

# NORTHERN TERRITORY OF AUSTRALIA

## HOUSING ACT

As in force at 1 May 2016

### Table of provisions

#### **Part 1 Preliminary matters**

1	Short title .....	1
2	Commencement .....	1
3	Repeal .....	1
4	Application .....	1
5	Definitions.....	1
5A	Declared offences for Criminal Code.....	4

#### **Part 2 Chief Executive Officer (Housing)**

##### **Division 1 Establishment and related matters**

6	Chief Executive Officer (Housing).....	5
7	Constitution of Chief Executive Officer (Housing).....	5
11	Disclosure of interest .....	5
14	Delegation .....	6

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

15	Functions of Chief Executive Officer (Housing) .....	6
16	Powers of Chief Executive Officer (Housing).....	6
17	Ministerial control.....	8
18	Power of Chief Executive Officer (Housing) to enter land and take property of Chief Executive Officer (Housing) .....	8
19	Tenant to be responsible for maintenance of dwelling.....	8
20	Removal of illegal structures.....	9

##### **Division 3 Funding for Chief Executive Officer (Housing)**

21	Moneys of Chief Executive Officer (Housing) .....	9
----	---	---

#### **Part 3 Provision of housing and rental of dwellings**

22	Chief Executive Officer (Housing) to administer prescribed housing schemes.....	10
23	Rent payable for dwellings.....	10

---

## **Part 4                    Provision of housing assistance**

24	Housing assistance schemes .....	10
25	Trust account.....	11
26	Money may be advanced or paid for certain purposes .....	11
27	Chief Executive Officer (Housing) may accept advances .....	12
28	Maintenance and insurance of dwellings and houses .....	12

## **Part 5                    Behaviour on public housing premises**

### **Division 1            Key concepts**

28A	Meaning of <i>antisocial behaviour</i> .....	12
28B	Meaning of <i>acceptable behaviour agreement</i> .....	13

### **Division 2            Agreements about acceptable behaviour**

28C	Acceptable behaviour agreements .....	13
-----	---------------------------------------	----

### **Division 3            Powers when prescribed offences or                               antisocial behaviour happen**

28D	Power to require name and address and, if relevant, age .....	14
28E	Power to give direction to person on public housing premises .....	15
28F	Direction to leave must be in writing or by later written notice .....	16
28G	Power to seize a dangerous article or a container of liquor .....	16

## **Part 6                    Review of decisions**

28H	Review of particular decision of public housing safety officer .....	18
28J	Application for reconsideration of original decision .....	18
28K	Reconsideration by CEO .....	18
28L	Application for review of reconsidered decision.....	19
28M	Operation and implementation of reconsidered decision .....	19
28N	Hearing procedure .....	20
28P	Decision on review of reconsidered decision.....	20

## **Part 7                    Public housing safety officers**

### **Division 1            Appointed PHSO**

28Q	Appointment of public sector employees as public housing safety officers .....	20
28R	Identity card .....	21
28S	Return of identity card .....	21
28T	Obligations with regard to identity card.....	22
28U	Disqualifying offences by appointed PHSO .....	22
28V	Code of conduct for appointed PHSO .....	22

---

<b>Division 2</b>	<b>Provisions for all public housing safety officers</b>	
28W	Interaction with specific Acts.....	23
28X	Internal review .....	24
<b>Part 8</b>	<b>Miscellaneous matters</b>	
<b>Division 1</b>	<b>Annual report, liability and other matters</b>	
29	Annual reporting .....	24
30	Protection of persons acting for Chief Executive Officer (Housing) .....	24
30A	Protection of public housing safety officers .....	25
31	Acquisition on just terms.....	25
31A	Delegation by CEO.....	25
32	Liability for rates and water and sewerage charges, &c. ....	25
34	Application to Residential Tenancies Act.....	26
35	Minister may determine amount at which a dwelling shall be sold.....	26
<b>Division 2</b>	<b>Further offences and related matters</b>	
36	Giving misleading document to Chief Executive Officer (Housing) .....	26
36A	Failing to notify about change in income .....	27
36B	Giving misleading information or document to public housing safety officer .....	27
36C	Obstructing public housing safety officer .....	28
36D	Security cameras or surveillance devices.....	29
36E	Prosecutions.....	29
37	Regulations.....	29
<b>Part 9</b>	<b>Transitional matters for Housing Act 1982</b>	
41	Continuation of existing schemes.....	31
42	Enforcement of contracts against Home Finance Trustee.....	32
43	Repayment of advance.....	32
<b>Part 10</b>	<b>Transitional matters for Housing Amendment Act 2005</b>	
44	Definitions.....	32
45	Scheme under repealed <i>Home Purchase Regulations</i> .....	33
46	Schemes under repealed <i>Housing Assistance Regulations</i> .....	33
47	Scheme under repealed <i>Housing Sales Regulations</i> .....	33

---

**Part 11**                      **Transitional matters for Housing  
Amendment Act (No. 2) 2005**

48	Definitions.....	34
49	Scheme under repealed <i>Housing (Concessional Loans) Regulations</i> .....	34
50	Scheme under repealed <i>Housing Loans Regulations</i> .....	34

