

**VARIATION TO SCHEME FOR PROVIDING CONCESSIONAL
HOME LOANS**

NO. 138 OF 1993

This Instrument of Variation is published in accordance with section 6 of the Subordinate Laws Act 1989.

Under section 12 of the Housing Assistance Act 1987, I make a variation to the Scheme for Providing Concessional Home Loans as follows:

1. In this instrument, "Scheme" means the Scheme for Providing Concessional Home Loans, published in Commonwealth of Australia Gazette No. S229 on 30 September 1983, as amended by Subordinate Law No. 7 of 1991 (published in Australian Capital Territory Special Gazette No. S18 on Tuesday, 2 April 1991).
2. Subclause 2.1 of the Scheme is varied:
 - (a) by omitting the definition of "Class of Loan" and substituting the following:

"Class of Loan" means a class of loan determined by the Commissioner under subclause 5.1.
 - (b) by adding "or, in the case of a loan made by way of progress payments, the first instalment of that loan" after "Program" in the definition of "Drawdown Date";
 - (c) by adding "in respect of a Class of Loan" after "loan" in the definition of "Eligible Person";
 - (d) by omitting "1947" and substituting "1991" in the definition of "Income";
 - (e) by inserting the following after the definition of "Maximum Price";

"Maximum Repayment Percentage", in relation to a Mortgagor who is granted Assistance, means the percentage of the Mortgagor's Income which the Mortgagor may be required to repay in respect of the loan and the Deferred Amount.
 - (f) by omitting the definition of "Percentage";

- (g) by omitting "all that" and substituting "that interest in a" and by inserting "or her" after "his" in the definition of "Property"; and
- (h) by inserting the following after the definition of "Recognised Valuer";

"Required Deposit Sum" means, in relation to an Applicant who seeks to purchase a Property, the sum which the Applicant must produce from his or her own resources as a deposit, which sum may be expressed as a percentage of the contract price of the Property.

3. The following provisions are inserted after clause 2 of the Scheme:

5 Classes of Loan

- 5.1 The Commissioner may, from time to time, by instrument in writing, determine a Class of Loan by reference to any one or more of the following.

- 5.1.1 the period during which the loan was granted, or is to be granted;
- 5.1.2 the financial or personal circumstances of a class of Applicants;
- 5.1.3 whether the Applicant has been determined to be eligible for assistance under any other program under section 12 of the Housing Assistance Act 1987;
- 5.1.4 the nature of the Property to be purchased, refinanced, modified or extended by the Applicant and the nature of the security to be taken by the Commissioner over that Property; or
- 5.1.5 any other criteria which the Commissioner in its discretion may consider appropriate.

- 5.2 The Commissioner may from time to time, by instrument in writing, determine the Maximum Repayment Percentage in relation to a Class of Loan.

- 5.3 In charging, increasing or decreasing a rate of interest under clause 7, the Commissioner may charge or impose different rates of interest in relation to different Classes of Loan.

- 5.4 The Commissioner may vary or revoke any determination made under this clause.
- 5.5 The Commissioner may not make a determination under this clause, or charge a rate of interest under clause 7, in a manner which relates solely to or discriminates against an individual.
- 4 Clause 7 of the Scheme is varied by omitting subclause 7.5.
5. Clause 9 of the Scheme is varied:
- (a) by omitting subclause 9.4 and substituting the following;
- 9.4 The Deferred Amount shall be paid to the Commissioner by instalments provided that the aggregate of any payment of the Deferred Amount and any instalment to repay a loan shall not exceed the Maximum Repayment Percentage
- and
- (b) by omitting from subclause 9.5 "paragraph 9.4.1" and substituting "subclause 9.4".

Date:

2/9/93

Rodney David Templar
Acting Commissioner for Housing

APPROVAL

Under section 12 of the Housing Assistance Act 1987, I approve the variation to the Scheme for Providing Concessional Home Loans made by the acting Commissioner for Housing by instrument dated *28 September* 1993. *Second*

Date:

28 September 1993

Terence Connolly
Minister for Housing &
Community Services