

Government Employee Housing Illegal Use of a Dwelling

Policy

Document title	Government Employee Housing Illegal Use of a Dwelling	Version 1.0
Contact details	Northern Territory Government Employee Housing Office	
Approved by	Senior Executive Group on behalf of Executive Leadership Board	
Date approved	13/12/2022	
Document review	24 months from date of approval	
TRM number	HCD2022/06748-1	

Version	Date	Author	Changes made
1.0	13/12/2022	NTGEHO	First version

Contents

- 1. Policy statement.....4**
- 2. Purpose.....4**
- 3. Scope.....4**
- 4. Policy detail4**
 - 4.1. Illegal purposes4
 - 4.2. Misuse of drugs4
- 5. Decision-making (delegation and discretion).....5**

1. Policy statement

The Northern Territory Government Employee Housing Office (NTGEHO) has an obligation to provide safe Government Employee Housing (GEH) and has a range of penalties to deal with illegal uses of dwellings according to the severity of the crime.

2. Purpose

This policy outlines the NTGEHO's response to illegal use of GEH, including drugs.

3. Scope

This policy applies to all tenants in GEH, including residents and visitors.

4. Policy detail

4.1. Illegal purposes

Under the terms of a GEH tenancy agreement, a GEH dwelling may only be used for residential purposes. Some exceptions are granted for legitimate commercial businesses – see the Home Businesses and Self-Employment policy for further information.

It is a breach of the tenancy agreement under section 100(1)(b) of the *Residential Tenancies Act 1999* to use a dwelling for illegal purposes. Under the *Residential Tenancies Act 1999*, the NTGEHO may apply to the Northern Territory Civil and Administrative Tribunal (NTCAT) to seek termination of a tenancy agreement if it is satisfied that the tenant has caused or permitted the premises to be used for an illegal purpose – see the GEH Tenancy Agreement Breach policy for more information.

The NTGEHO prefers that tenants stop using the dwelling for illegal purposes rather than terminate the tenancy, however leniency will not be given in the event of serious crimes.

4.2. Misuse of drugs

The NTGEHO will work in conjunction with police to eradicate the misuse of drugs in GEH. Police are able to issue warnings, known as drug notices, to a household under the Misuse of Drugs Act 1990 given reasonable belief that a dangerous drug has been found at the dwelling.

Police can apply to the court to have a drug premises order issued, which results in a drug premises sign being attached to the front of the dwelling. At this point the NTGEHO will take action to terminate the tenancy.

Tenants who have been evicted due to a drug premises order will have their eligibility for future GEH affected.

Once a tenancy has been terminated, the NTGEHO will immediately apply to the court to have the drug premises order revoked before the next tenant moves in.

5. Decision-making (delegation and discretion)

The CEO (Housing) may delegate a power or function under the *Housing Act 1982* or other Act. Delegated officers may make decisions on behalf of the CEO (Housing) in line with the Housing Delegations and the Department's Financial Management Delegations.

A discretionary decision may be made outside general application of policy if it supports the policy intent, will prevent an employee or agency from being unfairly disadvantaged, and is in line with the Department's delegations and legislative obligations.