whole dollar, that combined gross weekly income is to be calculated exclusive of that amount.";

(u) by omitting the table at the foot of clause 6 and substituting the following:

TABLE	
Column 1	Column 2
Gross weekly income (\$ per week)	Maximum amount of loan
Less than \$500	\$100,000
\$500 – 599	\$110,000
\$600 – 799	\$125,000
\$800 – 899	\$135,000
\$900 – 1,000	\$145,000
\$1,001 – 1,100	\$150,000 or more

(v) by omitting clause 7 and substituting the following:

"7. RATE OF INTEREST

"(1) The rate of interest per annum payable on a housing loan advanced under clause 5 is –

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- (a) the rate of interest per annum specified in the Table to this clause opposite the interest rate level specified in that Table that is set as the interest rate level for that loan; or
- (b) 5% per annum,

whichever is greater.

"(2) In this clause, 'Level' followed by a number means the interest rate level specified in the Table to this clause that has that number.

"(3) Subject to this Scheme, during the first 5 years of a housing loan advanced to a person under clause 5, the interest rate level for the loan is set at –

- (a) if the person's gross weekly income at the time of the application is less than \$500 – Level 1;
- (b) if the person's gross weekly income at the time of the application is not less than \$500 and not more than \$599 – Level 2;
- (c) if, at the time of the application –
  - (i) the person's gross weekly income is not less than \$600 and not more than \$1,000; and
  - (ii) in the opinion of the Chief Executive Officer (Housing), the person would be a person of limited means for the purposes of regulation 3 of the Housing Regulations,– Level 2;
- (d) if, at the time of the application –
  - (i) the person's gross weekly income is not less than \$600 and not more than \$1,000; and
  - (ii) in the opinion of the Chief Executive Officer (Housing), the person would not be a person of limited means for the purposes of regulation 3 of the Housing Regulations,– Level 3;
- (e) if the person's gross weekly income at the time of the application is not less than \$1,001 and not more than \$1,100 – Level 3.

"(4) At the end of each 5-year period of a housing loan advanced to a person under clause 5, the Chief Executive Officer (Housing) must review the interest rate level set for the loan and, if satisfied that the financial circumstances

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of the person justify doing so, set the interest rate level for the next 5-year period of the loan at the next level.

"(5) For the purposes of this clause, if the gross weekly income of a person includes an amount that is not a whole dollar, the gross weekly income of the person is to be calculated exclusive of that amount.

TABLE	
Interest rate level	Rate of interest (% per annum)
Level 1	Market rate p.a. less 2% p.a.
Level 2	Market rate p.a. less 1% p.a.
Level 3	Market rate p.a.

(w) by omitting clause 8(2)(a) and substituting the following:

"(a) that the applicant is to purchase the dwelling by purchasing –

(i) a first share in the dwelling, being –

(A) not less than so much of the market value of the dwelling as is determined in accordance with clause 4(1)(a)(ii); or

(B) the market value of the dwelling less \$45,000,

whichever is the greater; and

(ii) on repayment of the loan advanced in respect of that first share, a second and final share being the whole of the interest of the Chief Executive Officer (Housing) in the dwelling;"

(x) by omitting from clause 12(1) "(1) A housing loan" and substituting "A housing loan";

(y) by omitting from clause 12(1)(c) "in the town";

(z) by omitting clause 12(2);

(za) by omitting clause 14 and substituting the following:

"14. RATE OF INTEREST ON TRANSFERRED LOAN

"Subject to this Scheme, the rate of interest per annum payable by a person on a housing loan advanced under clause 11 (the transferred loan) is the same as

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the rate of interest per annum that would have been payable by the person on the housing loan advanced under clause 5 to which the transferred loan relates ('the original loan') had the mortgage securing the original loan not been discharged.";

- (zb) by omitting from clause 15(1)(b) "not later than 45 years" and substituting "subject to subclause (3), not later than 30 years";
- (zc) by adding at the end of clause 15 the following:

"(3) The Chief Executive Officer (Housing) may extend the term of a housing loan under this Scheme to not more than 45 years if satisfied that the person to whom the loan is advanced would suffer financial hardship if the term were not extended.";

- (zd) by omitting clause 16(1)(b) and substituting the following:

"(b) if, at the end of a 5-year period of the loan, the Chief Executive Officer (Housing) under clause 7(4) sets the interest rate level for the loan at the next level, must review,"; and

- (ze) by omitting from clause 17 all the words after "increase" and substituting "the rate of interest per annum payable on the housing loan, with effect for that period only, to a rate per annum it considers suitable having regard to the person's reason for not residing in the dwelling, being a rate per annum not greater than 1% per annum more than the market rate per annum".

