

NORTHERN TERRITORY OF AUSTRALIA

HOUSING AMENDMENT REGULATIONS 2024

Subordinate Legislation No. 3 of 2024

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Housing Amendment Regulations 2024

I, Hugh Crosby Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Housing Act 1982*.

Responsible Minister:

N. G. AH KIT
Minister for Urban Housing

H. C. HEGGIE
Administrator

Date of making: 27 March 2024

1 Title

These Regulations may be cited as the *Housing Amendment Regulations 2024*.

2 Commencement

These Regulations commence on the commencement of Part 3 of the *Housing and Related Legislation Amendment Act 2024*.

3 Regulations amended

These Regulations amend the *Housing Regulations 1983*.

4 Regulation 3B inserted

After regulation 3A, in Part 1

insert

3B Housing schemes prescribed

For section 22 of the Act, the following housing schemes are prescribed:

- (a) the social housing scheme set out in Part 2;
- (b) the scheme for provision of housing for approved persons and their employees set out in Part 3.

5 Part 2, Division 1 and Part 2, Division 2 heading inserted

Part 2, heading

omit, insert

Part 2 Social housing scheme

Division 1 Meaning of social housing scheme

3C Scheme

The social housing scheme is the scheme by which:

- (a) eligible persons and others are granted leases of dwellings by the Chief Executive Officer (Housing) or the Territory in accordance with Division 2; and

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- (b) the Chief Executive Officer (Housing) or the Territory facilitates the provision of housing to eligible persons and others by community housing providers, and eligible persons and others are granted leases of premises by community housing providers, in accordance with Division 3.

Division 2 Leases granted by Chief Executive Officer (Housing)

6 Regulation 4 amended

Regulation 4(2)(b)

omit

and any conditions which

insert

, the *Residential Tenancies Act 1999* and any conditions that

7 Part 2, Division 3 inserted

After regulation 5

insert

Division 3 Agreements with, and leases granted by, community housing providers

5A Agreement with community housing provider

- (1) The Chief Executive Officer (Housing) or the Territory may do any of the following to facilitate the provision of housing to eligible persons and others by a community housing provider:
- (a) grant to the provider a lease of vacant premises;
 - (b) grant to the provider a concurrent lease of premises that are let under Division 2;
 - (c) enter into an agreement with the provider in relation to:
 - (i) funding, the transfer of assets or another type of assistance or service related to the provision of housing to eligible persons and others by the provider; or
 - (ii) premises owned or leased by the provider.

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- (2) A lease or agreement mentioned in subregulation (1) may contain any conditions that the Chief Executive Officer (Housing) or the Territory considers appropriate.
 - (3) This regulation does not limit any other power the Chief Executive Officer (Housing) or the Territory may have to enter into a lease, concurrent lease or other agreement, including entering into a lease, concurrent lease or other agreement with a community housing provider.

5B Power of community housing provider to let premises

- (1) This regulation applies in relation to premises that are the subject of a lease, concurrent lease or other agreement between the Chief Executive Officer (Housing) and a community housing provider.
- (2) The premises must be let by the community housing provider:
 - (a) subject to subregulation (3), at the rent of the premises determined under section 23 of the Act for those premises; and
 - (b) on terms that are in accordance with these Regulations and the *Residential Tenancies Act 1999*.
- (3) If the lease, concurrent lease or other agreement requires the community housing provider to grant a rebate of the whole or a portion of the rent payable by a tenant in relation to the premises, the provider must do so in accordance with the lease, concurrent lease or other agreement.

5C Concurrent leases

- (1) This regulation applies in relation to premises that are let under Division 2 if the Chief Executive Officer (Housing) grants a concurrent lease of the premises to a community housing provider.
- (2) On the commencement of the concurrent lease:
 - (a) any rent payable after the commencement by a tenant of the premises becomes payable to the community housing provider and not to the Chief Executive Officer (Housing); and
 - (b) any rent in arrears that was payable before the commencement of the concurrent lease, does not become payable to the provider unless otherwise agreed between the Chief Executive Officer (Housing) and the provider; and
 - (c) the premises cease to be public housing premises.

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- (3) The Chief Executive Officer (Housing) must not provide any personal information or health information about a tenant of the premises to the community housing provider unless satisfied the provider has procedures in place to protect the information from misuse and loss and from unauthorised access, modification or disclosure.
- (4) To avoid doubt, the consent of a tenant is not required in order for the Chief Executive Officer (Housing) to enter into a concurrent lease or to provide the tenant's personal information or health information as mentioned in subregulation (3).
- (5) In this regulation:

health information, see section 4 of the *Information Act 2002*.

personal information, see section 4 of the *Information Act 2002*.

8 Part 3 heading amended

Part 3, heading

omit

Provision

insert

Scheme for provision

9 Repeal of Regulations

These Regulations are repealed on the day after they commence.