

## HOUSING ORDINANCE 1968

No. 6 of 1968

An Ordinance to amend the *Housing Ordinance*  
1959-1966

[Assented to 20 March, 1968]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1967, as follows:—

Short title  
and citation

1.—(1.) This Ordinance may be cited as the *Housing Ordinance* 1968.

(2.) The *Housing Ordinance* 1959-1966 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* 1959-1968.

Commencement

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\*

Title

3. The title of the Principal Ordinance is amended by omitting the words “at an economic rental” and inserting in their stead the words “or sale and for other purposes”.

Parts

4. Section 3 of the Principal Ordinance is amended by omitting the words—

“Part III.—Letting of Dwellings (Sections 25-33).”  
and inserting in their stead the words—

“Part III.—Letting of Dwellings to Eligible Persons (Sections 25-33).”

Part IIIA.—Provision of Housing for Approved Persons and their Employees (Section 33A-33E).”.

Interpretation

5. Section 4 of the Principal Ordinance is amended—

(a) by inserting in the definition of “acquire” in sub-section (1.), after the word “let”, the words “or sell”;

(b) by adding at the end of the definition of “housing project” in sub-section (1.) the words “or selling”;

\* The date fixed was 1 May, 1968 (see *Northern Territory Government Gazette* No. 18 of 24 April, 1968, page 101).

- (c) by inserting in sub-section (1.), after the definition of "let", the following definition:—  
 " 'prescribed cost' in relation to a dwelling that is sold, means an amount equal to 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;";
- (d) by omitting from paragraph (a) of the definition of "reduced capital cost" in sub-section (1.) the words "Five hundred pounds" and inserting in their stead the words "One thousand dollars"; and
- (e) by omitting from paragraph (b) of the definition of "reduced capital cost" in sub-section (1.) the words "One thousand pounds" and inserting in their stead the words "Two thousand dollars".

6. Section 12 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "for eligible persons" and inserting in their stead the words "in accordance with this Ordinance". Functions of Commission

7. Section 13 of the Principal Ordinance is amended by inserting in sub-section (3.), after the word "section", the words "or Part IIIA. of this Ordinance". Powers of Commission

8. Section 13A of the Principal Ordinance is amended— Sale of dwelling to tenant
- (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—  
 "(1.) A person who is the tenant of a dwelling may make application in writing to the Commission to purchase any dwelling.";
- (b) by omitting from sub-section (2.) the words "of which he is the tenant at the date of the application" and inserting in their stead the words "which he has applied to purchase";
- (c) by omitting sub-section (3.) and inserting in its stead the following sub-section:—  
 "(3.) The price at which a dwelling may be sold under the last preceding sub-section is the prescribed cost less an amount (if any) 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 the prescribed cost.";
- (d) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (4.) the words "one hundred

pounds” and inserting in their stead the words  
“Two hundred dollars”; and

(e) by omitting sub-section (6.).

Restriction  
on transfer  
of dwelling

9. Section 13B of the Principal Ordinance is amended—

(a) by omitting sub-paragraphs (i) to (iii) inclusive of paragraph (b) of sub-section (2.) and inserting in their stead the following sub-paragraphs:—

“(i) by operation of law;

(ii) by will;

(iii) by way of mortgage;

(iv) by a mortgage in pursuance of a power of sale as mortgagee;

(v) between spouses; or

(vi) between the parties to a dissolved marriage.”; and

(b) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(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 that date, 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 the first mentioned sum.”.

Advance of  
money by  
Treasurer

10. Section 17 of the Principal Ordinance is amended—

(a) by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

“(a) in respect of each dwelling acquired out of the advance for letting by the Commission to an eligible person—

(i) where the dwelling is situate within the town of Alice Springs, an amount of One thousand dollars; and

(ii) where the dwelling is situate elsewhere than in the town of Alice Springs, an amount of Two thousand dollars,

shall not be repaid and shall not bear interest.”; and

(b) by inserting in paragraph (c) of sub-section (1.), before the words “the advance” (first occurring), the words “that remainder of the amount of”.

11. After section 17 of the Principal Ordinance, the following section is inserted:—

“17A. Notwithstanding the provisions of the last preceding section, the Commission may accept an offer by the Treasurer to advance moneys to enable the Commission to exercise all or any of its powers and functions under Part IIIA. of this Ordinance, upon such terms as to repayment and otherwise as the Treasurer approves.”.

Advance for purposes of Part IIIA.

12. Section 18 of the Principal Ordinance is amended by omitting the words “the advance is made, such portion of an advance” and inserting in their stead the words “an advance is made, the advance or such portion of the advance”.

