

Government Employee Housing Tenancy Agreements

Policy

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1. Policy statement

This policy sets out how the Northern Territory Government Employee Housing Office (NTGEHO) uses tenancy agreements for Government Employee Housing (GEH).

2. Purpose

This policy details the types of GEH tenancy agreements which may be offered to eligible employees.

3. Scope

This policy applies to GEH tenancy agreements agreed between the Chief Executive Officer (CEO) (Housing) and GEH tenants including premises leased under a private head lease.

This policy also applies to NTGEHO staff that work with GEH tenants.

This policy does not cover properties which fall under the Industry Housing Assistance Scheme.

This policy does not apply to properties that are not leased under the *Residential Tenancies Act 1999*.

4. Policy detail

Sections 15 and 16 of the *Housing Act 1982* enable the CEO (Housing) to let houses for the purpose of residential accommodation.

Section 34 of the *Housing Act 1982* states that the *Residential Tenancies Act 1999* applies to and in relation to the premises of the *Housing Act 1982*.

Section 19 of the *Residential Tenancies Act 1999* enables the landlord, the CEO (Housing), to enter into a tenancy agreement with a tenant. A tenancy agreement provides the tenant and the landlord with rights and responsibilities prescribed in the *Residential Tenancies Act 1999*.

4.1. Periodic tenancy agreements

All new GEH tenants will be offered a periodic/ongoing tenancy agreement

4.2. Existing (non-probationary) fixed term tenancy agreements

Eligible GEH tenants who currently have a fixed term tenancy agreement will be offered the option to enter into a periodic/ongoing arrangement before their fixed term ends, or will transfer to periodic/ongoing when fixed term agreements expire, if they remain eligible.

5. Eligibility

To be eligible for GEH, applicants and tenants must meet qualifying criteria – see GEH Eligibility policy.

NTGEHO staff will assess initial and continuing eligibility for GEH. The CEO (Housing) will only enter into and maintain a GEH tenancy agreement with eligible applicants/tenants.

When a tenant or household has a change in entitlement and remains eligible for GEH, the delegate of the CEO (Housing) will identify a dwelling of the correct entitlement and the tenant will be required to transfer to that dwelling and enter into a new tenancy agreement.

If a tenant no longer meets eligibility criteria, or if a tenant refuses to move to a dwelling that matches their entitlement, a periodic/ongoing tenancy agreement may be terminated in accordance with Section 89 of the *Residential Tenancies Act 1999*.

Refer to the GEH Eligibility policy, the GEH Entitlement policy and the Termination of a Tenancy policy for further information.

6. 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.

7. References

7.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999