**7. Schedule 8**

Schedule 8 to the Principal Regulations is amended –

- (a) by omitting from clause 2(1) "(1) A person" and substituting "A person";
- (b) by omitting from clause 2(1)(a) "approved" and substituting "approved by the Minister";
- (c) by omitting from clause 2(1)(a) "the Territory" and substituting "the Territory or a State or another Territory of the Commonwealth";
- (d) by omitting from clause 2(1)(b) "relates;" and substituting "relates; or";
- (e) by omitting from clause 2(1)(c) "\$140,000" (first occurring) and substituting "\$180,000";
- (f) by omitting from clause 2(1)(c) "\$140,000; or" and substituting "\$180,000.";
- (g) by omitting clause 2(1)(d);
- (h) by omitting clause 2(2);



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(j) by inserting after clause 2 the following:

"2A. WHO MAY APPLY?

"A person –

- (a) whose gross weekly income is not more than \$1,100; and
- (b) who has obtained from the Chief Executive Officer (Housing) or an approved lender approval for a loan to finance the purchase or erection of specified premises,

may apply for an advance or payment under clause 1."; and

(k) by omitting clause 3 and substituting the following:

"3. AMOUNT OF ASSISTANCE

"(1) The amount that the Chief Executive Officer (Housing) may advance or pay on behalf of a person or persons under this Scheme is –

- (a) if one person alone is purchasing or erecting premises – the amount specified in Column 2 of the Table to this clause opposite the range of gross weekly income specified in Column 1 of that Table within which the person's gross weekly income falls at the time of the application for the advance or payment; or
- (b) if 2 or more persons are purchasing or erecting premises – the amount specified in Column 3 of the Table to this clause opposite the range of gross weekly income specified in Column 1 of that Table within which the persons' combined gross weekly income falls at the time of the application for the advance or payment.

"(2) For the purposes of this clause, if the gross weekly income of a person includes an amount that is not a whole dollar, the gross weekly income of the person is to be calculated exclusive of that amount.

TABLE		
Column 1	Column 2	Column 3
Gross weekly income (\$ per week)	Grant amount (one person only)	Grant amount (two or more persons)
Not more than \$700	\$1,000	\$3,000
\$701 – 900	\$1,000	\$2,000
\$901 – 1,100	\$1,000	\$1,000

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**8. Schedule 9**

Schedule 9 to the Principal Regulations is amended –

- (a) by omitting from clause 2(1) "(1) The" and substituting "The";
- (b) by omitting from clause 2(1)(d) "if" and substituting "unless otherwise approved by the Minister, if";
- (c) by omitting from clause 2(1)(d) "the Territory" and substituting "the Territory or a State or another Territory of the Commonwealth";
- (d) by omitting from clause 2(1)(g) "\$140,000" and substituting "\$180,000";
- (e) by omitting clause 2(2); and
- (f) by omitting clause 3(1) and substituting the following:
  - "(1) A person –
  - (a) whose gross weekly income is not less than \$700 and not more than \$1,000; and
  - (b) who has obtained from an approved lender approval for a loan to finance the purchase or erection of a specified house,

may apply to the Chief Executive Officer (Housing) for a certificate of eligibility.

"(1A) Despite subclause (1), the Chief Executive Officer (Housing) may allow a person whose gross weekly income is less than \$700 to apply to the Chief Executive Officer (Housing) for a certificate of eligibility if the person has obtained from an approved lender approval for a housing loan to finance the purchase or erection of a specified house."