Repayment of advance

13. Section 23 of the Principal Ordinance is amended by omitting sub-paragraph (ii) of paragraph (a) of sub-section (1.) and inserting in its stead the following sub-paragraphs:—

Annual report

- “(ii) the average cost of dwellings acquired;
- (iiA) the number of dwellings sold;
- (iiB) the average sale price of dwellings sold;”.

14. The heading to Part III. of the Principal Ordinance is amended by adding at the end thereof the words “TO ELIGIBLE PERSONS”.

Amendment of heading to Part III.

15. Section 25 of the Principal Ordinance is amended by inserting, after the word “dwelling”, the words “to be let”.

Economic rent

16. Section 31 of the Principal Ordinance is amended by omitting from sub-section (10.) the words “Six pence” and inserting in their stead the words “Five cents”.

Calculation of economic rent

17. After Part III. of the Principal Ordinance the following Part is inserted:—

“PART IIIA.—PROVISION OF HOUSING FOR APPROVED PERSONS AND THEIR EMPLOYEES.

“33A.—In this Part, ‘approved persons’ means—

Definition

- (a) the Commonwealth;
- (b) an authority or body constituted by or under a law of the Commonwealth or of the Territory; or
- (c) an individual, partnership, company, co-operative trading society or association engaged in—
  - (i) commercial or industrial business activities;
  - or
  - (ii) activities of defence significance, in the Territory and approved by the Minister for the purposes of this Part.

“33B.—(1.) Subject to this Part, the Commission may erect a dwelling and let or sell it to an approved person or to an

Erection, sale and letting of dwellings

employee of an approved person upon such terms and conditions as are—

- (a) agreed upon between the Commission and the approved person or the employee, as the case may be; and
- (b) if the dwelling is to be let or sold to a person referred to in paragraph (c) of the last preceding section or to the employee of such a person—approved by the Minister.

“(2.) Where the Commission lets or sells a dwelling under the last preceding sub-section, the terms and conditions referred to in that sub-section apply in relation to the letting or selling whether or not the person to whom the dwelling is let or sold is an approved person.

Rent of dwellings let to the Commonwealth, public authorities or their employees

“33C. The rent for a dwelling let under the last preceding section to a person referred to in paragraph (a) or (b) of section 33A of this Ordinance or to the employee of such a person shall be the economic rent which, under section 25 of this Ordinance, the Commission has determined for that dwelling in accordance with Part III. of this Ordinance.

Sale price

“33D. The price at which a dwelling may be sold under section 33B of this Ordinance is the prescribed cost less an amount (if any) 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 the prescribed cost.

Commission as agent for industrial undertakings

“33E. For the purpose of assisting a person referred to in paragraph (c) of section 33A of this Ordinance to obtain, at his or its own expense, housing for his or its employees, the Commission may, with the approval of the Minister and with the consent and at the expense of the person, act as the agent of the person in arranging for the construction or purchase of the housing and, without limiting the generality of the foregoing, may—

- (a) conduct negotiations; and
- (b) enter into contracts, on behalf of that person.”.

Acting when interested

18. Section 37 of the Principal Ordinance is amended—

- (a) by inserting, after the word “land” (wherever occurring) the words “or dwelling”; and
- (b) by omitting the words “Two hundred pounds” and inserting in their stead the words “Four hundred dollars”.

19. After section 40 of the Principal Ordinance the following section is inserted:—

"40A.—(1.) Any notice or other document (other than a notice referred to in section 39 of this Ordinance) which under this Ordinance is required or permitted to be served, or which it is convenient to serve, on the Commonwealth, on an authority or body constituted by or under a law of the Commonwealth or of the Territory or on a person, partnership, company, co-operative trading society or association may be served as follows:—

Service of documents

- (a) on the Commonwealth—by delivering it to, or posting it in a prepaid registered letter properly addressed to, the Administrator;
- (b) on an authority or body constituted by or under a law of the Commonwealth or of the Territory—by delivering it to, or posting it in a prepaid registered letter properly addressed to, the secretary of the authority or body or other officer of the authority or body who normally receives correspondence on behalf of the authority or body;
- (c) on an individual—by delivering it to him or posting it in a prepaid registered letter addressed to him at his last known or usual place of residence or business;
- (d) on a partnership—by delivering it to any partner or posting it in a prepaid registered letter addressed to any partner at his last known or usual place of residence or business;
- (e) on a company—by leaving it at or posting it in a prepaid registered letter to the registered office of the company;
- (f) on a co-operative trading society or association—by delivering it to, or posting it in a prepaid registered letter properly addressed to, the secretary of the society or association or other officer of the society or association who normally receives correspondence on behalf of the society or association.

"(2.) Where a notice or document is served by post in accordance with the last preceding sub-section, the service of the notice or document shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post."

20. Section 42 of the Principal Ordinance is amended by omitting the words "Fifty pounds" and inserting in their stead the words "One hundred dollars".

Regulations