**Part 12**                      **Transitional provisions for Housing and  
Other Legislation Amendment Act 2011**

51	Existing acceptable behaviour agreement.....	34
----	--	----

**Schedule**                      **Acts repealed**

**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 1 May 2016

---

## HOUSING ACT

**An Act to provide for the provision of housing and other accommodation for letting or sale matters relating to tenants and others on leased housing or other accommodation, and for related purposes**

### **Part 1 Preliminary matters**

#### **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:

***acceptable behaviour agreement*** , see section 28B.

***affected person***, for Part 6, see section 28J(1).

***antisocial behaviour*** , see section 28A.

***appoint*** includes reappoint.

***appointed PHSO*** means a public sector employee appointed under section 28Q(1) as a public housing safety officer.

*Note*

*There are 2 types of public housing safety officers. Police officers are public housing safety officers while other public housing safety officers are appointed.*

**CEO** is an acronym for the Chief Executive Officer.

**common property** means:

- (a) common property, as defined in section 4 of the *Unit Titles Act*, or
- (b) common property of a scheme, as defined in section 33(1) of the *Unit Title Schemes Act*.

**dangerous article** means anything designed, or capable of being used, to inflict harm on a person.

**disqualifying offence** means an offence prescribed by regulation as a disqualifying offence.

**dwelling** means a house built or otherwise acquired, and retained, by the Chief Executive Officer (Housing) or a house in the control of the Chief Executive Officer (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 Officer (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) an apartment, flat, hostel, townhouse, transportable home or unit; and
- (b) accommodation declared by the Minister, by *Gazette* notice, 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.

**liquor**, see section 4(1) of the *Liquor Act*.

**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.

**on**, in relation to a place (however described), includes at or in the place.

**original decision**, see section 28H.

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

**prescribed offence** means an offence against any of the following:

- (a) section 241 of the Criminal Code or any other provision of the Code if assault is an element of the offence;
- (b) section 75, 101AE or 101L of the *Liquor Act*;
- (c) section 47, 47AA or 50 of the *Summary Offences Act*;
- (d) section 5, 7 or 8 of the *Trespass Act*.

**public housing development** means a building development consisting of:

- (a) units for which the Chief Executive Officer (Housing) is the registered proprietor, or lessee, of all units in the development; or
- (b) apartments, flats or townhouses (but not units) for which the Chief Executive Officer (Housing) is the registered proprietor or lessee of the lot on which the building development is situated.

**public housing premises** means:

- (a) premises owned or leased by the Chief Executive Officer (Housing) for the purpose of providing residential accommodation; and

- (b) if the premises mentioned in paragraph (a) are:
  - (i) a unit in a public housing development – any common property in the development; or
  - (ii) an apartment, flat or townhouse in a public housing development – any common areas in the development.

**public housing safety officer** means:

- (a) an appointed PHSO; or
- (b) a police officer.

**reasonably believes** means believes on grounds that are reasonable in the circumstances.

**recognised occupier**, of premises, means someone whom the tenant of the premises has notified the Chief Executive Officer (Housing), in writing, is or will be occupying the premises and the Chief Executive Officer (Housing) has made a notation in relation to the lease about the occupancy.

**reconsidered decision**, for Part 6, see section 28K(1).

**tenant of public housing premises** means the person specified in the lease for the public housing premises as the tenant of those premises.

**unit** means:

- (a) a unit, as defined in section 4 of the *Unit Titles Act*; or
- (b) a unit of a scheme, as defined in section 37 of the *Unit Title Schemes Act*.

## **5A Declared offences for Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 5A*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*



## **Part 2                      Chief Executive Officer (Housing)**

### **Division 1                Establishment and related matters**

#### **6                      Chief Executive Officer (Housing)**

- (1) There is established an entity by the name of the Chief Executive Officer (Housing).
- (2) The Chief Executive Officer (Housing):
  - (a) is a body corporate sole with perpetual succession; and
  - (b) has 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 must take judicial notice of the seal of the Chief Executive (Housing) affixed to a document and must 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) If the CEO 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), the CEO must, as soon as practicable after he or she 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) must, 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, direct the Chief Executive Officer (Housing) to continue its consideration of, or to consider, the matter.

**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.
- (2) 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.

**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; and
- (b) to provide accommodation, whether residential, office, industrial or otherwise, for Territory or Commonwealth 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 do any of the following 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 Territory or Commonwealth in administering a Territory or Commonwealth housing scheme;
  - (j) manufacture or otherwise produce its own materials;
  - (k) build, purchase or otherwise acquire, with the Minister's written approval, and maintain premises and other buildings for its own immediate or future office or industrial requirements;
  - (m) build, purchase or otherwise acquire, with the Minister's written approval, and control, manage and maintain premises and other buildings for the immediate or future needs of the Territory or Commonwealth;
  - (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 Territory's or the Commonwealth'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) must 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) remains 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, 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 on, or affixed to or within a building located on, 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, employees and workers as it thinks fit for the purpose, enter and remove its property from that land, and, for the purpose of such removal, use any road, railway, tramway or other facility of transport on that land.
- (2) The owner, lessee, or person in occupation, of land entered under subsection (1) must be paid just compensation by the Chief Executive Officer (Housing) for damage, if any, suffered in respect of the entry or use of methods of transport.

