

HOUSING ORDINANCE 1962.

No. 74 of 1963.

An Ordinance to amend the *Housing Ordinance* 1959-1960.

[Reserved 22nd July, 1963.]

[Assented to 11th November, 1963.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1961, as follows:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Housing Ordinance* 1962.

(2.) The *Housing Ordinance* 1959-1960 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Housing Ordinance* 1959-1962.

Interpretation.

2. Section four of the Principal Ordinance is amended by omitting from the definition of “dwelling” in sub-section (1.) the words “or evicting” and inserting in their stead the words “evicting or selling”.

Functions of the Commission.

3. Section twelve of the Principal Ordinance is amended—
(a) by omitting from sub-section (1.) the word “for” (first occurring); and

(b) by omitting paragraph (e) of sub-section (2.) and inserting in its stead the following paragraphs:—

“ (e) letting dwellings;

(ea) selling dwellings; and ”.

Powers of Commission.

4. Section thirteen of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) Except in accordance with the next succeeding section, the Commission shall not sell real or personal property, other than building materials, unless the sale is made either by public auction or after inviting public tenders for the purchase of property.”.

* Assent notified in the *Government Gazette* of the Northern Territory on 13th November, 1963 (see *Gazette* No. 48A, 1963, p. 228A).

5 After section thirteen of the Principal Ordinance the following sections are inserted:—

“13A.—(1.) A person may make application in writing to the Commission to purchase a dwelling if, at the date of the application he is the tenant of that dwelling.

Sale of
dwelling to
tenant.

“(2.) The Commission may, in its discretion, sell to a person making application under the last preceding sub-section the dwelling of which he is the tenant at the date of the application.

“(3.) The price at which a dwelling may be sold under the last preceding sub-section is an amount ascertained by deducting from an amount equal to the cost of the dwelling an amount estimated by the Commission to be the sum by which the value of the dwelling would have depreciated since it was actually built if its value when it was actually built had been equal to that cost.

“(4.) A contract for the sale of a dwelling under sub-section (2.) of this section shall contain terms and conditions providing for—

(a) payment of the price—

(i) as to an amount of one hundred pounds or as to such larger amount as the purchaser may require—by way of deposit upon entering into the contract; and

(ii) as to the balance of the price—upon completion of the sale or, at the option of the purchaser, by periodical instalments over a period of forty-five years or such shorter period as the purchaser may require;

(b) the insuring, by the purchaser, of the dwelling against damage or destruction by fire while any of the price is unpaid;

(c) the maintenance, by the purchaser, of the dwelling in good repair while any of the price is unpaid; and

(d) the payment by the purchaser, while any of the price is unpaid, of the land rent, rates and other charges imposed on or in relation to the dwelling, or the land on which the dwelling is erected, under a law in force in the Territory.

“ (5.) Where a contract for the sale of a dwelling under sub-section (2.) of this section provides for the payment of the balance of the price by instalments over a period specified in the contract, the contract shall contain terms and conditions—

- (a) providing for payment of interest, at a rate fixed by the Commission, on the balance of the price for the time being unpaid; and
- (b) authorizing the Commission to fix, from time to time while any of the balance of the price remains unpaid, the rate of interest payable on that balance for the time being unpaid.

“ (6.) In this section, ‘ cost ’, in relation to a dwelling that is sold under sub-section (2.) of this section, means the sum, as estimated by the Commission, for which the dwelling could be built if it were to be built at the date of the sale.”

Restriction on transfer of dwelling.

“ 13B.—(1.) A dwelling which has been sold under the last preceding section is not, during the period of five years after the date of the agreement of sale, capable of being transferred or assigned either at law or in equity.

“ (2.) The last preceding sub-section does not apply—

- (a) where the purchaser has at any time made an offer in writing to the Commission to resell the dwelling to the Commission and the offer has not been accepted within one month after the date on which it was made; or
- (b) so as to prevent a transfer or assignment of a dwelling or an interest therein—
 - (i) by operation of law or by will;
 - (ii) by way of mortgage; or
 - (iii) by a mortgagee in pursuance of a power of sale as mortgagee.

“ (3.) Where an offer under the last preceding sub-section is accepted, the Commission shall pay to the purchaser, by way of purchase money, an amount equal to the sum for which the dwelling could be built if it were to be built at the date the offer is accepted less the sum by which the dwelling would have depreciated since it was actually built if its value when it was actually built had been equal to that first mentioned sum.

“ (4.) If, in a particular case, the Commission and the purchaser fail to agree as to the amount that is payable by way of purchase money under the last preceding sub-section, that amount shall be determined by a single arbitrator under the laws in force in the Territory relating to arbitration.

“(5.) A certificate signed by the secretary of the Commission and certifying that the purchaser under an agreement of sale specified in the certificate has duly made an offer in accordance with paragraph (a) of sub-section (2.) of this section but that the offer has not been accepted within one month after the date on which it was made is conclusive evidence that the transfer or assignment of the dwelling is no longer prevented or restricted by this section.”.
