

**NORTHERN TERRITORY OF AUSTRALIA**

**HOUSING AMENDMENT REGULATIONS 2012**

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**Subordinate Legislation No. 11 of 2012**

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## Subordinate Legislation No. 11 of 2012\*

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### *Housing Amendment Regulations 2012*

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Housing Act*.

Dated 22 March 2012

S. G. THOMAS  
Administrator

By Her Honour's Command

D. R. KNIGHT  
Minister for Justice and Attorney-General  
acting for  
Minister for Public and Affordable Housing

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\* Notified in the *Northern Territory Government Gazette* on 28 March 2012.

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## 1 Citation

These Regulations may be cited as the *Housing Amendment Regulations 2012*.

## 2 Regulations amended

These Regulations amend the *Housing Regulations*.

## 3 Regulation 3 replaced

Regulation 3

*repeal, insert*

## 3 Definitions

In these Regulations:

***eligible person*** means a person who is, in the opinion of the Chief Executive Officer (Housing):

- (a) of limited means; and
- (b) not adequately housed.

***infringement notice***, see regulation 15.

***infringement notice offence***, see regulation 14(1).

***prescribed amount***, see regulation 14(2).

## 3A Disqualifying offence

- (1) For the definition ***disqualifying offence*** in section 5 of the Act, each of the following is a disqualifying offence:
  - (a) an offence specified in Schedule 1;
  - (b) an offence under a law of a foreign jurisdiction that, if it had been committed in the Territory, would have constituted an offence of a kind mentioned in paragraph (a);
  - (c) any other offence, whether committed in the Territory or a foreign jurisdiction, for which the offender was sentenced to a term of imprisonment, whether or not the imprisonment was suspended in whole or in part.

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(2) In this regulation:

***foreign jurisdiction*** means a jurisdiction other than the Territory, including a jurisdiction outside Australia.

#### **4 Regulation 13 replaced**

Regulation 13

*repeal, insert*

#### **13 Contents of seizure receipt**

A receipt about the seizure of a seized item required to be issued under section 28G(5) of the Act must contain the following information:

- (a) a description of the seized item;
- (b) the date and time of the seizure;
- (c) a statement to the effect that if the seized item is not retained as evidence, it can be collected by its owner within 3 months of the date of seizure;
- (d) the name and address of the place from which the seized item can be collected;
- (e) the name and signature of the public housing safety officer issuing the receipt.

### **Part 5 Infringement notice offences**

#### **14 Infringement notice offence and prescribed amount payable**

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 2.

#### **15 When infringement notice may be given**

If a public housing safety officer reasonably believes a person has committed an infringement notice offence, the officer may give a notice (an ***infringement notice***) to the person.

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**16 Contents of infringement notice**

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;
  - (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
  - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;
    - (iv) registering a statutory charge on land owned by the person;
    - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

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**17        Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

**18        Withdrawal of infringement notice**

- (1) The CEO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
  - (a) within 28 days after the infringement notice is given to the person; and
  - (b) before payment of the prescribed amount.

**19        Application of Part**

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

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<b>5</b>	<b>Schedules 1 and 2 inserted</b>
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After regulation 19

*insert*

## **Schedule 1      Disqualifying offence**

regulation 3A

### **Part A – Criminal Code and *Misuse of Drugs Act***

- 1      An indictable offence under the Criminal Code or *Misuse of Drugs Act* (whether tried summarily or not).
- 2      An offence against section 125C, 188(1) or 213(1) of the Criminal Code.
- 3      An offence against section 15, 16 or 17 of the *Misuse of Drugs Act*.
- 4      An offence committed before the commencement of the *Criminal Code* that would, if committed after that commencement, have constituted an indictable offence under the Criminal Code or an offence mentioned in item 2.
- 5      An offence committed before the commencement of the *Misuse of Drugs Act* that would, if committed after that commencement, have constituted an indictable offence under the *Misuse of Drugs Act* or an offence mentioned in item 3.

### **Part B – *Firearms Act***

An offence against section 34(5), 39(2), 40(6), 42(2), 43(2), 58, 59, 62, 63, 67(1), 71, 77, 78, 82(1), 83, 84(1), 85, 86 or 89 of the *Firearms Act*.

### **Part C – *Weapons Control Act***

An offence against section 6, 7 or 8 of the *Weapons Control Act*.

### **Part D – *Summary Offences Act***

An offence against section 46A, 47, 47AA(1), 47AB, 47A, 47B(4), 49A(1), 50, 53, 55(1), 56, 60, 60A, 61(2), 68A(1), 69A or 69B of the *Summary Offences Act*.

### **Part E – *Domestic and Family Violence Act***

An offence against section 120(1) of the *Domestic and Family Violence Act*.



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## **Part F – Commonwealth Law**

An offence against a law of the Commonwealth the penalty for which is imprisonment for 2 years or more.

### **Schedule 2      Infringement notice offences and prescribed amounts**

regulation 14

<b>Provision</b>	<b>Prescribed amount in penalty units</b>
section 28D(5) of Act	0.5
section 28E(4) of Act	0.5

#### **6      Regulations further amended**

The Schedule has effect.

## Schedule Regulations further amended

regulation 6

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	<b>Part 1 Preliminary matters</b>
Part II, heading	<b>Part II</b>	<b>Part 2</b>
regulation 4(2)	shall	must
regulation 4(3)(a), at the end		or
regulation 4(4)	shall himself or his	must the person or the person's
regulation 4(5)	consent in writing	written consent
regulation 4(5)(a), at the end		or
Part III, heading	<b>Part III</b>	<b>Part 3</b>
regulation 6	In this Part, unless the contrary intention appears,	In this Part:
regulation 6(a)	Commonwealth or the Territory;	Territory or the Commonwealth; or
regulation 6(b)	Commonwealth or of the Territory;	Territory or the Commonwealth; or
regulation 6(c)	the purposes of (Housing);	(Housing); or
regulation 6(c)(ii)	significance,	significance;
regulation 6(d)	referred to by virtue of	mentioned under

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regulation 7(1)(b) and (2)	referred to	mentioned
regulation 8	referred to shall	mentioned must
regulation 9	shall	must
regulation 10	his or its <i>(all references)</i> that person <i>(all references)</i>	the person's  the person
regulation 10(b)	contracts,	contracts;
regulation 11	referred to he	mentioned the Minister
regulation 11(b)	building,	building;
Part IV, heading	whole heading	<b>Part 4 Miscellaneous matters</b>

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