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

- (1) The tenant of a dwelling must 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, employees and workers 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) are a debt due and payable to it 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 the tenant from the Chief Executive Officer (Housing) without prior approval from the Chief Executive Officer (Housing), the Chief Executive Officer (Housing) may give written notice 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 on the tenant, or such longer period as the Chief Executive Officer (Housing), by written notice to that tenant, allows, the Chief Executive Officer (Housing) may, by such agents, employees and workers 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 Chief Executive Officer (Housing) in exercising its powers under subsection (2) are a debt due and payable to it by the tenant of the dwelling in respect of which those powers were exercised.

## **Division 3                      Funding for 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 it out of money appropriated for the purpose by the Legislative Assembly; and

- (b) such moneys as it receives in the performance of its functions and the exercise of its powers; and
- (c) moneys lent to it by the Territory or the Treasurer, or by a statutory corporation or financial institution; and
- (d) moneys advanced under section 27 to it.

## **Part 3                      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) must not, except with the Minister's written consent, administer a housing scheme other than a prescribed housing scheme.

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

- (1) The Minister may, from time to time, by *Gazette* notice 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 4                      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 it administering the scheme or, if any amendments are made to the scheme, the scheme as amended.

- (2) In this section:

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

## **25 Trust account**

- (1) Despite 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) must, in respect of the trust account continued in existence under subsection (1), debit to that account:
- (a) all repayments of advances made to it under this Part or formerly made to the Home Finance Trustee under the *Housing Loans Act*; and
  - (b) all payments of interest on advances referred to in paragraph (a); and
  - (c) all moneys paid or advanced by it 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 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 to do one or more of the following:

- (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;
- (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 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 9 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 5                      Behaviour on public housing premises**

**Division 1                Key concepts**

**28A                      Meaning of *antisocial behaviour***

Behaviour is ***antisocial behaviour*** if it:

- (a) involves abusive or violent behaviour directed to a person; or
- (b) creates alarm or fear in, or annoyance to, neighbours or others in the vicinity; or
- (c) involves graffiti, littering or vandalism.

*Example of what may create annoyance*

*Making excessive noise.*



**28B            Meaning of *acceptable behaviour agreement***

An ***acceptable behaviour agreement*** is a written undertaking entered into by a tenant of public housing premises about not engaging in antisocial behaviour on those premises and any place within 50 m of those premises.

**Division 2            Agreements about acceptable behaviour**

**28C            Acceptable behaviour agreements**

- (1) If the Chief Executive Officer (Housing) reasonably believes a tenant of public housing premises, or a recognised occupier of those premises, is likely to engage in antisocial behaviour, the Chief Executive Officer (Housing) may, by written notice, require the tenant to enter into an acceptable behaviour agreement.
- (2) The notice must include the following information about the acceptable behaviour agreement:
  - (a) the period within which the tenant is required to enter into it (being not less than 28 days after the notice is given);
  - (b) the period for which the agreement is to 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 (4);
  - (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 form the belief mentioned in subsection (1) having regard to the following matters, including matters that happened before the commencement of this section:
  - (a) the history of the tenancy or a former tenancy involving the tenant whether as a tenant or recognised occupier;

- (b) the history of another tenancy involving a recognised occupier of the tenant, whether the recognised occupier was the tenant or a recognised occupier in relation to the other tenancy;
  - (c) other matters the Chief Executive Officer (Housing) considers relevant.
- (4) The operation of the acceptable behaviour agreement extends to the behaviour of:
  - (a) a recognised occupier of the relevant public housing premises; and
  - (b) any other person occupying those premises with the consent of the tenant of those premises.
- (5) Subject to section 99A(3) of the *Residential Tenancies Act*, if a recognised occupier of public housing premises, or other person occupying those premises with the consent of the tenant of those premises, engages in behaviour in breach of an acceptable behaviour agreement entered into by the tenant, 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 matters required by subsection (2).

### **Division 3                      Powers when prescribed offences or antisocial behaviour happen**

#### **28D                      Power to require name and address and, if relevant, age**

- (1) This section applies if a public housing safety officer reasonably believes a person:
  - (a) has engaged, is engaging or is about to engage in conduct on public housing premises that constitutes a prescribed offence or antisocial behaviour; or
  - (b) may be in a position to help with the investigation of a prescribed offence or antisocial behaviour on, or partially on, public housing premises.
- (2) The public housing safety officer may require the person to state the person's name and address and, if the officer reasonably believes the person may be under 18 years of age, the person's age.

- (3) The public housing safety officer may require the person to give evidence of the correctness of the person's name if the officer reasonably believes a name given by the person is false.
- (4) In making a requirement under subsection (2) or (3), the public housing safety officer must inform the person it is an offence to contravene the requirement unless the person establishes a reasonable excuse.
- (5) A person given a requirement under subsection (2) or (3) must comply with it.

Maximum penalty:        20 penalty units.

- (6) An offence against subsection (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against subsection (5) if the defendant establishes a reasonable excuse.

