



NORTHERN TERRITORY OF AUSTRALIA

No. 70 of 2000

AN ACT

to amend the *Housing Act* and to confirm rents payable for a dwelling or class of dwelling under that Act

[Assented to 14 December 2000]

[Second reading 11 October 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Housing Amendment Act 2000*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Repeal and substitution

Section 23 of the *Housing Act* is repealed and the following substituted:

"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).".

4. Confirmation of rents charged before commencement of this Act

(1) On the commencement of this Act, the Minister may make a determination under section 23 of the *Housing Act*, as substituted by this Act, determining the rent to be paid for a dwelling or a class of dwelling for a period commencing before the commencement of this Act.

(2) The determination made in accordance with subsection (1) is to replace any determination or purported determination of rent for the dwelling or the class of dwelling or any arrangement or agreement, or alleged arrangement or agreement, in relation to the payment of rent 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).

(3) Despite subsection (2), the tenant of a dwelling may apply to the Minister for the Minister to review the determination made in accordance with this section if the tenant considers that the determination does not reflect the rental arrangements between the tenant and the Chief Executive Officer (Housing).

(4) On receiving an application under subsection (3), the Minister –

- (a) must reconsider the determination (and may do so in respect of a class of dwellings); and
- (b) may vary the determination or confirm the determination as the Minister thinks fit.

(5) A decision of the Minister under this section is final and cannot be the subject of any form of judicial review.