

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 12 of 1930.

AN ORDINANCE

To amend the Housing Ordinances 1928.

BE it ordained by the Deputy of the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1930*, as follows:—

1.—(1.) This Ordinance may be cited as the *Housing Ordinance 1930*. Short title and citation.

(2.) The *Housing Ordinances 1928* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Housing Ordinance 1928-1930*.

2. Section two of the Principal Ordinance is amended by Definitions. omitting the definition of “the Commission” and inserting in its stead the following definition:—

“ ‘the Commissioner’ means the Commissioner for Housing appointed in pursuance of this Ordinance’.”

3. After section two of the Principal Ordinance the following sections are inserted:—

“2A.—(1.) There shall be a Commissioner, who shall, Incorporation of Commissioner. subject to the directions of the Minister, be responsible for the administration of this Ordinance.

(2.) The Commissioner shall be a body corporate by the name of the Commissioner for Housing, and shall have perpetual succession and a common seal, and be capable of suing and being sued, and shall, subject to this Ordinance, have power to acquire, purchase, sell, lease and hold and take mortgages of lands, tenements, hereditaments, goods, chattels, and any other property for the purposes of this Ordinance.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commissioner affixed to any document or notice, and shall presume that it was duly affixed.

2391.—PRICE 5D.

Appointment of
Commissioner.

“2B. The Minister may appoint a fit and proper person to be Commissioner, and may, at any time cancel the appointment, and, on the happening of any vacancy in the office of Commissioner, appoint a person to the vacant office.

Appointment of
Acting
Commissioner.

“2c.—(1.) In the case of the illness or absence of the Commissioner, the Minister may appoint a person to be Acting Commissioner during the illness or absence of the Commissioner, and the Acting Commissioner shall have all the powers and perform all the duties of the Commissioner.

“(2.) The Minister may at any time cancel the appointment of an Acting Commissioner and, on the happening of any vacancy in the office of Acting Commissioner, appoint a person to the vacant office.”

Housing
schemes.

4. Section three of the Principal Ordinance is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Minister may prepare and the Commissioner may, subject to the control of the Minister, administer such schemes as the Minister thinks fit for providing or assisting in providing dwelling houses.”; and

(b) by omitting from sub-section (2.) the word “Commission” and inserting in its stead the word “Commissioner”.

Powers of
Commissioner.

5. Section four of the Principal Ordinance is amended—

(a) by omitting the word “Commission” (first occurring) and inserting in its stead the word “Commissioner”;

(b) by omitting the word “Commission” (second occurring) and inserting in its stead the word “Minister”;

and

(c) by omitting the word “Commission” (third and fourth occurring) and inserting in its stead the word “Commonwealth”.

Power of
Commissioner
to accept
advances.

6. Section five of the Principal Ordinance is amended—

(a) by omitting the word “Commission” and inserting in its stead the word “Commissioner”;

(b) by omitting the word “it” and inserting in its stead the word “him”.

Seat of
Government
Housing Trust
Account.

7. After section five of the Principal Ordinance the following section is inserted:—

“6.—(1.) For the purposes of this Ordinance there shall be a Seat of Government Housing Trust Account, which shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act* 1901-1926.

“(2.) To that Trust Account shall be credited—

- (a) moneys appropriated by Parliament for the purposes of this Ordinance; and
- (b) purchase money, repayment of advances and all other moneys received by the Commissioner in respect of moneys paid or advanced by the Commissioner under this Ordinance after the commencement of this section.

“(3.) To that Trust Account shall be debited any moneys paid or advanced by the Commissioner under this Ordinance.”

Dated this thirtieth day of July, One thousand nine hundred and thirty.

SOMERS

Deputy of the Governor-General.

By His Excellency's Command,

ARTHUR BLAKELEY

Minister of State for Home Affairs.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

Housing Ordinance 1928-1930.

SCHEME FOR PROVIDING AND ASSISTING IN PROVIDING DWELLING HOUSES.

THE following are the details of a scheme prepared by the Minister for Home Affairs of the Commonwealth and administered by the Commissioner for Housing under Section 3 of the *Housing Ordinance 1928-1930*:—

Financial assistance may be granted towards the cost of purchasing or erecting or enlarging dwelling houses, or of discharging mortgages on dwelling houses occupied by the person receiving such financial assistance, within the Territory for the Seat of Government, on the following conditions:—

1. A loan will not be made—
 - (a) to any person who already owns a house, except for the purpose of discharging a mortgage upon or enlarging the only dwelling house of which he is the owner;
 - (b) for the purpose of discharging a mortgage unless the conditions of the mortgage or the conditions of any further loans on the property are, in the opinion of the Commissioner unduly disadvantageous to the mortgagor;
 - (c) except for the purpose of enlarging an existing dwelling house, to any person who or whose wife or husband, has already received a loan and has not repaid it in full; or

(d) in respect of any dwelling house unless the person making application for the loan satisfies the Commissioner that—

- (i) if the loan is for the purpose of the purchase of a dwelling house he will reside in the dwelling house immediately on its purchase;
- (ii) if the loan is for the purpose of the erection of a dwelling house he will reside in the dwelling house immediately on its completion; and
- (iii) if the loan is for the purpose of the discharge of a mortgage on or for the purpose of enlarging a dwelling house he is residing in the dwelling house.