## **28E        Power to give direction to person on public housing premises**

- (1) This section applies if a public housing safety officer reasonably believes a person on public housing premises has been, is or will be engaging in conduct, or permitting conduct to be engaged in, on public housing premises that constitutes a prescribed offence or antisocial behaviour.
- (2) The public housing safety officer may direct the person not to engage, or to stop engaging, in specified conduct on the public housing premises to the extent the officer reasonably believes necessary to prevent the prescribed offence or antisocial behaviour.
- (3) Also, if the person is not a tenant of the public housing premises or a recognised occupier of those premises, the public housing safety officer may direct the person to leave the public housing premises immediately and not enter all or part of those premises for a specified period of not more than 12 months.
- (4) A person given a direction under subsection (2) or (3) must comply with it.

Maximum penalty:        20 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subsection (4) if the defendant establishes a reasonable excuse.

**28F Direction to leave must be in writing or by later written notice**

- (1) A public housing safety officer must give a direction under section 28E(2) or (3) by written notice unless the officer reasonably believes it is not practicable to do so and gives it orally to the person or persons to whom the direction relates.
- (2) If a person is given a direction orally, it ceases to have effect at the end of 2 days after the day it is given unless, within that period, a public housing safety officer gives written notice about the direction to the person.
- (3) A written notice about a direction as mentioned in subsection (2) is taken to be a written notice given under section 28E(2) or (3), as the case may be.
- (4) A written notice must state the following:
  - (a) the name of the person to whom the direction relates;
  - (b) the name of the public housing safety officer giving the direction;
  - (c) if the notice is given under:
    - (i) section 28E(2) – the conduct the person is not to engage in, or the person is to stop engaging in, on the public housing premises; or
    - (ii) section 28E(3) – the period of not more than 12 months for which the person named in the direction must not enter specified public housing premises;
  - (d) the reasons for giving the direction;
  - (e) that a person affected by the decision may apply for it to be reconsidered, and how the application must be made, as mentioned in section 28J;
  - (f) any other matter prescribed by regulation.
- (5) A direction given orally is not invalid only because it does not include a matter mentioned in subsection (4).

**28G Power to seize a dangerous article or a container of liquor**

- (1) This section applies when a public housing safety officer is on public housing premises.

- (2) The public housing safety officer may seize an article or container (a **seized item**) if:
  - (a) the officer reasonably believes the article is a dangerous article or the container contains liquor; and
  - (b) the article or liquor is located on common property or a common area within the public housing premises; and
  - (c) the article or liquor is not under the immediate control of an adult.
- (3) In addition, the public housing safety officer may seize any container (also a **seized item**) if:
  - (a) the officer reasonably believes the container contains liquor; and
  - (b) the container is located anywhere within the public housing premises; and
  - (c) if the container does contain liquor, its location within those premises is in contravention of section 75, 101AE or 101L of the *Liquor Act*.
- (4) The public housing safety officer who seized it must:
  - (a) for a seized item that is a dangerous article:
    - (i) retain the dangerous article; or
    - (ii) give the article to a police officer; or
  - (b) for seized item that is a container of liquor:
    - (i) if it is open – empty the container immediately; or
    - (ii) otherwise – retain the container or give it to a police officer.
- (5) The public housing safety officer must affix a receipt about the seizure of a seized item to something at the place of seizure.
- (6) Within 3 months after the date of seizure of a seized item, a public housing safety officer must return it to a person who claims to be the owner and whom the officer reasonably believes is the owner.
- (7) If a seized item is not returned under subsection (6), it is forfeited to the Territory on the day after the end of the 3 month period.

- (8) Subsections (6) and (7) do not apply if, during the 3 month period, a public housing safety officer or a police officer decides, in writing, that the seized item must be retained as evidence of an offence.

## **Part 6                      Review of decisions**

### **28H                      Review of particular decision of public housing safety officer**

Each of the following decisions of a public housing safety officer is an **original decision**:

- (a) a decision under section 28E(2) directing a person not to engage, or to stop engaging in, specified conduct on public housing premises;
- (b) a decision under section 28E(3) directing a person to leave public housing premises immediately and not to enter all or part of those premises for a specified period;
- (c) a decision under section 28G(2) or (3) to seize an article or container;
- (d) a decision prescribed by regulation as an original decision.

### **28J                      Application for reconsideration of original decision**

- (1) A person affected by an original decision (an **affected person**) may apply to the CEO for reconsideration of the original decision.

*Note for subsection (1)*

*A person affected by an original decision may be the person given the direction or a tenant who had invited the person into the tenant's residence or who has a family relationship with the person given the direction.*

- (2) The application must be:
- (a) in writing; and
  - (b) made within 28 days after the original decision was given to the person to whom it relates.
- (3) The making of the application does not affect the operation of the original decision.

### **28K                      Reconsideration by CEO**

- (1) Within 28 days after an application for reconsideration of an original decision is made, the CEO must reconsider the original decision and give the applicant written notice about the CEO's decision (the **reconsidered decision**).

