

# NORTHERN TERRITORY OF AUSTRALIA

## HOUSING ACT

As in force at 14 June 2006

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 14 June 2006

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## HOUSING ACT

**An Act to provide for the provision of housing and other accommodation for letting or sale, and for related purposes**

### **Part I                      Preliminary**

#### **1                      Short title**

This Act may be cited as the *Housing Act*.

#### **2                      Commencement**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### **3                      Repeal**

The Acts specified in the Schedule are repealed.

#### **4                      Application**

This Act binds the Crown in right of the Territory.

#### **5                      Definitions**

In this Act, unless the contrary intention appears:

***acceptable behaviour agreement*** means an agreement referred to in section 18A(1).

***antisocial behaviour*** includes violence, vandalism, littering and making excessive noise.

***appoint*** includes reappoint.

***dwelling*** means a house built or otherwise acquired, and retained, by the Chief Executive (Housing) or a house in the control of the Chief Executive (Housing) as agent for the purpose of section 16(2)(h).

**equipment**, in relation to a dwelling, includes any furnishings, fitments and appliances provided in the dwelling by the Chief Executive (Housing) for the better use of the dwelling as a residence.

**former Act** means the *Housing Act* as in force immediately before the commencement of this Act.

**former Commission** means the Northern Territory Housing Commission established by the former Act.

**Home Finance Trustee** means the Home Finance Trustee within the meaning of section 4 of the *Housing Loans Act*.

**house** means a residence of any kind and includes:

- (a) a unit within the meaning of the *Unit Titles Act*, a flat, a hostel or a transportable home;
- (b) accommodation declared by the Minister, by notice in the *Gazette*, to be a house for the purposes of this Act; and
- (c) the appurtenances, out-buildings, fences and permanent provision for lighting, water supply, drainage and sewerage provided in connection with a house,

and, in relation to letting, vacating, evicting or selling, also includes the land on which a house is situated, but does not otherwise include any land.

**let**, in relation to a dwelling, includes sub-let and also includes lease or sub-lease the land on which the dwelling is situated.

**maintain** means repair, alter, extend, renovate, equip, furnish or otherwise affect premises.

**market value**, in relation to a dwelling, means the highest amount that, in the opinion of the Valuer-General, the dwelling, including the land on which the dwelling is situated, could be sold for if offered for sale by private treaty.

**premises** means a house and includes the land upon which a house is built.

## **Part II                      Chief Executive (Housing)**

### **Division 1                Chief Executive (Housing)**

#### **6                      Northern Territory Housing Commission**

- (1) There is established by this Act a Commission by the name of the Chief Executive Officer (Housing).
- (2) The Chief Executive Officer (Housing):
  - (a) is a body corporate sole with perpetual succession;
  - (b) shall have a common seal; and
  - (c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Chief Executive Officer (Housing) affixed to a document and shall presume that it was duly affixed.

#### **7                      Constitution of Chief Executive Officer (Housing)**

The Chief Executive Officer (Housing) is constituted by the Chief Executive Officer, as defined in section 3 of the *Public Sector Employment and Management Act*, of the Agency responsible under the Minister for the administration of this Act.

#### **11                    Disclosure of interest**

- (1) Where the Chief Executive Officer, as defined in section 3 of the *Public Sector Employment and Management Act*, of the Agency responsible under the Minister for the administration of this Act has a direct or indirect pecuniary interest in a matter being or to be considered by the Chief Executive Officer (Housing) he shall, as soon as practicable after he becomes aware of a potential conflict of interest because of that pecuniary interest, disclose the nature of it to the Minister, and the Chief Executive Officer (Housing) shall, subject to subsection (2), refrain from further consideration of, or from considering, that matter.
- (2) The Minister may, after considering the nature of the pecuniary interest disclosed to him under subsection (1) by the Chief Executive Officer (Housing), direct the Chief Executive Officer (Housing) to continue its consideration of, or to consider, the matter which caused the Chief Executive Officer (Housing) to make that disclosure.

## **14                      Delegation**

- (1) The Minister may, in writing, delegate to a person any of the powers and functions of the Minister under this Act, other than this power of delegation.
- (1A) The Chief Executive Officer (Housing) may, in writing under its seal, delegate to a person any of its powers and functions under this or any other Act, other than this power of delegation.
- (1B) A delegation under this section may be to a named person or to a person from time to time holding, acting in or performing the duties of an office, designation or position.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Commission or the Minister, as the case may be.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commission or the Minister.

