

NORTHERN TERRITORY OF AUSTRALIA
HOUSING (GOVERNMENT EMPLOYEES) SALES SCHEME

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 11 *

Regulations under the *Housing Act 1982*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Housing Act 1982*.

Dated this 14th day of March, 1983.

E.E. Johnston
Administrator

By His Honour's Command

N.M. Dondas
Minister for Health and Housing

HOUSING (GOVERNMENT EMPLOYEES) SALES SCHEME REGULATIONS

1. CITATION

These Regulations may be cited as the Housing (Government Employees) Sales Scheme Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Housing Act 1982*.

3. SCHEME

The Scheme set out in the Schedule is -

- (a) a prescribed housing scheme for the purposes of section 22 of the Act; and
- (b) a prescribed housing assistance scheme for the purposes of section 24 of the Act.

* Notified in the *Northern Territory Government Gazette* on 25 March, 1983.

G. L. DUFFIELD, Government Printer of the Northern Territory

Price: 90 cents

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4. APPLICATION OF SECTIONS 29 AND 37(3) OF THE ACT

(1) Section 29 of the Act shall apply to and in relation to the Scheme set out in the Schedule.

(2) For the purposes of section 37(3) of the Act, clauses 11 and 15 of the Scheme set out in the Schedule shall apply, in accordance with those clauses, to a housing scheme administered, in pursuance of section 33F(2) of the former Act, by the former Commission as agent for the Territory.

SCHEDULE

Regulation 3

Sections 22, 24, 29 and 37(3)

SCHEME

1. DEFINITIONS

In this Scheme, unless the contrary intention appears -

"approved" means approved by the Commission;

"Category 1 purchaser" means an eligible person who has, whether jointly with an approved person or not, by way of a Commission loan, purchased under this Scheme a dwelling and who has thereafter ceased to be an eligible person, but does not include such a person who has ceased to be an eligible person because of death or, in the opinion of the Commission, redundancy or retirement;

"Category 2 purchaser" means an eligible person, including a Category 1 purchaser -

(a) who has, whether jointly with an approved person or not, by way of a Commission loan, purchased under this Scheme a dwelling; and

(b) who, in the opinion of the Commission -

(i) lets for profit the dwelling referred to in paragraph (a), irrespective of whether the Commission has consented to that letting; or

(ii) ceases to occupy the dwelling referred to in paragraph (a),

for so long as he so lets or ceases to occupy, as the case may be, that dwelling;

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"Class 1 purchaser" means an eligible person whose weekly income is not more than 125% of the average weekly earnings per employed male unit in the Territory as shown from time to time in Catalogue No. 6302.0 issued by the Australian Bureau of Statistics established under the *Australian Bureau of Statistics Act 1975* of the Commonwealth;

"Class 2 purchaser" means an eligible person whose weekly income is in excess of 125% of the average weekly earnings per employed male unit in the Territory as shown from time to time in Catalogue No. 6302.0 issued by the Australian Bureau of Statistics established under the *Australian Bureau of Statistics Act 1975* of the Commonwealth;

"Commission loan" means an advance made under clause 8(1);

"eligible person" means a person who is -

- (a) an employee within the meaning of the *Public Service Act*;
- (b) unless otherwise determined by the Minister, an employee of a statutory corporation;
- (c) an officer or employee within the meaning of the *Teaching Service Act*;
- (d) a member within the meaning of the *Police Administration Act*; or
- (e) a person belonging to a class of persons declared under clause 2 by the Minister to be eligible persons for the purposes of this Scheme,

but does not, unless otherwise determined by the Commission acting with, and in accordance with, the advice of the Commissioner within the meaning of the *Public Service Act*, include such a person who occupies such an office, or belongs to such a class of persons, temporarily or on a limited tenure basis, or who -

- (f) owns, or whose dependants own, a habitable house or residential lease; or
- (g) has owned, or whose dependants have owned, a habitable house,

situated in the Territory.

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2. MINISTER MAY DECLARE CLASS OF PERSONS TO BE ELIGIBLE PERSONS

The Minister may, by notice in the Gazette, declare persons belonging to a class of persons specified in the notice to be eligible persons for the purposes of this Scheme.

3. SALE OF DWELLINGS TO ELIGIBLE PERSONS

The Commission shall not sell under this Scheme a dwelling to a person other than an eligible person or an eligible person and an approved person jointly.

