

NORTHERN TERRITORY OF AUSTRALIA  
HOUSING AMENDMENT ACT 2005

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Act No. 17 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 17 of 2005

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## AN ACT

to amend the *Housing Act* and *Stamp Duty Act* and to repeal the *Home Purchase Assistance Scheme Regulations*, *Housing Assistance Schemes Regulations*, *Housing (Government Employees) Sales Scheme Regulations* and *Northern Territory Interest Subsidy Scheme Regulations*

[Assented to 5 May 2005]  
[Second reading 9 February 2005]

**The Legislative Assembly of the Northern Territory enacts as follows:**

### PART 1 – PRELIMINARY

**1. Short title**

This Act may be cited as the *Housing Amendment Act 2005*.

**2. Commencement**

(1) Part 3 is taken to have come into operation on 30 June 2004.

(2) The remaining provisions of this Act come into operation on the day on which the Administrator's assent to this Act is declared.

### PART 2 – AMENDMENT OF *HOUSING ACT*

**3. Principal Act amended**

This Part amends the *Housing Act*.

**4. Repeal and substitution of section 24**

Section 24 –

*repeal, substitute*

**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.

**5. Repeal and substitution of Part VIII heading**

Part VIII, heading –

*repeal, substitute*

**PART VIII – TRANSITIONAL MATTERS FOR *HOUSING ACT 1982***

**6. New Part IX**

After section 43 –

*insert*

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"repealed Home Purchase Regulations" means the *Home Purchase Assistance Scheme Regulations* as in force immediately before the commencement day;

"repealed Housing Assistance Regulations" means the *Housing Assistance Schemes Regulations* as in force immediately before the commencement day;

"repealed Housing Sales Regulations" means the *Housing (Government Employees) Sales Scheme Regulations* as in force immediately before the commencement day.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 3 – AMENDMENT OF *STAMP DUTY ACT***

**7. Principal Act amended**

This Part amends the *Stamp Duty Act*.

**8. Amendment of section 8B (Concession for first home owners)**

Section 8B(8) –

*omit, substitute*

(8) This section applies in relation to the acquisition by a person, other than the Chief Executive Officer (Housing), of an interest in land under a scheme administered by the Chief Executive Officer (Housing) under section 22 or 24 of the *Housing Act* as if –

- (a) if the person is acquiring the interest alone – the person were acquiring 100% of the land; or
- (b) if 2 or more persons are acquiring the interest – the persons were acquiring 100% of the land in the same proportions as they are acquiring the interest.

**9. Amendment of section 8C (Rebate for principal place of residence)**

Section 8C(7) –

*omit, substitute*

(7) This section applies in relation to the acquisition by a person, other than the Chief Executive Officer (Housing), of an interest in land under a scheme administered by the Chief Executive Officer (Housing) under section 22 or 24 of the *Housing Act* as if –

- (a) if the person is acquiring the interest alone – the person were acquiring 100% of the land; or
- (b) if 2 or more persons are acquiring the interest – the persons were acquiring 100% of the land in the same proportions as they are acquiring the interest.

**PART 4 – REPEAL OF REGULATIONS**

**10. Repeals**

The Regulations specified in the Schedule are repealed.

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SCHEDULE

Section 10

REPEALED REGULATIONS

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<i>Home Purchase Assistance Scheme Regulations 1984</i>	Regulations No. 54 of 1984
<i>Amendments of Home Purchase Assistance Scheme Regulations</i>	Regulations No. 49 of 1988
<i>Amendment of Home Purchase Assistance Scheme Regulations</i>	Regulations No. 59 of 1996
<i>Amendment of Home Purchase Assistance Scheme Regulations</i>	Regulations No. 22 of 1998
<i>Housing Assistance Schemes Regulations</i>	Regulations No. 61 of 1991
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 2 of 1994
<i>Amendment to the Housing Assistance Schemes Regulations</i>	Regulations No. 12 of 1995
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 33 of 1995
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 58 of 1996
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 19 of 1997
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 21 of 1997
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 32 of 1997
<i>Amendment of Housing Assistance Schemes Regulations</i>	Regulations No. 23 of 1998
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 46 of 2000

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<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 3 of 2001
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 3 of 2003
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 4 of 2003
<i>Amendments of Housing Assistance Schemes Regulations</i>	Regulations No. 22 of 2004
<i>Housing (Government Employees) Sales Scheme Regulations 1983</i>	Regulations No. 51 of 1983
<i>Amendments of the Housing (Government Employees) Sales Scheme Regulations</i>	Regulations No. 53 of 1984
<i>Amendments of Housing (Government Employees) Sales Scheme Regulations</i>	Regulations No. 24 of 1998
<i>Northern Territory Interest Subsidy Scheme Regulations</i>	Regulations No. 50 of 1988
<i>Amendment of Northern Territory Interest Subsidy Scheme Regulations</i>	Regulations No. 60 of 1991
<i>Amendment of Northern Territory Interest Subsidy Scheme Regulations</i>	Regulations No. 25 of 1998

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