## **Division 2                      Functions and powers of the Chief Executive Officer (Housing)**

### **15                      Functions of Chief Executive Officer (Housing)**

The functions of the Chief Executive Officer (Housing) are:

- (a) to provide and to assist in the provision of residential accommodation;
- (b) to provide accommodation, whether residential, office, industrial or otherwise, for Commonwealth or Territory public purposes; and
- (c) any other functions imposed on the Chief Executive Officer (Housing) under this or any other Act.

### **16                      Powers of Chief Executive Officer (Housing)**

- (1) Subject to this Act, the Chief Executive Officer (Housing) has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions and the exercise of its powers.

- (2) Without limiting the generality of subsection (1), the Chief Executive Officer (Housing) may, for the purpose of carrying out its functions or exercising its powers, including the powers conferred upon it elsewhere under this or any other Act:
- (a) acquire, hold and dispose of real or personal property, or any interest therein, and any rights, privileges, permits, licences and authorities;
  - (b) prepare sites for building;
  - (c) build on land, including land held by a private person;
  - (d) maintain, manage and control premises;
  - (e) let premises;
  - (f) sell dwellings;
  - (g) provide financial and other assistance for the acquisition of land or buildings for accommodation, and for building and maintaining premises for accommodation;
  - (h) act as agent for the Commonwealth or Territory in administering a Commonwealth or Territory housing scheme;
  - (j) manufacture or otherwise produce its own materials;
  - (k) build, purchase or otherwise acquire, with the approval in writing of the Minister, and maintain premises and other buildings for its own immediate or future office or industrial requirements;
  - (m) build, purchase or otherwise acquire, with the approval in writing of the Minister, and control, manage and maintain premises and other buildings for the immediate or future needs of the Commonwealth or Territory; and
  - (n) sell, lease or otherwise dispose of real or personal property, including any part of premises and buildings referred to in paragraph (k) or (m), that is then surplus to its own, the Commonwealth's or the Territory's needs.
- (3) Subject to this Act and to any rights or duties the Chief Executive Officer (Housing) may have as a mortgagee in a particular case, the Chief Executive Officer (Housing) shall not sell real or personal property (other than building materials) unless the sale is made either by public auction or after inviting public tenders for the purchase of the property.

- (3A) Where property remains unsold after being offered for sale by public auction or public tender under subsection (3), the Chief Executive Officer (Housing) may, either by itself or by an agent or agents appointed for the purpose, offer the property for sale to the public on such terms and conditions as the Chief Executive Officer (Housing) may specify.
- (3B) An offer under subsection (3A) shall remain open for a period of 6 months commencing with the day on which the public auction was held or, as the case may be, the public tenders closed, or until a binding arrangement for the sale of the property has been entered into, whichever is sooner.
- (3C) Notwithstanding that property may be offered for sale pursuant to subsection (3) or (3A), the Chief Executive Officer (Housing) may withdraw the property from sale at any time:
  - (a) where the property is offered under subsection (3), before the day on which the public auction is held or, as the case may be, public tenders are to close; or
  - (b) where the property is offered under subsection (3A), before a binding arrangement for sale has been entered into.
- (4) The Minister may, by instrument in writing, authorise the Chief Executive Officer (Housing) to sell, lease or otherwise dispose of real or personal property, being property of the Chief Executive Officer (Housing), to the Territory, a statutory corporation or a person of a class of persons specified in the authorisation, and the Chief Executive Officer (Housing) may sell, lease or otherwise dispose of the property accordingly.

## **17 Ministerial control**

In the exercise of its powers and the performance of its functions, the Chief Executive Officer (Housing) is subject to the directions of the Minister.

## **18 Power of Chief Executive Officer (Housing) to enter land and take property of Chief Executive Officer (Housing)**

- (1) Where property of the Chief Executive Officer (Housing) is upon, or affixed to or within a building located upon, land which is either not leased to the Chief Executive Officer (Housing) or leased to the Chief Executive Officer (Housing) and occupied by another person, the Chief Executive Officer (Housing) may, by such agents, servants and workmen as it thinks fit for the purpose, enter upon and remove its property from that land, and, for the purpose of such removal, use any road, railway, tramway or other facility of transport upon that land.

- (2) The owner, lessee, or person in occupation, of land entered upon in pursuance of subsection (1) shall be paid just compensation by the Chief Executive Officer (Housing) for damage, if any, suffered by him in respect of the entry or use of methods of transport.