- (2) The CEO may reconsider the original decision in any way he or she considers appropriate.
- (3) The notice about the reconsidered decision must include the following:
  - (a) the reconsidered decision and the reasons for it;
  - (b) that the applicant for the reconsideration may apply to the Local Court for a review of the merits of the reconsidered decision;
  - (c) the period allowed for applying for a review of the reconsidered decision;
  - (d) how to apply for a review.

#### **28L Application for review of reconsidered decision**

- (1) The applicant for a reconsideration of an original decision may apply to the Local Court for a review of the merits of the reconsidered decision.
- (2) The application must be made within 28 days after the day:
  - (a) the applicant received notice about the reconsidered decision; or
  - (b) if the affected person did not receive a notice for the reconsidered decision – the applicant becomes aware of the decision.
- (3) However, on application by the applicant, the Local Court may at any time extend the period for applying for a review of the merits of the reconsidered decision.

#### **28M Operation and implementation of reconsidered decision**

- (1) An application under section 28L does not affect the operation or implementation of the reconsidered decision.
- (2) However, the Local Court may make an order staying or otherwise affecting the operation or implementation of so much of the reconsidered decision as the Court considers appropriate to effectively decide the application.
- (3) The order is subject to the conditions stated in it.
- (4) The order has effect for the period stated in it or, if no period is stated, until the Court decides the application.

**28N            Hearing procedure**

- (1) In hearing an application under section 28L, the Local Court must review the merits of the reconsidered decision.
- (2) The Local Court must consider the matter afresh and is not bound by anything considered by the CEO in making the reconsidered decision.
- (3) Without limiting subsection (2), the Local Court may:
  - (a) admit evidence that was not considered by the CEO in making the reconsidered decision; or
  - (b) refuse to admit evidence that was considered by the CEO in making the reconsidered decision.

**28P            Decision on review of reconsidered decision**

- (1) In deciding the application, the Local Court may:
  - (a) confirm the reconsidered decision; or
  - (b) vary the reconsidered decision; or
  - (c) set aside the reconsidered decision and substitute its own decision.
- (2) The Local Court may make the orders it considers appropriate to give effect to its decision.
- (3) A decision under subsection (1)(b) or (c) is taken for this Act (other than this Part) to be a decision of the CEO.

**Part 7            Public housing safety officers**

**Division 1        Appointed PHSO**

**28Q            Appointment of public sector employees as public housing safety officers**

- (1) The CEO may appoint a public sector employee as a public housing safety officer if the employee has been suitably trained to exercise the powers or perform the functions under this Act of a public housing safety officer.
- (2) However, a public sector employee is not eligible for appointment if the employee has a previous conviction for a disqualifying offence.



- (3) Despite the *Criminal Records (Spent Convictions) Act* and the *Anti-Discrimination Act*:
- (a) before a public sector employee may be appointed under subsection (1), the employee must authorise the CEO to obtain from the Commissioner of Police a criminal record about the employee, including spent convictions; and
  - (b) the CEO may take the criminal record (including any spent convictions) into account in deciding whether to appoint the employee; and
  - (c) if the employee is appointed, the CEO may retain the criminal record for as long as the employee is an appointed PHSO.
- (4) In this section:

**criminal record**, see section 3(1) of the *Criminal Records (Spent Convictions) Act*.

**spent conviction**, see section 3(1) of the *Criminal Records (Spent Convictions) Act*.

## **28R        Identity card**

- (1) The CEO must give an appointed PHSO an identity card stating the person's name and that the person is a public housing safety officer.
- (2) The identity card must:
- (a) show a recent photograph of the appointed PHSO; and
  - (b) show the card's date of issue; and
  - (c) be signed by the appointed PHSO.
- (3) This section does not prevent the issue of a single identity card to a person for this and another Act.

## **28S        Return of identity card**

- (1) A person who ceases to be an appointed PHSO must return the person's identity card to the CEO within 14 days after the cessation.
- Maximum penalty:        20 penalty units.
- (2) An offence against subsection (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the person establishes a reasonable excuse.

**28T Obligations with regard to identity card**

- (1) An appointed PHSO must not exercise a power under this Act unless the officer holds an identity card issued under this Act.
- (2) Before exercising a power under this Act in relation to a person, an appointed PHSO must, wherever practicable, produce the identity card for inspection by the person (but the card need only be produced once even though 2 or more powers are exercised against the person).
- (3) Non-compliance by an appointed PHSO with subsection (2) is a defence to a charge based on non-compliance by the person to whom the identity card should have been produced with a requirement or request made by the appointed PHSO under this Act.
- (4) Subsection (3) applies even if the charge relates to an offence that is an offence of strict liability.

**28U Disqualifying offences by appointed PHSO**

- (1) If an appointed PHSO is charged with, or convicted of, a disqualifying offence, the officer must report the fact to the CEO as soon as practicable (but no later than 7 days after the officer is charged or convicted).

Maximum penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) If an appointed PHSO is charged with a disqualifying offence, the CEO may suspend the officer's appointment as a public housing safety officer until the charge has been dealt with by a court.
- (4) If an appointed PHSO is convicted of a disqualifying offence, the CEO must revoke the officer's appointment as a public housing safety officer.

