



ANNO UNDECIMO

## ELIZABETHAE II REGINAE

A.D. 1962

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### No. 25 of 1962

An Act to provide for the establishment of a Housing Loans Redemption Fund and for other purposes.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Housing Loans Redemption Fund Act, 1962". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. In this Act, unless the context otherwise requires— Interpretation.

"approved authority" means an authority approved by the Treasurer pursuant to section 11 of this Act :

"borrower" means a person who whether before or after the commencement of this Act has obtained an advance, or has become legally liable for the repayment of an advance, from an approved authority upon the security of a dwellinghouse to be used by the borrower as a home for himself and his dependants :

"contributor" means a borrower who, in accordance with the provisions of this Act, contributes to the fund in respect of an advance (or part thereof) from an approved authority :

“dependant” includes the parents or other relative dependant upon a borrower :

“the fund” means the Housing Loans Redemption Fund :

“nominated contributor” means the joint contributor who is accepted by an approved authority at the time of the application by joint borrowers to become joint contributors as the borrower principally responsible for the support of the joint borrowers and their dependants.

For the purposes of this Act a person who enters into an agreement with an approved authority for the purchase of a dwellinghouse which is intended to be used by him as a home for himself and his dependants by the payment of the purchase-money and interest thereon by periodical instalments shall be deemed to be a borrower and the amount of the purchase-money less any deposit paid at the time of the making of the agreement shall be deemed to be an advance.

**Housing  
Loans  
Redemption  
Fund.**

4. (1) There shall be an account kept at the Treasury to be called “the Housing Loans Redemption Fund”.

(2) The Treasurer shall, out of moneys standing to the credit of the Home Purchase Guarantee Fund, advance to the fund the sum of £50,000 within one month after the commencement of this Act. This Act shall without further appropriation be sufficient authority for the Treasurer to make the said advance.

(3) There shall be paid to the credit of the fund any moneys which may from time to time be provided by Parliament for the purpose.

(4) The Treasurer shall pay to the credit of the fund all moneys received by him from approved authorities pursuant to this Act.

(5) The Treasurer shall credit the fund with interest upon the amount standing to the credit of the fund from time to time (other than any amounts advanced by the Treasurer) at the current long term bond rate as defined in the Housing Agreement executed in pursuance of the Housing Agreement Act, 1956, as amended by the Agreement executed in pursuance of the Housing Agreement Act, 1961.

(6) The fund shall, subject to this Act, be applied in the re-payment to approved authorities of advances made to contributors.

5. A borrower (other than a joint borrower) who is less than thirty-six years of age may become a contributor upon the following conditions :—

Applications to become contributor.

- (a) he shall satisfy the Treasurer and the approved authority from which he has obtained an advance that he is in good health ;
- (b) the advance in respect of which the borrower applies to become a contributor shall be repayable in full together with interest thereon in equal periodical instalments over a period expiring before the date upon which the borrower would reach the age of sixty-six years : Provided that in no case shall the period over which such instalments are repayable exceed forty years ;
- (c) the Treasurer or an approved authority may in his or its absolute discretion refuse an application by a borrower to become a contributor.

6. Two or more joint borrowers may become joint contributors upon the following conditions :—

Joint Borrowers.

- (a) they shall satisfy the Treasurer and the approved authority from which they have obtained an advance that the nominated contributor is in good health ;
- (b) the nominated contributor shall be less than thirty-six years of age ;
- (c) the advance in respect of which they apply to become joint contributors shall be repayable in full together with interest thereon in equal periodical instalments over a period expiring before the date upon which the nominated contributor would reach the age of sixty-six years : Provided that in no case shall the period over which such instalments are repayable exceed forty years.
- (d) the Treasurer or an approved authority may in his or its absolute discretion refuse an application by joint borrowers to become joint contributors.

7. (1) Contributors shall contribute to the fund at the rates applicable to the amount of the advance set forth in the schedule to this Act or such other rates as may be prescribed.

Contributions to Fund.

(2) Contributors may at any time by three months' written notice to an approved authority elect to reduce the proportion of an advance for which they desire to contribute



in respect of the advance as and when the same became due and payable, together with any interest which would have accrued thereon but not fallen due for payment for a period not exceeding one month, shall be paid from the fund to the approved authority ;

- (b) upon the death of a nominated contributor so much of the amount of the advance (or part thereof) in respect of which the contributors were contributing at the date of such death as would then have remained unpaid if the contributors had paid only all periodical instalments and other amounts payable in respect of the advance as and when the same became due and payable, together with any interest which would have accrued thereon but not fallen due for payment for a period not exceeding one month, shall be paid from the fund to the approved authority ;
- (c) any part of an amount paid to the approved authority pursuant to paragraph (a) or paragraph (b) of this subsection which exceeds the amount due and owing to the approved authority in respect of the advance (whether principal, interest, insurance or contributions) shall be paid by the authority to the legal personal representative of the deceased contributor or as the case may be to the survivor or survivors of joint contributors.