### **18A Acceptable behaviour agreements**

- (1) The Chief Executive Officer (Housing) may give a tenant of premises leased from the Chief Executive Officer (Housing) written notice that the tenant is required to enter into an acceptable behaviour agreement by giving a written undertaking not to engage in antisocial behaviour on the premises.
- (2) The notice must include the following information in relation to the acceptable behaviour agreement:
- (a) the period, of not less than 28 days, within which the tenant is required to enter into the agreement;
  - (b) the period for which the agreement will have effect;
  - (c) a description of the antisocial behaviour and the terms of the agreement;
  - (d) a statement about the operation of the agreement as specified by subsection (5);
  - (e) a statement that the Chief Executive Officer (Housing) may apply to a court under section 99A of the *Residential Tenancies Act* for termination of the lease if the tenant:
    - (i) fails or refuses to enter into the agreement; or
    - (ii) seriously or repeatedly breaches the terms of the agreement.
- (3) The Chief Executive Officer (Housing) may require the tenant to enter into the acceptable behaviour agreement only if the Chief Executive Officer (Housing) is of the opinion the tenant, or another lawful occupier of the premises, is likely to engage on the premises in the antisocial behaviour described in the notice.
- (4) The opinion of the Chief Executive Officer (Housing) formed under subsection (3) must be based on:
- (a) the history of the tenant's lease; or
  - (b) the history of any previous lease under a tenancy agreement with the Chief Executive Officer (Housing), the former Commission or the Territory.

- (5) The operation of the acceptable behaviour agreement extends to the behaviour of any other person occupying the premises with the consent of the tenant and, subject to section 99A(3) of the *Residential Tenancies Act*, if the person engages in behaviour in breach of the acceptable behaviour agreement, the tenant is taken to have breached the agreement.
- (6) The acceptable behaviour agreement is of no effect if the notice requiring the tenant to enter into the agreement does not contain the statements required by subsection (2)(d) and (e).

## **19 Tenant to be responsible for maintenance of dwelling**

- (1) The tenant of a dwelling shall keep the dwelling and its equipment in the condition that, in the opinion of the Chief Executive Officer (Housing), it was in when that person became the tenant of that dwelling or as improved from time to time by the Chief Executive Officer (Housing), fair wear and tear, and damage by, or arising out of, fire, storm and tempest, flood or earthquake excepted.
- (2) Where the tenant of a dwelling has not complied with the requirements of subsection (1) in respect of the dwelling, the Chief Executive Officer (Housing) may enter that dwelling, by such agents, servants and workmen as it thinks fit for the purpose, and cause to be carried out any work necessary to make good the default of that tenant.
- (3) The costs and expenses reasonably incurred by the Chief Executive Officer (Housing) in exercising its powers under subsection (2) shall be a debt due and payable to the Chief Executive Officer (Housing) by the tenant of the dwelling in respect of which those powers were exercised.

## **20 Removal of illegal structures**

- (1) Where the tenant of a dwelling makes an alteration, addition or erection to, or demolishes the whole or any part of, premises leased by him from the Chief Executive Officer (Housing) without prior approval from the Chief Executive Officer (Housing), the Chief Executive Officer (Housing) may give notice in writing to the tenant requiring that the premises be returned to the state that they were in, or as near thereto as is practicable, prior to the alteration, addition, erection or demolition.
- (2) Where the tenant of a dwelling referred to in subsection (1) has not complied with a notice given under that subsection within 28 days after the date of service of the notice upon him, or such longer period as the Commission, by notice in writing to that tenant, allows, the Commission may, by such agents, servants and

workmen as it thinks fit for the purpose, enter the premises, and cause to be carried out any work necessary to make good the default of that tenant.

- (3) The costs and expenses reasonably incurred by the Commission in exercising its powers under subsection (2) shall be a debt due and payable to the Commission by the tenant of the dwelling in respect of which those powers were exercised.

## **Part III                      Money of Chief Executive Officer (Housing)**

### **21                      Moneys of Chief Executive Officer (Housing)**

The moneys of the Chief Executive Officer (Housing) consist of:

- (a) moneys paid to the Chief Executive Officer (Housing) out of money appropriated for the purpose by the Legislative Assembly;
- (b) such moneys as the Chief Executive Officer (Housing) receives in the performance of its functions and the exercise of its powers;
- (c) moneys lent to the Chief Executive Officer (Housing) by the Territory or the Treasurer, or by a statutory corporation or financial institution; and
- (d) moneys advanced under section 27 to the Chief Executive Officer (Housing).

## **Part IV                      Provision of housing and rental of dwellings**

### **22                      Chief Executive Officer (Housing) to administer prescribed housing schemes**

Subject to section 16(2)(h), the Chief Executive Officer (Housing) shall not, except with the consent in writing of the Minister, administer a housing scheme other than a prescribed housing scheme.

### **23                      Rent payable for dwellings**

- (1) The Minister may, from time to time, by notice in the Gazette determine the rent to be paid for a dwelling or a class of dwelling.
- (2) A determination under this section may be subject to conditions that the Minister thinks fit.