**28V Code of conduct for appointed PHSO**

- (1) The CEO may make a code of conduct:
  - (a) to establish standards of behaviour applicable to each appointed PHSO; or

- (b) for other purposes related to the administration of this Act.

*Note for subsection (1)*

*Police officers are subject to general orders made under section 14A of the Police Administration Act.*

- (2) The CEO must ensure the code of conduct, as in force from time to time, is available on the Agency's website.
- (3) If an appointed PHSO contravenes the code of conduct, the matter may be dealt with as a breach of discipline under the *Public Sector Employment and Management Act*.

## **Division 2            Provisions for all public housing safety officers**

### **28W            Interaction with specific Acts**

- (1) A public housing safety officer who is exercising, or about to exercise, a power under this Act to which the *Youth Justice Act* would apply if it were to be exercised by a police officer must comply with the obligations imposed by that Act on a police officer.
- (2) Despite the application of the *Residential Tenancies Act* to premises let under this Act, a public housing safety officer may:
- (a) lawfully enter a yard, garden or other area associated with public housing premises (but not the residence) if the officer enters the place to exercise a power under this Act at a reasonable time in the circumstances; and
- (b) lawfully enter a residence at the invitation or with the consent of the tenant of the public housing premises.

*Note for subsection (2)*

*Section 34 applies the Residential Tenancies Act. Under that Act, a landlord may only enter premises or ancillary premises in accordance with that Act. However, subsection (2) allows for entry in addition to Part 9 of the Residential Tenancies Act.*

- (3) A public housing safety officer who enters a yard, garden or other area associated with public housing premises as mentioned in subsection (2)(a) may remain on the place for as long as the officer reasonably believes is necessary to exercise powers under this Act even if a tenant, recognised occupier or other person asks the officer to leave.
- (4) However, if a public housing safety officer has entered a residence as mentioned in subsection (2)(b), the officer must leave the residence if asked to do so by the tenant of the public housing premises.

**28X           Internal review**

- (1) The CEO must establish a system of administrative review for dealing effectively with complaints about the conduct of public housing safety officers.
- (2) The procedures for making a complaint, and the procedures on review, must be published on the Agency's website.
- (3) This section does not limit a person's right:
  - (a) to make a complaint to the Ombudsman under the *Ombudsman Act*; or
  - (b) a right to make a public interest disclosure under the *Public Interest Disclosure Act*.

**Part 8                      Miscellaneous matters**

**Division 1                Annual report, liability and other matters**

**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).

### **30A Protection of public housing safety officers**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as a public housing safety officer.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) In this section:

**exercise**, of a power, includes the purported exercise of the power.

**performance**, of a function, includes the purported performance of the function.

### **31 Acquisition on just terms**

If the exercise of a power or performance of a function as a public housing safety officer would, apart from this section, result in an acquisition of property from a person otherwise than on just terms:

- (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
- (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

### **31A Delegation by CEO**

The CEO may delegate any of his or her powers and functions under this Act to a public sector employee.

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

- (1) Despite the *Local Government Act*:
  - (a) where the Chief Executive Officer (Housing) has acquired land within a local 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 as mentioned in section 141 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 local 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, must be sold under this Act and, accordingly, the Chief Executive Officer (Housing) must not sell that dwelling except at that amount so determined.

**Division 2                      Further offences and related matters**

**36                      Giving misleading document to Chief Executive Officer (Housing)**

- (1) A person commits an offence if the person:
- (a) gives the Chief Executive Officer (Housing) a document; and
  - (b) the document contains misleading information.

Maximum penalty:        100 penalty units.

- (2) Strict liability applies to subsection (1)(b).
- (3) Subsection (1) does not apply if the person, when giving the document:
- (a) draws the misleading aspect of the document to the attention of the Chief Executive Officer (Housing); and
  - (b) to the extent to which the person can reasonably do so – gives the Chief Executive Officer (Housing) the information necessary to correct the document.

- (4) A prosecution for an offence against subsection (1) must not, in relation to 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.

- (5) In this section:

**Chief Executive Officer (Housing)** includes a person acting with the authority of the Chief Executive Officer (Housing), but does not include a public housing safety officer.

**misleading information** means information that is misleading in a material particular or because of the omission of a material particular.

### **36A        Failing to notify about change in income**

- (1) This section applies to a person if:
- (a) the person gives the Chief Executive Officer (Housing) details (the **income 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
  - (b) the application is granted.
- (2) The person commits an offence if:
- (a) the income details change during the period the person receives a rebate or participates in the housing scheme; and
  - (b) the person knows about the change; and
  - (c) the person does not tell the Chief Executive Officer (Housing), or a person acting with the authority of the Chief Executive Officer (Housing), about the change.

Maximum penalty:        100 penalty units.

### **36B        Giving misleading information or document to public housing safety officer**

- (1) A person commits an offence if:
- (a) the person gives information to another person; and
  - (b) the other person is a public housing safety officer; and
  - (c) the person knows the information is misleading; and

- (d) the person knows the other person is exercising powers or performing functions under, or otherwise related to the administration of, this Act as a police officer or otherwise as a public housing safety officer.

Maximum penalty:        20 penalty units.