4. SALEABLE DWELLINGS

A dwelling shall not be sold under this Scheme other than at the Commission's discretion.

5. APPLICATION BY ELIGIBLE PERSON

An eligible person may, in his own name or jointly with an approved person, make an application in the approved form to the Commission to purchase a dwelling.

6. DETERMINATION OF APPLICATION

Where the Commission receives an application under clause 5, it may -

(a) grant the application by selling to the eligible person making the application, or jointly to that eligible person and an approved person where that application is made in their joint names, a dwelling available for sale under this Scheme; or

(b) reject the application.

7. DWELLINGS TO BE SOLD AT MARKET VALUE UNLESS OTHERWISE DETERMINED BY THE MINISTER

Unless otherwise determined under section 35 of the Act by the Minister, a dwelling shall not be sold under this Scheme other than at its market value.

8. COMMISSION LOAN FOR PURCHASE OF DWELLING

(1) Subject to this Scheme, the Commission may make an advance to an eligible person or an eligible person and an approved person jointly for the purchase under this Scheme of a dwelling.

(2) An eligible person may, in his own name or jointly with an approved person, make an application in the approved form to the Commission for a Commission loan

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and, for such purpose, shall provide the Commission with such information as it requires, including information in relation to his or their income.

(3) Where the Commission receives an application under sub-clause (2), it may -

- (a) subject to this Scheme, grant the application by making a Commission loan to the eligible person making the application, or jointly to that eligible person and an approved person where that application is made in their joint names; or
- (b) reject the application.

9. MAXIMUM AMOUNT OF ASSISTANCE

(1) The amount of a Commission loan shall not exceed 95% of -

- (a) the market value of the dwelling to which the Commission loan relates; or
- (b) where the Minister has determined under section 35 of the Act the amount at which the dwelling to which the Commission loan relates shall be sold - that amount so determined,

whichever is the lesser.

(2) Sub-clause (1) does not operate so as to require the Commission to advance the maximum amount stated therein to an eligible person or jointly to an eligible person and an approved person, and the Commission may advance such lesser amount as it determines in accordance with guidelines, from time to time published by the Commission, relating to the ability of an eligible person to repay a Commission loan.

10. REPAYMENT PERIOD

An eligible person or an eligible person and an approved person jointly purchasing under this Scheme a dwelling shall repay a Commission loan made to him or them not later than 45 years after the date on which interest is first payable under the agreement relating to the Commission loan.

11. RATES OF INTEREST

(1) Subject to this clause and clause 15, the rates of interest payable on a Commission loan shall be -

- (a) in the case of a Commission loan made to a Class 1 purchaser - 6.75% per annum; and

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(b) in the case of a Commission loan made to a Class 2 purchaser - 9.75% per annum.

(2) The Minister may, by notice in the *Gazette*, vary the rates of interest specified in sub-clause (1) in relation to Class 1 or 2 purchasers or a category of Class 1 or 2 purchasers.

(3) For the purposes of determining whether a purchaser is a Class 1 or 2 purchaser, the Commission may require the purchaser, within the period specified in the requirement, to provide it with all information relating to all the income earned by that purchaser.

(4) A Class 1 or 2 purchaser the subject of a requirement under sub-clause (3) shall not fail to comply with that requirement within the period specified in that requirement.

(5) Where -

(a) the Minister varies under sub-clause (2) the rates of interest specified in sub-clause (1);
or

(b) the classification of a purchaser varies,

the variation so made of the rates of interest, or the rate of interest payable in respect of the variation of the classification of a purchaser, shall become due and payable on and from the monthly instalment, in respect of the agreement relating to the Commission loan to which that variation relates, next following that variation.

(6) Subject to sub-clause (7), on and from the commencement of the Act, sub-clauses (1) to (5) inclusive shall apply to and in relation to a person who has purchased, under a housing scheme administered, in pursuance of section 33F(2) of the former Act, by the former Commission as agent for the Territory, a dwelling, and which dwelling was so purchased, whether in whole or in part, by way of a loan, under the housing scheme so specified, to the person and in respect of which loan there is, on the day on which the Act comes into operation, a balance outstanding.