- (3) A determination under this section is to specify the date on which the rent will become payable for the dwelling or the class of dwelling.
- (4) The rent to be paid for a dwelling is the rent determined from time to time under subsection (1) and the rent is to be paid despite anything to the contrary contained in the tenancy agreement entered into in respect of the dwelling or in any arrangement or agreement, or alleged arrangement or agreement, between the tenant of the dwelling and any other person (including the Chief Executive Officer (Housing), the former Commission, the Territory or their employees or agents).

## **Part V                    Provision of housing assistance**

### **24                    Housing assistance schemes**

- (1) The Chief Executive Officer (Housing) must not administer a housing assistance scheme unless the Minister consents in writing to the Chief Executive Officer (Housing) administering the scheme or, if any amendments are made to the scheme, the scheme as amended.
- (2) In subsection (1):

***housing assistance scheme*** means a scheme for providing assistance in the purchase of housing.

### **25                    Trust account**

- (1) Notwithstanding the repeal, on the commencement of this Act, of section 33K of the former Act, the trust account established in pursuance of that section continues in existence for the purposes of subsection (2).
- (2) The Chief Executive Officer (Housing) shall, in respect of the trust account continued in existence under subsection (1), debit to that account:
  - (a) all repayments of advances made to the Chief Executive Officer (Housing) under this Part or formerly made to the Home Finance Trustee under the *Housing Loans Act*;
  - (b) all payments of interest on advances referred to in paragraph (a); and
  - (c) all moneys paid or advanced by the Chief Executive Officer (Housing) under this Part or formerly paid or advanced by the Home Finance Trustee under the *Housing Loans Act*

(including costs of administration, maintenance, repairs or insurance of buildings).

## **26 Money may be advanced or paid for certain purposes**

For the purposes of carrying out a prescribed housing assistance scheme, the Chief Executive Officer (Housing) may, on such terms and conditions as the Treasurer thinks fit (including a condition that the money need not be repaid or refunded to the Chief Executive Officer (Housing)), advance money to, or pay money on behalf of, a person to whom such a scheme relates to enable the person:

- (a) to erect a house on land owned or leased by the person;
- (b) to purchase land or a lease of land and erect a house on the land;
- (c) to purchase land on which a house is erected or a lease of such land;
- (d) to purchase a dwelling;
- (e) to complete a partially erected house owned by the person;
- (f) to repair a damaged house owned by the person;
- (g) to modify a house owned by the person;
- (h) to purchase land or a lease of land on which is situated a partially erected or damaged house and complete the erection or repair of the house;
- (j) to exchange a house owned by the person; and
- (k) to discharge a mortgage, charge or encumbrance already existing on land or a lease of land.

## **27 Chief Executive Officer (Housing) may accept advances**

For the purposes of this Part, the Chief Executive Officer (Housing) may accept an advance made to it by a person approved by the Treasurer.

## **28 Maintenance and insurance of dwellings and houses**

The Chief Executive Officer (Housing) may make such payments as it thinks fit for the maintenance or insurance of a dwelling or house sold or in respect of which an advance has been made by it under this Part or formerly made by the Home Finance Trustee under the *Housing Loans Act* under a prescribed housing assistance scheme

in force under this Part or Part VIII or formerly in force under the *Housing Loans Act* and in respect of which an amount of purchase money or the advance is owing.

## **Part VII                      Miscellaneous**

### **29                      Annual reporting**

- (1) An annual report in respect of the operations of the Chief Executive Officer (Housing) during a financial year is to be included in or presented as a part of the annual report prepared under section 28 of the *Public Sector Employment and Management Act* in respect of the Agency responsible under the Minister for the administration of this Act.
- (2) Financial statements in respect of the Chief Executive Officer (Housing) are to be prepared and presented in accordance with sections 10, 11 and 12 of the *Financial Management Act*.

### **30                      Protection of persons acting for Chief Executive Officer (Housing)**

A person acting with the authority of the Chief Executive Officer (Housing) is not personally liable in respect of any matter or thing done or contract entered into:

- (a) by the Chief Executive Officer (Housing); or
- (b) by that person,

where the matter or thing was done, or the contract was entered into, in good faith for the purpose of executing this Act or any other Act conferring or imposing functions on the Chief Executive Officer (Housing).

### **31                      False statements in documents**

- (1) A person shall not, in a document furnished to the Chief Executive Officer (Housing) or to a person acting with the authority of the Chief Executive Officer (Housing), knowingly make a false statement.

Penalty:            \$1,000 or imprisonment for 6 months.

