

NORTHERN TERRITORY OF AUSTRALIA

HOUSING AMENDMENT ACT 1998

No. 44 of 1998

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NORTHERN TERRITORY OF AUSTRALIA

No. 44 of 1998

AN ACT

to amend the *Housing Act*

[Assented to 27 May 1998]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act* 1978 of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Housing Amendment Act* 1998.

2. COMMENCEMENT

(1) Section 11 is to be taken to have come into operation on 1 July 1997.

(2) The remaining provisions of this Act come into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Housing Act* is in this Act referred to as the Principal Act.

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4. LONG TITLE

The long title of the Principal Act is amended by omitting "the establishment of a Northern Territory Housing Commission and for the provision by the Commission of dwellings for letting or sale," and substituting "the provision of housing and other accommodation for letting or sale".

5. DEFINITIONS

Section 5 of the Principal Act is amended by omitting the definitions of "Commission" and "Commissioner".

6. CHIEF EXECUTIVE OFFICER (HOUSING)

(1) Section 6 of the Principal Act is amended —

- (a) by omitting from subsection (1) "Northern Territory Housing Commission" and substituting "Chief Executive Officer (Housing)";
- (b) by omitting from subsection (2) "Commission" and substituting "Chief Executive Officer (Housing)";
- (c) by omitting from subsection (2)(a) "body corporate" and substituting "body corporate sole"; and
- (d) by omitting from subsection (3) "Commission" and substituting "Chief Executive Officer (Housing)".

(2) The purpose and effect of this section is that the Commission known immediately before the commencement of this section as the Northern Territory Housing Commission continues in existence known as the Chief Executive Officer (Housing).

7. REPEAL AND SUBSTITUTION

Sections 7, 8, 9 and 10 of the Principal Act are repealed and the following substituted:

"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."

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8. DELEGATION

Section 14 of the Principal Act is amended —

- (a) by omitting subsection (1) and substituting the following:

"(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."; and

- (b) by omitting from subsections (2) and (3) "Commission" and substituting "Chief Executive Officer (Housing)".

9. FUNCTIONS OF CHIEF EXECUTIVE OFFICER (HOUSING)

Section 15 of the Principal Act is amended —

- (a) by omitting "Commission" and substituting "Chief Executive Officer (Housing)";
- (b) by omitting from paragraph (a) "and" (last occurring);
- (c) by omitting from paragraph (b) "purposes." and substituting "purposes; and"; and
- (d) by adding at the end the following:

"(c) any other functions imposed on the Chief Executive Officer (Housing) under this or any other Act."

10. POWERS OF CHIEF EXECUTIVE OFFICER (HOUSING)

Section 16 of the Principal Act is amended —

- (a) by omitting from subsection (1) "Commission" and substituting "Chief Executive Officer (Housing)";
- (b) by omitting from subsection (2) —
 - (i) "Commission" and substituting "Chief Executive Officer (Housing)"; and

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(ii) "in this Act" and substituting "under this or any other Act"; and

(c) by omitting from subsections (3), (3A), (3C) and (4) "Commission" (wherever occurring) and substituting "Chief Executive Officer (Housing)".

11. REPEAL AND SUBSTITUTION

Section 29 of the Principal Act is repealed and the following substituted:

"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*."

12. REPEAL

Sections 38, 39, 44 and 45 of the Principal Act are repealed.

13. FURTHER AMENDMENTS

The provisions of the Principal Act specified in the Schedule are amended as provided for in the Schedule.

14. SAVINGS

(1) All references to the Northern Territory Housing Commission or the Commissioner in any contract, arrangement, security, licence, permit, bank account, instrument, register, notice, court document, communication, Act, instrument of a legislative or administrative character or other document made, entered into, granted, issued, served, sent or given before the commencement of this Act are, unless the context otherwise requires, to be read as, and have effect as if, references to the Chief Executive Officer (Housing).

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(2) All delegations made by the Minister or the Northern Territory Housing Commission and in force under section 14 of the Principal Act in force immediately before the commencement of this Act continue on that commencement to be in force and have effect, and may be dealt with, as if a delegation made by the Minister or Chief Executive Officer (Housing) under section 14 of the Principal Act as amended by this Act.

15. TRANSITIONAL

Where, in respect of —

- (a) the financial year ending on 30 June next following the commencement of this Act; or
- (b) another period determined by the Treasurer under section 11 of the *Financial Management Act* that includes the whole or part of the period from 30 June immediately preceding the commencement of this Act to the commencement of this Act,

the Accountable Officer, within the meaning of the *Financial Management Act*, of the Chief Executive Officer (Housing), as established by section 6 of the Principal Act as amended by this Act, prepares a financial statement under section 10 or 11 of the *Financial Management Act* in respect of the operations of the Northern Territory Housing Commission before the commencement of this Act (which may be as a part of a financial statement in respect of a period referred to in paragraph (a) or (b)), the financial statement is to be taken to satisfy, and to relieve and exempt the Accountable Officer of the Northern Territory Housing Commission from complying with, any obligation imposed in respect of the Northern Territory Housing Commission under section 10 or 11 of the *Financial Management Act* to prepare a financial statement in respect of that financial year or that period, as the case may be.

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SCHEDULE

Section 13

Provision	Amendment	
	omit	substitute
Section 5 — definition of "dwelling"	"Commission" (twice occurring)	"Chief Executive Officer (Housing) "
definition of "equipment"	"Commission"	"Chief Executive Officer (Housing) "
Part II — the heading	"NORTHERN TERRITORY HOUSING COMMISSION"	"CHIEF EXECUTIVE OFFICER (HOUSING) "
Division 1 of Part II — the heading	the whole heading	"Division 1 — Chief Executive Officer (Housing) "
Section 11(1)	"Commissioner"	"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"
	"Commission" (twice occurring)	"Chief Executive Officer (Housing) "
Section 11(2)	"Commissioner" (twice occurring)	"Chief Executive Officer"
	"Commission"	"Chief Executive Officer (Housing) "
Division 2 of Part II — the heading	"the Commission"	"Chief Executive Officer (Housing) "

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Section 17	"Commission"	"Chief Executive Officer (Housing) "
Section 18	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 19	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 20	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
PART III — the heading	"COMMISSION"	"CHIEF EXECUTIVE OFFICER (HOUSING) "
Section 21	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 22	"Commission"	"Chief Executive Officer (Housing) "
Section 24	"Commission"	"Chief Executive Officer (Housing) "
Section 25 (2)	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 26	"Commission" (twice occurring)	"Chief Executive Officer (Housing) "
Section 27	"Commission"	"Chief Executive Officer (Housing) "
Section 28	"Commission"	"Chief Executive Officer (Housing) "
Section 30	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 31	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 31A	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 32	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 34	"Commission"	"Chief Executive Officer (Housing) "
Section 35	"Commission"	"Chief Executive Officer (Housing) "

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Section 37 (2) (c), (e) and (f)	"Commission"	"Chief Executive Officer (Housing) "
Section 41 (3) and (4) (a)	"Commission"	"Chief Executive Officer (Housing) "
Section 42	"Commission" (wherever occurring)	"Chief Executive Officer (Housing) "
Section 43	"Commission"	"Chief Executive Officer (Housing) "

ALTERATION TO SECTION HEADINGS

On the day on which the *Housing Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to sections 18, 21, 22, 24, 27 and 30 of the *Housing Act* are altered by omitting "COMMISSION" and substituting "CHIEF EXECUTIVE OFFICER (HOUSING)".