2. The maximum loan the Commissioner will make in respect of any property shall be ninety per centum of the Commissioner's valuation thereof and shall not in any case exceed £1,800.

3. An applicant for a loan will be required to lodge with his application, an application fee in accordance with the following scale:—

	Amount of loan applied for—		
	£200.	£200-£1,500.	Over £1,500.
Fee payable ..	£1 1 0	.. £2 2 0	.. £3 3 0

4. In the event of the application being granted, the applicant will be required to pay a further fee of £1 14s. for investigation of title and preparation and registration of mortgage, and, if the loan is for the purpose of erecting or enlarging a dwelling house, fees for inspection as the work proceeds in accordance with the following scale:—

	Amount of Loan—		
	£200.	£200-£1,500.	Over £1,500.
Each inspection	£0 10 6	.. £0 15 0	.. £1 1 0

An amount of 2s. for each mile the property offered as security is beyond the City Area as defined in the *City Area Leases Ordinance 1924-1929* will be charged in addition to the amounts stated in the scale for each inspection.

5. The Borrower will be required to mortgage to the Commissioner the property offered as security in accordance with the form adopted by the Commissioner.

6. Subject to the provisions of Clause 8, the Borrower will pay interest on the amount of the loan or the amount for the time being unpaid, at a rate to be fixed by the Minister.

7. The amount lent will be repayable, in the case of a brick house, within thirty-five years, and in the case of a wooden house, within twenty-five years by equal monthly repayment instalments which include:—

- (a) interest on the amount of the loan for the time being unrepaid at the net rate, namely, a rate which is one per centum less than the rate the Minister fixes in accordance with Clause 6; and
- (b) repayment of principal.

8. Interest at one per centum included in the interest referred to in Clause 6 will be payable separately on the dates fixed for payment of the repayment instalments, but the Commissioner will waive payment of such interest in each case in which payment of a repayment instalment is made not later than the due date for payment and may waive payment of the whole or any portion of such interest, if he deems it advisable so to do, in any case in which payment of a repayment instalment is made after the due date for payment.

9. In the case of a loan for the purpose of the erection of any dwelling house or the enlargement of any existing dwelling house the amount of the loan may be advanced by instalments and interest at the rate of One per centum more than the net rate aforesaid, on so many of the instalments as have for the time being been advanced computed from the respective dates of the same being advanced to the first day of the calendar month following the month in which the last instalment of the loan is advanced, will be charged:

Provided that if on or before the first day of the calendar month following the month in which the last instalment is advanced to the Borrower, interest at the net rate aforesaid is paid by the Borrower on so many of the instalments as have then been advanced computed from the respective dates of the same being advanced, interest at the net rate in lieu of interest at one per centum more than the net rate will be accepted.

10. The first monthly repayment instalment payable by the Borrower in accordance with Clause 7 hereof will be payable on the first day of the second month following the month in which the last instalment of the loan is advanced.

11. The Borrower will be entitled at any time to repay the whole amount of the principal and interest for the time being owing and unpaid.

12. The Borrower will be entitled, on any day on which a repayment instalment is payable, to repay in addition to the repayment instalment an amount of Five pounds or any multiple of Five pounds. Interest will be allowed on any amount so repaid at a rate which is one per centum less than the net rate aforesaid, but the Borrower will not be relieved from his obligation to pay the monthly instalments on the due dates for payment thereof.

13. Any amounts paid by the Borrower will be appropriated firstly in or towards satisfaction of any interest that may at the time be due and payable and the balance will be appropriated towards repayment of the principal.

14. The Borrower will pay ground rent, rates and taxes, and keep the property in good and tenantable repair.

15. The Borrower will insure the property to the full insurable value in the name of the Commissioner and will lodge the insurance policy and receipts for periodical renewal with the Commissioner.

16. The Borrower will not let the property or give a second mortgage over it or dispose of his estate or interest therein, except with the written consent of the Commissioner.

17. The Borrower will be required to obtain a Surveyor's Certificate showing that the building is entirely within the boundaries of the land. The certificate must be obtained when the foundations have been laid and before commencing building operations the Borrower must ensure that he is complying with the requirements of the *Building and Services Ordinance 1924-1928*.

Dated the thirty-first day of July, 1930.

ARTHUR BLAKELEY
Minister of State for Home Affairs.

By Authority: H. J. GREEN, Government Printer, Canberra.