- (2) A prosecution for an offence against subsection (1) shall not, in respect of a loss or damage incurred by or to the Chief Executive Officer (Housing) as a consequence of the offence, interfere with or lessen a right or remedy by civil process by the Chief Executive Officer (Housing) against a person charged with that offence.

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**31A Change in income to be notified**

Where a person furnishes to the Chief Executive Officer (Housing) details of the person's income in an application for the grant of a rebate of rental under this Act or under a housing scheme administered by the Chief Executive Officer (Housing) under this Act and the application is granted, the person shall, during the period the person receives a rebate or participates in the housing scheme, not later than 28 days after a change occurs in the details so furnished, notify the Chief Executive Officer (Housing) of the change.

Penalty: \$1,000.

**31B Limitation of time for making complaint**

A complaint shall not be made in respect of an offence against section 31 or 31A after the expiration of 2 years after the date on which the alleged offence occurred.

**32 Liability for rates and water and sewerage charges, &c.**

(1) Notwithstanding the *Local Government Act*:

- (a) where the Chief Executive Officer (Housing) has acquired land within a municipality or community government area and there is a dwelling on the land or the Chief Executive Officer (Housing) proposes to erect a dwelling on that land, that land is rateable land for the purposes of the *Local Government Act*; and
- (b) the Chief Executive Officer (Housing) is liable for payment of a charge made by the Council of a municipality or community government area for a service provided for the removal of night-soil or garbage in respect of the land on which a dwelling is situated.

(2) A statement in writing by the Chief Executive Officer (Housing) that it proposes to erect a dwelling, or that it does not propose to erect a dwelling, on land specified in the statement is, for the purposes of this section, conclusive evidence as to that fact.

**34 Application to *Residential Tenancies Act***

The *Residential Tenancies Act* applies to and in relation to premises let under this Act.

**35 Minister may determine amount at which a dwelling shall be sold**

The Minister may, in writing, determine:

- (a) the amount; or
- (b) the method of determining the amount,

at which a dwelling, including the land on which the dwelling is situated, shall be sold under this Act and, accordingly, the Chief Executive Officer (Housing) shall not sell that dwelling except at that amount so determined.

**36 Service of documents**

A notice or other document which, under this Act, is required or permitted to be served on a person, may be so served:

- (a) by handing it or tendering it to the person;
- (b) by properly addressing and posting it by prepaid post to the last-known or usual place of abode or business of the person; or
- (c) by leaving it with some person apparently over the age of 16 years at the last-known or usual place of abode or business of the person.

**37 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may:
  - (a) make provision for and in relation to schemes for the provision of assistance in the purchase of housing, and including, for such purposes, the purchase of land where the purchase of the land is for the purpose of the construction of housing on that land;
  - (b) make provision for and in relation to types of housing schemes and the class of persons eligible under such housing schemes;

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- (c) subject to section 35, make provision for and in relation to the sale at market value of dwellings by the Chief Executive Officer (Housing);
  - (d) make provision for and in relation to housing for certain classes of persons or their employees;
  - (e) make provision for and in relation to the letting of dwellings by the Chief Executive Officer (Housing) to certain classes of persons and their employees;
  - (ea) make provision in relation to acceptable behaviour agreements, including the matters that may be included in an acceptable behaviour agreement and the form and content of the notice requiring a tenant to enter into an acceptable behaviour agreement;
  - (f) make provision for and in relation to the Chief Executive Officer (Housing) acting as an agent for the Commonwealth or the Territory in the administration of a Commonwealth or Territory housing scheme;
  - (fa) make provision for and in relation to the requirements which a mortgagor referred to in section 29(2) must satisfy in order to be eligible for an exemption under section 29(3);
  - (g) make provision for and in relation to the terms and conditions upon which a rate of interest shall be payable on the balance of the purchase price for the time being outstanding under a contract of sale of, or a mortgage in respect of, a dwelling by a person purchasing, under a prescribed housing scheme referred to in section 22, the dwelling; and
  - (h) prescribe penalties, not exceeding a fine of \$1,000 or imprisonment for a period not exceeding 6 months, for an offence against the Regulations.
- (3) Regulations made in pursuance of subsection (2)(g) may be expressed to apply to a housing scheme administered, in pursuance of section 33F(2) of the former Act, by the former Commission as agent for the Territory and, for such purposes:
- (a) the housing scheme shall be deemed to be a prescribed housing scheme referred to in section 22; and
  - (b) such regulations may be expressed to come into operation on a date before such regulations were made and shall, accordingly, be deemed to have come into operation on the date so specified.