(7) For the purposes of this clause -

(a) a loan referred to in sub-clause (6) shall be deemed to be a Commission loan;

(b) a person referred to in sub-clause (6) who is, on the day on which the Act comes into operation, paying, in respect of a loan referred to in that sub-clause, a rate of interest of not more than 6.75% per annum shall, on and from the

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commencement of the Act, and notwithstanding the rate of interest specified in sub-clause (1)(a) in respect of a Class 1 purchaser, but subject to sub-clauses (2) to (5) inclusive, be deemed to be a Class 1 purchaser; and

- (c) a person referred to in sub-clause (6) who is, on the day on which the Act comes into operation, paying, in respect of a loan referred to in that sub-clause, a rate of interest of more than 6.75% per annum shall, on and from the commencement of the Act, and notwithstanding the rate of interest specified in sub-clause (1)(b) in respect of a Class 2 purchaser, but subject to sub-clauses (2) to (5) inclusive, be deemed to be a Class 2 purchaser.

12. SECURITY FOR ADVANCE

(1) The Commission shall not make a Commission loan unless the eligible person, or the eligible person and the approved person to whom it is jointly made, provides or provide, to the Commission such security, whether from himself or themselves or another person, as the Commission requires.

(2) A document relating to security referred to in sub-clause (1) shall be read subject to the provisions of this Scheme.

13. INSURANCE

There shall be deemed to be, in each agreement relating to a Commission loan, a provision that the eligible person, or the eligible person and the approved person to whom it is jointly made, insures, or insure, and keeps, or keep, insured with an approved insurance company against loss or damage by fire, storm and tempest all buildings then or thereafter erected on the property offered as security for the loan.

14. FALSE STATEMENT

A person who has knowingly supplied false information -

- (a) on an application under clause 8(2), whether in the application form, or in respect of any other information required to be supplied to the Commission; or
- (b) in complying with a requirement under clause 11(3) applicable to him,

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shall be taken to have breached the terms of his agreement with the Commission and the Commission may accordingly take action under the provisions of the agreement relating to the breach.

15. CATEGORY 1 AND 2 PURCHASERS

(1) Where an eligible person who has, whether jointly with an approved person or not, by way of a Commission loan, purchased under this Scheme a dwelling, becomes -

- (a) a Category 1 purchaser; or
- (b) a Category 2 purchaser,

on and from the date of the eligible person so becoming a Category 1 or 2 purchaser, and notwithstanding the rate of interest otherwise payable under the agreement relating to the Commission loan or any other action that may be taken under the Act or that agreement in respect of a Category 1 or 2 purchaser, the rate of interest payable under that agreement by the eligible person, or jointly by the eligible person and the approved person, as the case may be, on the balance of the purchase price for the time being unpaid under that agreement shall be -

- (c) in the case of an eligible person who becomes a Category 1 purchaser - increased by 0.5% per annum until a ceiling equivalent to the maximum rate of interest from time to time payable on a first mortgage under the housing assistance scheme set out in the Home Loans Scheme Regulations is reached; and
- (d) in the case of an eligible person who becomes a Category 2 purchaser - increased to the maximum rate of interest from time to time payable on a first mortgage under the scheme referred to in paragraph (c).

(2) Sub-clause (1) shall, on and from the commencement of the Act, apply to and in relation to a person referred to in clause 11(6) who became such a person on or after 1 January 1981.

- (3) For the purposes of sub-clause (2) -
 - (a) a loan referred to in clause 11(6) shall be deemed to be a Commission loan;
 - (b) subject to paragraph (c), a person referred to in clause 11(6) shall be deemed to be an eligible person; and

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- (c) a person referred to in clause 11(6) shall not be deemed to be an eligible person who has become a Category 1 purchaser other than where he has, in the opinion of the Commission, ceased, other than because of death or, in the opinion of the Commission, redundancy or retirement, to be -
 - (i) a person referred to in paragraphs (a), (b), (c) or (d) of the definition of "eligible person"; or
 - (ii) in the case of a person who, immediately before 1 July 1978, was an Officer of the Australian Public Service and who, on that date, was compulsorily transferred under the *Public Service Act* to the Public Service within the meaning of that Act and who, after that date, transfers back to the Australian Public Service - an Officer of the Australian Public Service (other than where, upon that cessation, he immediately becomes an eligible person).

16. GUIDELINES

Subject to this Scheme, the Commission may publish guidelines to and in relation to -

- (a) the amount of a Commission loan that may be advanced under this Scheme to an eligible person or jointly to an eligible person and an approved person, having regard to the market value of the dwelling to which the Commission loan relates, and the income of the eligible person; and
- (b) the rate of interest applicable to a Commission loan,

and, in applying those guidelines, may attach conditions to a Commission loan.