- (2) A person commits an offence if:

- (a) the person gives a document to another person; and
- (b) the other person is a public housing safety officer; and
- (c) the person knows the document contains misleading information; and
- (d) the person knows the other person is exercising powers or performing functions under, or otherwise related to the administration of, this Act as a police officer or otherwise as a public housing safety officer.

Maximum penalty:        20 penalty units.

- (3) Strict liability applies to subsections (1)(b) and (2)(b).
- (4) Subsection (2) does not apply if the person, when giving the document:
  - (a) draws the misleading aspect of the document to the attention of a public housing safety officer; and
  - (b) to the extent to which the person can reasonably do so – gives a public housing safety officer the information necessary to correct the document.
- (5) In this section:

***misleading information*** means information that is misleading in a material particular or because of the omission of a material particular.

### **36C        Obstructing public housing safety officer**

- (1) A person commits an offence if the person:
  - (a) obstructs a person exercising powers or performing functions under, or otherwise related to the administration of, this Act as a police officer or otherwise as a public housing safety officer; and



- (b) knows the person is a police officer, or otherwise is a public housing safety officer, exercising powers or performing functions under, or otherwise related to the administration of, this Act.

Maximum penalty:        50 penalty units or imprisonment for 3 months.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse.

- (3) In this section:

**obstruct** includes:

- (a) resist; and
- (b) hinder; and
- (c) incite or encourage another to obstruct.

### **36D        Security cameras or surveillance devices**

- (1) A person commits an offence if the person engages in conduct that results in damage to, or interference with, a security camera or a surveillance device on public housing premises.

Maximum penalty:        100 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant establishes a reasonable excuse for engaging in the conduct.

### **36E        Prosecutions**

- (1) In proceedings for an offence against this Act, a certificate that appears to have been signed by the CEO certifying that a person named in the certificate was, on a particular day or for a particular period, a public housing safety officer is admissible as proof of the matter so certified.
- (2) A prosecution for an offence against section 36, 36A or 36B may be started within 2 years after the date on which the offence is alleged to have occurred.

## **37        Regulations**

- (1) The Administrator may make regulations under this Act.

(2) 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; and
- (b) make provision for and in relation to types of housing schemes and the class of persons eligible under such housing schemes; and
- (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); and
- (d) make provision for and in relation to housing for certain classes of persons or their employees; and
- (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; and
- (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; and
- (f) make provision for and in relation to the Chief Executive Officer (Housing) acting as an agent for the Territory or the Commonwealth in the administration of a Territory or Commonwealth housing scheme; and
- (g) make provision for and in relation to the terms and conditions upon which a rate of interest is 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 8 penalty units 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 9                      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; and
  - (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 10 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 11                    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.

## **Part 12                    Transitional provisions for Housing and Other Legislation Amendment Act 2011**

### **51                    Existing acceptable behaviour agreement**

- (1) An existing agreement continues in force according to its terms as if it had been made under section 28C.
- (2) If, before the commencement, the Chief Executive Officer (Housing) had given a person written notice as mentioned in section 18A as in force before the commencement and that notice had effect as stated in section 18A(6), the notice continues to have effect as if it had been given to the person under section 28C.

(3) In this section:

***commencement*** means the commencement of this section.

***existing agreement*** means an acceptable behaviour agreement entered into under section 18A as in force before the commencement if the agreement had not ended before the commencement.

---

**Schedule      Acts repealed**

section 3

---

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>

---



---

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>

---

## 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

---

***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)

***Unit Title Schemes Act 2009 (Act No. 14, 2009)***

Assent date 26 May 2009  
Commenced pt 2.3, div 3, sdv 4 and s 135 (to ext ins s 54C):  
1 January 2010; s 111: 1 July 2010; rem: 1 July 2009 (s 2, Gaz S30, 26 June 2009, p 1, s 2 *Land Title and Related Legislation Amendment Act 2008* (Act No. 3, 2008) and Gaz S30, 26 June 2009, p 1)

***Housing and Other Legislation Amendment Act 2011 (Act No. 45, 2011)***

Assent date 21 December 2011  
Commenced 22 February 2012 (other than amdts to ss 21, 24 and 25 of the *Housing Act* in the Sch) (Gaz G8, 22 February 2012, p 3)

***Local Government Amendment Act 2013 (Act No. 28, 2013)***

Assent date 8 November 2013  
Commenced 8 November 2013

**Statute Law Revision Act 2014 (Act No. 38, 2014)**

Assent date 13 November 2014  
Commenced 13 November 2014

**Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)**

Assent date 6 April 2016  
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and Gaz S34, 29 April 2016)