## **Part VIII                      Transitional matters for Housing Act 1982**

### **41                      Continuation of existing schemes**

- (1) Notwithstanding the repeal, on the commencement of this Act, of Part III of the former Act, a scheme made under that Part and in force immediately before that repeal shall, on the commencement of this Act, continue in force but may be repealed or amended as though it were a scheme in force under this Act.
- (2) Notwithstanding the repeal, on the commencement of this Act, of sections 33G and 33H(1) of the former Act, a scheme referred to in either of those sections in force immediately before that repeal shall, on the commencement of this Act, continue in force but may be repealed or amended as though it were a scheme in force under this Act.
- (3) A reference to the Home Finance Trustee in a scheme referred to in subsection (2) shall be read as including a reference to the Chief Executive Officer (Housing).
- (4) Notwithstanding the repeal, on the commencement of this Act, of section 33H(3) of the former Act, the Regulations continued in force by that section, as in force immediately before the commencement of this Act, shall, on the commencement of this Act, continue in force as though made under this Act, but:
  - (a) a reference in those Regulations to the Home Finance Trustee shall be read as including a reference to the Chief Executive Officer (Housing); and
  - (b) those Regulations may be amended or repealed by regulations made under this Act.

### **42                      Enforcement of contracts against Home Finance Trustee**

- (1) A contract or agreement made by or with the Home Finance Trustee may be enforced:
  - (a) by and against the Chief Executive Officer (Housing) as if the contract or agreement had been made with the Chief Executive Officer (Housing); or
  - (b) against the Home Finance Trustee.

- (2) Where, in pursuance of subsection (1), a contract is enforceable against the Home Finance Trustee, the Chief Executive Officer (Housing):
- (a) may discharge all obligations of the Home Finance Trustee under the contract or agreement;
  - (b) may defend any action or resist any arbitration proceeding arising under the contract or agreement; and
  - (c) guarantees the payment of any moneys ordered or awarded to be paid by the Home Finance Trustee in the action or arbitration proceeding.

#### **43 Repayment of advance**

The Chief Executive Officer (Housing) shall repay, to a person who has advanced money to the Home Finance Trustee under the *Housing Loans Act*, the balance of moneys outstanding on the commencement of this Act, together with all interest accrued or accruing, in accordance with the terms and conditions on which the money was advanced to the Home Finance Trustee.

### **Part IX Transitional matters for Housing Amendment Act 2005**

#### **44 Definitions**

In this Part:

***commencement day*** means the day on which Part 2 of the *Housing Amendment Act 2005* comes into operation.

***repealed Home Purchase Regulations*** means the *Home Purchase Assistance Scheme Regulations* as in force immediately before the commencement day.

***repealed Housing Assistance Regulations*** means the *Housing Assistance Schemes Regulations* as in force immediately before the commencement day.

***repealed Housing Sales Regulations*** means the *Housing (Government Employees) Sales Scheme Regulations* as in force immediately before the commencement day.

**45 Scheme under repealed Home Purchase Regulations**

- (1) The scheme set out in the Schedule to the repealed Home Purchase Regulations is taken to be a scheme that the Chief Executive Officer (Housing) may administer under section 24 of this Act as amended by the *Housing Amendment Act 2005*.
- (2) Regulation 3(2) of those Regulations is taken to be a provision of the scheme referred to in subsection (1).

**46 Schemes under repealed Housing Assistance Regulations**

- (1) The schemes set out in Schedules 1 to 4 (inclusive) and 6 to 10 (inclusive) to the repealed Housing Assistance Regulations are taken to be schemes that the Chief Executive Officer (Housing) may administer under section 24 of this Act as amended by the *Housing Amendment Act 2005*.
- (2) Regulations 2, 3A, 4 and 5 of those Regulations are taken to be provisions of a scheme referred to in subsection (1), but only to the extent those regulations applied in relation to the scheme immediately before the commencement day.

**47 Scheme under repealed Housing Sales Regulations**

- (1) The scheme set out in the Schedule to the repealed Housing Sales Regulations is taken to be a scheme that the Chief Executive Officer (Housing) may administer under section 24 of this Act as amended by the *Housing Amendment Act 2005*.
- (2) Regulations 4 and 5 of those Regulations are taken to be provisions of the scheme referred to in subsection (1).

**Part X Transitional Matters for Housing Amendment Act (No. 2) 2005****48 Definitions**

In this Part:

***commencement day*** means the day on which the *Housing Amendment Act (No. 2) 2005* commences.

***repealed Housing (Concessional Loans) Regulations*** means the *Housing (Concessional Loans) Regulations* as in force immediately before the commencement day.

***repealed Housing Loans Regulations*** means the *Housing Loans Regulations* as in force immediately before the commencement day.