(2) No payment shall be made from the fund—

- (a) in respect of a contributor or a nominated contributor who dies by his own hand within one year and thirty days after the payment of the first contribution to the fund ; or
- (b) if the contributor or contributors concerned has or have in connection with his or their application to become a contributor or contributors knowingly withheld any material information or supplied information false in a material particular ; or
- (c) upon the death of a borrower who has ceased to be a contributor.

(3) If at any time the amount of the fund is insufficient to meet payments under this section the Treasurer shall pay the amount of the deficiency out of the general revenue of the State which revenue is hereby appropriated so far as is necessary for that purpose.

**Fresh Advance.** **9.** If a contributor repays before the due date the whole or any part of an advance in respect of which he is a contributor and within a period of three months thereafter obtains from the same approved authority a further advance repayable in full on the same date as the previous advance, he may with the approval of the Treasurer become a contributor in respect of such further advance to an amount not exceeding the amount of the advance so repaid at the same rate of contribution as that in respect of the amount of the advance so repaid, notwithstanding that he may then be not less than thirty-six years of age.

**Second Mortgage Advances.** **10.** (1) A borrower may become a contributor in respect of an advance upon the security of a second mortgage notwithstanding that he is not a contributor in respect of an advance upon the security of a first mortgage over the same land.

(2) A contributor who obtains an advance upon the security of a second mortgage from an approved authority other than the approved authority in respect of which he is a contributor may with the concurrence of that authority become a contributor in respect of both advances.

**Approval of Authorities.** **11.** (1) The Treasurer may approve of any institution, corporation or body for the purposes of this Act upon such terms and conditions including conditions as to the mode of administration of this Act and the keeping and furnishing of records and reports as the Treasurer may think fit. Any such terms and conditions may, with the concurrence of the approved authority, be varied by the Treasurer from time to time.

(2) Approved authorities shall pay to the Treasurer all contributions received by them from contributors under this Act.

**Regulations.** **12.** The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

## THE SCHEDULE.

## SCHEDULE OF CONTRIBUTION RATES

(Shillings per annum per £1,000 of advance which is outstanding at the time contributions are commenced and subject to contribution)

Unexpired Period of Advance in Years	Age of Borrower in Completed Years when commencing to contribute										
	25 and under	26	27	28	29	30	31	32	33	34	35
10 and under	30	31	32	33	34	35	36	37	38	39	40
11	30	31	32	33	34	35	36	37	38	39	40
12	31	32	32	33	35	36	37	38	40	41	42
13	31	32	33	34	35	36	37	39	40	41	43
14	31	32	33	34	35	37	38	40	41	42	45
15	32	33	34	35	36	38	39	41	42	44	46
16	32	33	34	36	37	39	40	42	44	46	48
17	32	34	35	36	38	39	41	43	45	47	49
18	33	34	35	37	38	40	42	44	46	48	51
19	34	35	36	38	39	41	43	45	47	50	52
20	34	35	36	38	40	42	44	46	49	51	54
21	34	36	37	39	41	43	45	47	50	53	56
22	35	36	38	40	42	44	46	49	52	55	58
23	35	37	39	41	43	45	47	50	53	56	60
24	36	38	40	42	44	46	49	52	55	58	62
25	37	39	41	43	45	47	50	53	56	60	65
26	38	39	41	43	46	48	51	54	58	62	67
27	38	40	42	44	47	50	53	56	60	65	70
28	39	41	43	45	48	51	54	58	63	68	73
29	40	42	44	46	49	52	56	60	65	71	76
30	40	42	45	48	51	54	58	62	68	74	80
31	41	43	46	49	52	56	60	65	71	77	—
32	42	45	47	50	54	58	62	67	73	—	—
33	43	46	49	52	56	60	64	70	—	—	—
34	45	47	50	54	58	62	67	—	—	—	—
35	46	48	52	56	60	65	—	—	—	—	—
36	47	50	54	58	63	—	—	—	—	—	—
37	49	52	56	61	—	—	—	—	—	—	—
38	51	55	59	—	—	—	—	—	—	—	—
39	53	57	—	—	—	—	—	—	—	—	—
40	55	—	—	—	—	—	—	—	—	—	—

1. Where the amount of advance which is outstanding at the time contributions are commenced and subject to contribution is not an exact multiple of £1,000, the annual premium shall be calculated to the nearest whole shilling, sixpence being taken to be one shilling.

2. Where the unexpired period of the advance subject to contribution, at the time contributions are commenced, is not an exact number of years, the fractional period of a year shall be counted as a further whole year for the purposes of determining the contribution rate.