

NORTHERN TERRITORY OF AUSTRALIA

HOUSING REGULATIONS

As in force at 15 July 2001

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HOUSING REGULATIONS

Regulations under the *Housing Act*

Part I Preliminary

1 Citation

These Regulations may be cited as the *Housing Regulations*.

2 Commencement

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

3 Definition

In these Regulations, unless the contrary intention appears, ***eligible person*** means a person who is, in the opinion of the Chief Executive Officer (Housing):

- (a) of limited means; and
- (b) not adequately housed.

Part II Letting of Dwellings

4 Powers of Chief Executive Officer (Housing) to let dwellings

- (1) Subject to this regulation, the Chief Executive Officer (Housing) may let a dwelling to an eligible person.
- (2) A letting under subregulation (1) shall be:
 - (a) subject to regulation 5, at the rent of the dwelling determined under section 23 of the Act for that dwelling; and
 - (b) in accordance with these Regulations and any conditions which the Chief Executive Officer (Housing) thinks fit.

- (3) The Chief Executive Officer (Housing) may, in letting a dwelling under subregulation (1), give preference to an eligible person who, in its opinion:
- (a) is occupying an insanitary or overcrowded dwelling-place;
 - (b) is living under unsatisfactory housing conditions; or
 - (c) is homeless.
- (4) The Chief Executive Officer (Housing) shall not let a dwelling under this regulation to a person unless the Chief Executive Officer (Housing) is satisfied that the person intends to use the dwelling as a home for himself or his dependants and for no other purpose.
- (5) Subject to subregulation (4), with the consent in writing of the Minister, the Chief Executive Officer (Housing) may, for a period not exceeding 6 months, let a dwelling to a person who is not an eligible person but who has been displaced from a dwelling-place by process of law and who, in its opinion:
- (a) is occupying an insanitary or overcrowded dwelling-place;
 - (b) is living under unsatisfactory housing conditions; or
 - (c) is homeless.

5 Rebates of rent

The Chief Executive Officer (Housing) may, in its discretion, grant a rebate of the whole of the rent payable in respect of a dwelling by an eligible person, or of such portion of that rent as it thinks fit, and for such period as it thinks fit.

Part III Provision of housing for approved persons and their employees

6 Definition

In this Part, unless the contrary intention appears, ***approved person*** means:

- (a) the Commonwealth or the Territory;
- (b) an authority or body constituted by or under a law of the Commonwealth or of the Territory;

- (c) an individual, partnership, company, co-operative trading society or association engaged in:
 - (i) commercial or industrial business activities; or
 - (ii) activities of defence significance,in the Territory and approved by the Minister for the purposes of this Part after considering the recommendation of the Chief Executive Officer (Housing);
- (d) a body (other than a body referred to in paragraph (e)) approved by the Minister and taken to be registered in the Territory by virtue of section 119A of the Corporations Act 2001; or
- (e) a body approved by the Minister that, in the opinion of the Minister, carries out or promotes in the Territory services and programmes for the benefit of the community.

7 Acquisition, sale and letting of dwellings

- (1) Subject to this Part, the Chief Executive Officer (Housing) may acquire a dwelling and let or sell it to an approved person or to an employee of an approved person upon such terms and conditions as are:
 - (a) agreed upon between the Chief Executive Officer (Housing) and the approved person or the employee, as the case may be; and
 - (b) if the dwelling is to be let or sold to a person referred to in regulation 6(c) or to the employee of such a person – approved by the Minister.
- (2) Where the Chief Executive Officer (Housing) lets or sells under subregulation (1) a dwelling, the terms and conditions referred to in that subregulation apply to and in relation to the letting or selling whether or not the person to whom the dwelling is let or sold is an approved person.

8 Rent of dwellings let to Commonwealth, public authorities or their employees

The rent for a dwelling let under regulation 7 to a person referred to in regulation 6(a) or (b), or to the employee of such a person, shall be at the rent determined under section 23 of the Act for that dwelling.

9 Sale price

Subject to section 35 of the Act, the price at which a dwelling shall be sold under regulation 7 is the market value of the dwelling.

10 Chief Executive Officer (Housing) as agent for approved person

For the purposes of assisting an approved person to obtain, at his or its own expense, housing for his or its employees, the Chief Executive Officer (Housing) may, with the approval of the Minister and with the consent and at the expense of the person, act as the agent of that person in arranging for the construction or purchase of the housing and, without limiting the generality of the foregoing, may:

- (a) conduct negotiations; and
- (b) enter into contracts,

on behalf of that person.

11 Assistance to charitable bodies

In addition to the assistance otherwise available under these Regulations to a body referred to in regulation 6(e), the Chief Executive Officer (Housing) may, with the approval of the Minister and on such terms and conditions as he, after consultation with the Chief Executive Officer (Housing), approves:

- (a) acquire a building and let or sell it to that body; or
- (b) assist or act as agent in the manner described in regulation 10 in connection with the obtaining of a building,

for use by that body, otherwise than as a residence, for or in connection with its day-to-day activities.

Part IV Miscellaneous**12 Building for private person**

The Chief Executive Officer (Housing) may enter into a contract with a private person who is the holder of land, whether freehold or leasehold, for the building of a dwelling on that land, on such terms as shall be agreed upon between the Chief Executive Officer (Housing) and the private person.

13 Prescribed requirements for exemption under section 29(3) of Act

For the purposes of section 29(3) of the Act, the prescribed requirement which a mortgagor referred to in that section must satisfy before he may be given an exemption under that section is that:

- (a) he is required to be relocated to another place as a direct result of essential continuing medical treatment, not locally available, for himself or a member of his immediate family;
- (b) his employment requires him to be relocated to another place in the Territory;
- (c) he had exercised his rights under a scheme made under the Act to transfer his loan arrangements;
- (d) where the property the subject of his mortgage referred to in section 29(2) of the Act is also subject to another mortgage – he satisfies the Minister that he would, if subjected to the operation of that section, and for no other reason, be unable to discharge that other mortgage;
- (e) he satisfies the Minister that he would, if subjected to the operation of section 29(2) of the Act, and for no other reason, suffer a financial loss other than a loss of profit; or
- (f) he satisfies the Minister that the sale or disposal of the property the subject of his mortgage referred to in section 29(2) of the Act is due to circumstances that warrant special consideration.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Housing Regulations (SL No. 10, 1983)

Notified	25 March 1983
Commenced	15 April 1983 (r 2, s 2 <i>Housing Act 1982</i> (Act No. 76, 1982) and Gaz G5, 4 February 1983, p 3)

Amendment of the Housing Regulations (SL No. 36, 1985)

Notified	11 December 1985
Commenced	15 January 1986 (r 2, s 2 <i>Housing Amendment Act 1984</i> (Act No. 48, 1984) and Gaz G2, 15 January 1986, p 8)

Amendment of Housing Regulations (SL No. 21, 1998)

Notified	1 July 1998
Commenced	1 July 1998

Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

3 LIST OF AMENDMENTS

rr 3 – 5	amd No. 21, 1998, r 2
r 6	amd No. 21, 1998, r 2; Act No. 17, 2001, s 22
r 7	amd No. 21, 1998, r 2
rr 10 – 12	amd No. 21, 1998, r 2
r 13	ins No. 36, 1985, r 3