**49      Scheme under repealed Housing (Concessional Loans) Regulations**

The scheme set out in the Schedule to the repealed Housing (Concessional Loans) Regulations is taken to be a scheme that the Chief Executive Officer (Housing) may administer under section 24 of this Act.

**50      Scheme under repealed Housing Loans Regulations**

The scheme set out in the Schedule to the repealed Housing Loans Regulations is taken to be a scheme that the Chief Executive Officer (Housing) may administer under section 24 of this Act.

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**Schedule      Acts repealed**

section 3

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Number and year	Short title
No. 8, 1959	<i>Housing Ordinance 1959</i>
No. 18, 1960	<i>Housing Ordinance 1960</i>
No. 43, 1962	<i>Housing Ordinance (No. 2) 1962</i>
No. 74, 1963	<i>Housing Ordinance 1962</i>
No. 14, 1965	<i>Housing Ordinance 1965</i>
No. 43, 1966	<i>Housing Ordinance 1966</i>
No. 6, 1968	<i>Housing Ordinance 1968</i>
No. 9, 1969	<i>Housing Ordinance 1969</i>
No. 53, 1969	<i>Housing Ordinance (No. 2) 1969</i>
No. 17, 1970	<i>Housing Ordinance 1970</i>
No. 84, 1970	<i>Housing Ordinance (No. 2) 1970</i>
No. 6, 1971	<i>Housing Ordinance 1971</i>
No. 44, 1971	<i>Housing Ordinance (No. 2) 1971</i>
No. 60, 1972	<i>Housing Ordinance 1972</i>
No. 63, 1972	<i>Housing Ordinance (No. 2) 1972</i>
No. 21, 1973	<i>Housing Ordinance 1973</i>
No. 40, 1974	<i>Housing Ordinance (No. 2) 1974</i>
No. 41, 1974	<i>Housing Ordinance (No. 3) 1974</i>
No. 42, 1974	<i>Housing Ordinance (No. 5) 1974</i>
No. 56, 1974	<i>Housing Ordinance (No. 4) 1974</i>
No. 74, 1974	<i>Housing Ordinance (No. 6) 1974</i>
No. 27, 1975	<i>Housing Ordinance 1975</i>

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No. 32, 1975	<i>Housing Ordinance (No. 2) 1975</i>
No. 57, 1976	<i>Housing Ordinance 1976</i>
No. 9, 1977	<i>Housing Ordinance 1977</i>
No. 35, 1978	<i>Housing Ordinance 1978</i>
No. 29, 1979	<i>Housing Act 1979</i>
No. 66, 1979	<i>Housing Act (No. 2) 1979</i>

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## ENDNOTES

### 1 KEY

Key to abbreviations

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

### 2 LIST OF LEGISLATION

***Housing Act 1982 (Act No. 76, 1982)***

Assent date	8 December 1982
Commenced	15 April 1983 ( <i>Gaz</i> G15, 15 April 1983, p 3)

***Housing Amendment Act 1984 (Act No. 48, 1984)***

Assent date	25 September 1984
Commenced	15 January 1986 ( <i>Gaz</i> G2, 15 January 1986, p 8)

***Public Service and Statutory Authorities Amendment Act 1985 (Act No. 28, 1985)***

Assent date	26 June 1985
Commenced	26 June 1985

***Housing Amendment Act 1986 (Act No. 70, 1986)***

Assent date	19 December 1986
Commenced	1 July 1986 (s 2)

***Housing Amendment Act 1987 (Act No. 11, 1987)***

Assent date	25 June 1987
Commenced	1 July 1987 ( <i>Gaz</i> S48, 29 June 1987)

***Housing Amendment Act 1988 (Act No. 57, 1988)***

Assent date	25 November 1988
Commenced	1 December 1988 (s 2)

***Housing Amendment Act 1989 (Act No. 63, 1989)***

Assent date	7 November 1989
Commenced	7 November 1989

***Housing Amendment Act 1991 (Act No. 2, 1991)***

Assent date	22 February 1991
Commenced	22 February 1991

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***Housing Amendment Act 1992 (Act No. 43, 1992)***

Assent date 7 September 1992  
Commenced 7 September 1992

***Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)***

Assent date 31 December 1993  
Commenced 1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and Gaz S35, 20 May 1994)

***Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)***

Assent date 21 March 1995  
Commenced 1 April 1995 (s 2, s 2 *Financial Management Act 1992* (Act No. 4, 1995) and Gaz S13, 31 March 1995)

***Housing Amendment Act 1998 (Act No. 44, 1998)***

Assent date 27 May 1998  
Commenced s 11: 1 July 1997; rem: 1 July 1998 (Gaz S28, 1 July 1998, p 1)