**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; No. 45, 2011, s 4
pt 1 hdg	sub No. 45, 2011, s 13
s 5	amd No. 11, 1987, s 4; No. 44, 1998, ss 5 and 13; No. 2, 2006, s 12; No. 14, 2009, s 131; No. 45, 2011, s 5
s 5A	ins No. 45, 2011, s 6
pt 2 hdg	amd No. 44, 1998, s 13; No. 45, 2011, s 13
pt 2	
div 1 hdg	amd No. 44, 1998, s 13; No. 45, 2011, s 13
s 6	amd No. 44, 1998, s 6; No. 45, 2011, s 13
s 7	sub No. 11, 1987, s 5; No. 44, 1998, s 7
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; No. 45, 2011, s 13
ss 12 – 13	rep No. 11, 1987, s 5
s 14	amd No. 11, 1987, s 6; No. 44, 1998, s 8; No. 45, 2011, s 13
pt 2	
div 2 hdg	amd No. 44, 1998, s 13
s 15	amd No. 44, 1998, s 9; No. 45, 2011, s 13
s 16	amd No. 63, 1989, s 2; No. 2, 1991, s 2; No. 44, 1998, s 10; No. 45, 2011, s 13
s 17	amd No. 44, 1998, s 13
s 18	amd No. 44, 1998, s 13; No. 45, 2011, s 13; No. 38, 2014, s 2
s 18A	ins No. 2, 2006, s 13
	rep No. 45, 2011, s 7
ss 19 – 20	amd No. 44, 1998, s 13; No. 45, 2011, s 13
pt 2	
div 3 hdg	
(former	
pt III hdg)	amd No. 44, 1998, s 13
	sub No. 45, 2011, s 13
s 21	amd No. 44, 1998, s 13; No. 38, 2014, s 2

---

pt 3 hdg (former pt IV hdg)	amd No. 45, 2011, s 13
s 22	amd No. 44, 1998, s 13; No. 45, 2011, s 13
s 23	amd No. 11, 1987, s 7 sub No. 70, 2000, s 3 amd No. 45, 2011, s 13
pt 4 hdg (former pt V hdg)	amd No. 45, 2011, s 13
s 24	amd No. 44, 1998, s 13 sub No. 17, 2005, s 4 amd No. 38, 2014, s 2
s 25	amd No. 44, 1998, s 13; No. 38, 2014, s 2
s 26	amd No. 57, 1988, s 3; No. 44, 1998, s 13; No. 45, 2011, s 13
ss 27 – 28	amd No. 44, 1998, s 13; No. 45, 2011, s 13
pt 5 hdg	ins No. 45, 2011, s 8
pt 5	
div 1 hdg	ins No. 45, 2011, s 8
ss 28A – 28B	ins No. 45, 2011, s 8
pt 5	
div 2 hdg	ins No. 45, 2011, s 8
s 28C	ins No. 45, 2011, s 8
pt 5	
div 3 hdg	ins No. 45, 2011, s 8
ss 28D – 28G	ins No. 45, 2011, s 8
pt 6 hdg	rep No. 11, 1987, s 8 ins No. 45, 2011, s 8
ss 28H – 28P	ins No. 45, 2011, s 8
pt 7 hdg	
pt 7	
div 1 hdg	ins No. 45, 2011, s 8
ss 28Q – 28V	ins No. 45, 2011, s 8
pt 7	
div 2 hdg	ins No. 45, 2011, s 8
ss 28W – 28X	ins No. 45, 2011, s 8
pt 8 hdg (former pt VII hdg)	sub No. 5, 1995, s 19; No. 45, 2011, s 13
pt 8	
div 1 hdg	ins No. 45, 2011, s 13
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; No. 45, 2011, s 13
s 30A	ins No. 45, 2011, s 9
s 31	amd No. 11, 1987, s 10; No. 44, 1998, s 13 sub No. 45, 2011, s 9
s 31A	ins No. 43, 1992, s 2 amd No. 44, 1998, s 13 sub No. 45, 2011, s 9
s 31B	ins No. 43, 1992, s 2 rep No. 45, 2011, s 9
s 32	amd No. 84, 1993, s 6; No. 44, 1998, s 13; No. 45, 2011, s 13; No. 28, 2013, s 61
s 33	rep No. 70, 1986, s 3

---

s 34	amd No. 44, 1998, s 13 sub No. 46, 1999, s 4
s 35	amd No. 11, 1987, s 11; No. 44, 1998, s 13; No. 45, 2011, s 13
pt 8	
div 2 hdg	ins No. 45, 2011, s 10
s 36	sub No. 45, 2011, s 10
ss 36A – 36D	ins No. 45, 2011, s 10
s 36E	ins No. 45, 2011, s 10 amd No. 8, 2016, s 45
s 37	amd No. 48, 1984, s 4; No. 44, 1998, s 13; No. 2, 2006, s 14; No. 45, 2011, s 11
pt 9 hdg (former pt VIII hdg)	sub No. 17, 2005, s 5 amd No. 45, 2011, s 13
s 40	rep No. 11, 1987, s 12
s 41	amd No. 44, 1998, s 13
s 42	amd No. 44, 1998, s 13; No. 45, 2011, s 13
s 43	amd No. 44, 1998, s 13
pt 10 hdg (former pt IX hdg)	ins No. 17, 2005, s 6 amd No. 45, 2011, s 13
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 11 hdg (former pt X hdg)	ins No. 41, 2005, s 3 amd No. 45, 2011, s 13
ss 48 – 50	ins No. 41, 2005, s 3
pt 12 hdg	ins No. 45, 2011, s 12
s 51	ins No. 45, 2011, s 12