



Statutory Rules

1975 No. 90

REGULATIONS UNDER THE DEFENCE SERVICE HOMES ACT 1918-1974.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Defence Service Homes Act* 1918-1974.

Dated this twenty-ninth day of May, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

LES JOHNSON
Minister of State for Housing and Construction.

AMENDMENTS OF THE DEFENCE SERVICE HOMES REGULATIONS†

Repeal of
regulation 12.

1. Regulation 12 of the Defence Service Homes Regulations is repealed.

Payment
for repairs.

2. (1) Regulation 18 of the Defence Service Homes Regulations is amended by omitting from sub-regulation (1) the words "at the same annual rate as that which is payable on the purchase money or advance" and substituting the words "chargeable in accordance with the Act".

(2) Notwithstanding the amendment made by sub-regulation (1), regulation 18 of the Defence Service Homes Regulations as in force immediately before the date of the commencement of these Regulations continues to apply in relation to repairs effected by the Director in pursuance of sub-section 31 (2) of the Act before 6 December 1974.

Appropriation
of amounts
paid to
Director.

3. Regulation 23 of the Defence Service Homes Regulations is repealed and the following regulation substituted:—

"23. When an amount is paid to the Director by a purchaser or borrower, the amount shall be appropriated by the Director in the following order:—

- (a) first, in payment of any moneys owing by the purchaser or borrower—
 - (i) under sub-section 30B (7) of the Act;
 - (ii) in respect of fees, charges or costs payable under regulation 11;

* Notified in the *Australian Government Gazette* on 30 May 1975.

† Statutory Rules 1936, No. 74, as amended by Statutory Rules 1945, No. 202; 1946, No. 66; 1947, No. 93; 1949, Nos. 13 and 29; 1951, No. 16; 1956, No. 17; 1957, Nos. 18 and 54; 1962, No. 42; 1964, No. 55; 1969, No. 164; 1972, No. 172; 1973, Nos. 50 and 173; and 1974, No. 117.

- (iii) in repayment of any moneys paid by the Director on behalf of the purchaser or borrower other than moneys paid by the Director under sub-section 29AA (4) or (5) or paragraph 31 (2) (a) or 36 (1c) (a) of the Act; and
 - (iv) for interest that has accrued on any moneys to which sub-paragraphs (ii) and (iii) apply;
- (b) second, in payment of any insurance premiums due by the purchaser or borrower;
- (c) third, in payment of interest due by the purchaser or borrower (other than interest to which paragraph (a) applies) in respect of—
 - (i) any purchase money or advance under the Act;
 - (ii) any costs charged against the purchaser or borrower under sub-section 18A (3) of the Act;
 - (iii) any amounts paid by the Director on behalf of the purchaser or borrower under sub-section 29AA (4) or (5) or paragraph 31 (2) (a) of the Act; and
 - (iv) any expenses incurred by the Director in effecting repairs under paragraph 36 (1c) (a) of the Act,
 where the interest has accrued at the rate specified in sub-section 30 (1) of the Act;
- (d) fourth, in payment of interest due by the purchaser or borrower (other than interest to which paragraph (a) applies) in respect of—
 - (i) any purchase money or advance under the Act;
 - (ii) any costs charged against the purchaser or borrower under sub-section 18A (3) of the Act;
 - (iii) any amounts paid by the Director on behalf of the purchaser or borrower under paragraph 31 (2) (a) of the Act; and
 - (iv) any expenses incurred by the Director in effecting repairs under paragraph 36 (1c) (a) of the Act,
 where the interest has accrued at a rate higher than that specified in sub-section 30 (1) of the Act;
- (e) fifth, in payment or repayment, as the case may be, of—
 - (i) any purchase money or advance due under the Act;
 - (ii) any costs charged against the purchaser or borrower under sub-section 18A (3) of the Act and due under the Act;
 - (iii) any amounts paid by the Director on behalf of the purchaser or borrower under sub-section 29AA (4) or (5) or paragraph 31 (2) (a) of the Act and due under the Act; and
 - (iv) any amounts due by the purchaser or borrower under paragraph 36 (1c) (a) of the Act,
 in respect of which interest is payable at the rate specified in sub-section 30 (1) of the Act; and
- (f) sixth, in payment or repayment, as the case may be, of—
 - (i) any purchase money or advance due under the Act;
 - (ii) any costs charged against the purchaser or borrower under sub-section 18A (3) of the Act and due under the Act;
 - (iii) any amounts paid by the Director on behalf of the purchaser or borrower under paragraph 31 (2) (a) of the Act and due under the Act; and

- (iv) any amounts due by the purchaser or borrower under paragraph 36 (1c) (a) of the Act,
in respect of which interest is payable at a rate higher than that specified in sub-section 30 (1) of the Act.”.

Payment by
applicant of
interest on
progress
payments.

4. Regulation 26 of the Defence Service Homes Regulations is amended by adding at the end thereof the following sub-regulation:—

“(2) Where portion of the purchase money payable to the Director by an applicant for the purchase of a dwelling-house erected under section 17 of the Act is to bear interest at the rate specified in sub-section 30 (1) of the Act (in this sub-regulation referred to as the ‘lower rate’) and portion of the purchase money is to bear interest at a rate higher than that specified in that sub-section (in this sub-regulation referred to as the ‘higher rate’), the interest which the applicant shall be liable to pay to the Director under sub-regulation (1) is—

- (a) interest at the lower rate in respect of so much of the amounts first paid in progress payments as equals that portion of the purchase money payable by the applicant to the Director for the purchase of the dwelling-house that is to bear interest at the lower rate; and
- (b) interest at the higher rate in respect of any further amounts paid in progress payments.”.

Interest.

5. Regulation 44 of the Defence Service Homes Regulations is amended—

- (a) by omitting the words “at the prescribed rate” and substituting the words “chargeable in accordance with the Act”; and
- (b) by adding at the end thereof the following sub-regulation:—

“(2) Where portion of an advance is to bear interest at the rate specified in sub-section 30 (1) of the Act (in this sub-regulation referred to as the ‘lower rate’) and portion of the advance is to bear interest at a rate higher than that specified in that sub-section (in this sub-regulation referred to as the ‘higher rate’), the interest which the borrower shall be liable to pay to the Director under sub-regulation (1) is—

- (a) interest at the lower rate in respect of so much of the amounts first paid in instalments as equals that portion of the advance that is to bear interest at the lower rate; and
- (b) interest at the higher rate in respect of the additional amounts paid in instalments.”.