***Residential Tenancies (Consequential Amendments) Act 1999 (Act No. 46, 1999)***

Assent date 10 November 1999  
Commenced 1 March 2000 (s 2, s 2 *Residential Tenancies Act 1999* (Act No. 45, 1999) and Gaz G8, 1 March 2000, p 2)

***Housing Amendment Act 2000 (Act No. 70, 2000)***

Assent date 14 December 2000  
Commenced 31 January 2001 (Gaz G4, 31 January 2001, p 4)

***Housing Amendment Act 2005 (Act No. 17, 2005)***

Assent date 5 May 2005  
Commenced pt 3: 30 June 2004; rem: 5 May 2005 (s 2)

***Housing Amendment Act (No. 2) 2005 (Act No. 41, 2005)***

Assent date 13 December 2005  
Commenced 13 December 2005

***Antisocial Behaviour (Miscellaneous Amendments) Act 2006 (Act No. 2, 2006)***

Assent date 8 March 2006  
Commenced 14 June 2006 (Gaz G24, 14 June 2006, p 3)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

ss 6(2), 14 and 15 *Housing Amendment Act 1998* (Act No. 44, 1998)  
s 4 *Housing Amendment Act 2000* (Act No. 70, 2000)

### 4 LIST OF AMENDMENTS

It	amd No. 44, 1998, s 4
s 5	amd No. 11, 1987, s 4; No. 44, 1998, ss 5 and 13
pt II hdg	amd No. 44, 1998, s 13
pt II	
div 1 hdg	sub No. 44, 1998, s 13
s 6	amd No. 44, 1998, s 6
s 7	sub No. 11, 1987, s 5; No. 44, 1998, s 7

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s 8	amd No. 28, 1985, s 9 sub No. 11, 1987, s 5 rep No. 44, 1998, s 7
s 9	sub No. 11, 1987, s 5 rep No. 44, 1998, s 7
s 10	amd No. 28, 1985, s 9 sub No. 11, 1987, s 5 rep No. 44, 1998, s 7
s 11	sub No. 11, 1987, s 5 amd No. 44, 1998, s 13
ss 12 – 13	rep No. 11, 1987, s 5
s 14	amd No. 11, 1987, s 6; No. 44, 1998, s 8
pt II	
div 2 hdg	amd No. 44, 1998, s 13
s 15	amd No. 44, 1998, s 9
s 16	amd No. 63, 1989, s 2; No. 2, 1991, s 2; No. 44, 1998, s 10
ss 17 – 20	amd No. 44, 1998, s 13
pt III hdg	amd No. 44, 1998, s 13
ss 21 – 22	amd No. 44, 1998, s 13
s 23	amd No. 11, 1987, s 7 sub No. 70, 2000, s 3
s 24	amd No. 44, 1998, s 13 sub No. 17, 2005, s 4
s 25	amd No. 44, 1998, s 13
s 26	amd No. 57, 1988, s 3; No. 44, 1998, s 13
ss 27 – 28	amd No. 44, 1998, s 13
pt VI hdg	rep No. 11, 1987, s 8
pt VII hdg	sub No. 5, 1995, s 19
s 29	amd No. 48, 1984, s 4 rep No. 11, 1987, s 8 ins No. 5, 1995, s 19 sub No. 44, 1998, s 11
s 30	amd No. 11, 1987, s 9; No. 44, 1998, s 13
s 31	amd No. 11, 1987, s 10; No. 44, 1998, s 13
s 31AB	ins No. 43, 1992, s 2 amd No. 44, 1998, s 13
s 31B	ins No. 43, 1992, s 2
s 32	amd No. 84, 1993, s 6; No. 44, 1998, s 13
s 33	rep No. 70, 1986, s 3 amd No. 44, 1998, s 13
s 34	amd No. 46, 1999, s 4
s 35	amd No. 11, 1987, s 11; No. 44, 1998, s 13
s 37	amd No. 48, 1984, s 4; No. 44, 1998, s 13
ss 38 – 39	rep No. 44, 1998, s 12
pt VIII hdg	sub No. 17, 2005, s 5
s 40	rep No. 11, 1987, s 12
ss 41 – 43	amd No. 44, 1998, s 13
pt IX hdg	ins No. 17, 2005, s 6
s 44	rep No. 44, 1998, s 12 ins No. 17, 2005, s 6
s 45	rep No. 44, 1998, s 12 ins No. 17, 2005, s 6
ss 46 – 47	ins No. 17, 2005, s 6
pt X hdg	ins No. 41, 2005, s 3
ss 48 – 50	ins No. 41, 2005, s 3