

# HOUSING ORDINANCE 1972

1351

No. 60 of 1972

## An Ordinance to amend the *Housing Ordinance* 1959 as amended

[Reserved 6 September, 1972]

[Assented to 9 November, 1972]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Housing Ordinance* 1972.

Short title  
and citation

(2.) The *Housing Ordinance* 1959 as amended 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* 1959-1972.

\* \* \* \* \*

Assent to  
sections 2, 3, 4, 5  
and 6 withheld

7. Section 40 of the Principal Ordinance is repealed and the following section is inserted in its stead:—

“40.—(1.) Upon the hearing of a summons issued under the last preceding section the court shall take into consideration—

Hearing of  
complaint of  
failure to  
vacate

(a) any hardship which would be caused to the person summoned or to his family;

(b) whether any alternative accommodation, temporary or otherwise, is reasonably available to the person summoned or to his family,

and may issue a warrant in accordance with Form 3 in the schedule.

“(2.) Notwithstanding anything contained in the last preceding sub-section, where the court is satisfied that—

(a) the person summoned has failed to pay rent for a period of not less than 28 days; or

(b) has wilfully or negligently damaged or permitted damage to be caused to the dwelling,

\* Notified in the *Northern Territory Government Gazette* No. 46 of 15 November, 1972, page 409.

*Housing*

the court shall issue a warrant in accordance with Form 3 in the schedule and shall order that the warrant be not executed for a period of 21 days after the date of the warrant.

“(3.) Subject to the last preceding sub-section the court may order that a warrant issued under this section be executed upon such date as is specified in the order made that the warrant issue.

“(4.) A warrant shall not be issued under this section if the defendant proves to the satisfaction of the court that he was not in occupation of the dwelling at a time when the Commission was entitled to apply, under sub-section (3.) of the last preceding section, for a warrant to evict him from the dwelling.

“(5.) Any member of the police force or bailiff to whom the warrant is directed may forthwith execute the warrant according to its tenor and exigency in the same manner as any warrant of possession or writ of possession may be executed.”.

Assent to section  
8 withheld

\* \* \* \* \*

---