

Inspections

Policy

Date effective: 1 January 2021

1. Purpose

The Chief Executive Officer (Housing) (CEO (Housing)) conducts inspections to support accurate assessment of the condition of the premises so that they can be maintained in a reasonable state of repair. This policy outlines how inspections will occur and the interaction between departmental officers and tenants.

2. Scope

This policy applies to premises owned or leased by the CEO (Housing), for the purpose of residential accommodation.

3. Policy detail

The CEO (Housing) will conduct inspections to assess the condition of premises, identify repairs and maintenance requirements and to ensure the premises are habitable, safe and secure.

Inspections will be conducted in accordance with section 70 of the *Residential Tenancies Act 1999*.

3.1. Definitions

Premises	Means a house and includes the land upon which a house is built.
Inspection	Refers to an inspection of the premises arranged with the tenant prior to entry being made. The purpose of an inspection is to assess the condition of premises before, during and after a tenancy.

3.2. Types of inspections

The following types of inspections are likely to occur during the life of a tenancy.

- Ingoing – carried out as part of the process for a new tenant to take vacant possession of the premises or in the circumstance where there is a continuation of a tenancy. An ingoing condition report is prepared at this time and is an agreed document about the condition of the premises at the commencement of a tenancy.
- Routine – carried out no more than once every three months. Routine inspections are an opportunity for the CEO (Housing) to undertake a condition assessment to ensure that the premises remains safe, secure and habitable and to assess work that may be required to make good wear and tear or damage that may have occurred.
- Tenancy agreement extension – conducted six weeks prior to the end of a fixed term tenancy agreement.
- Pre-vacate – may be offered prior to a tenant vacating a premises.

- Outgoing – conducted when a tenant gives up vacant possession of the premises to the CEO (Housing), including when the premises is abandoned. An outgoing condition report is completed during this inspection.

3.3. Repairs, maintenance and damage

Repairs, maintenance and damage identified during an inspection will be dealt with in accordance with the Property Management and Tenant Damage policies.

3.4. Tenant to be present and right of entry

Under section 76 of the *Residential Tenancies Act 1999*, inspection of a premises or ancillary property must be carried out in the presence of the tenant.

The CEO (Housing) may conduct an inspection without the presence of the tenant if:

- the tenant has refused, other than on reasonable grounds, to be present at the time specified for the inspection;
- the tenant has, in writing, waived the right to appear or to be represented at the inspection;
- the tenant is not at the premises at the time specified for inspection; or
- in accordance with section 72 of the *Residential Tenancies Act 1999*, in an emergency or if the landlord has reasonable grounds to suspect that significant damage has been, is being or is about to be, caused to the premises or ancillary property.

During an inspection photographs may be taken of the premises, which may form part of a condition report. A condition report can be made either entirely in writing or partly in writing and partly by images.

If a tenant unreasonably impedes, or fails to permit, the lawful entry to the premises or ancillary property to a department officer or an agent, the CEO (Housing) may seek an order, from the Northern Territory Civil and Administrative Tribunal, permitting entry to the premises, in accordance with section 77 and 77A of the *Residential Tenancies Act 1999*.

3.5. Compliance checks

During an inspection, the CEO (Housing) and/or the tenant may identify repairs and maintenance issues due to wear and tear, or as the result of damage. Unreasonably dirty areas of the premises may also be identified as issues for rectification.

A compliance check may be required at a later date to confirm whether issues identified at an inspection have been satisfactorily rectified. In cases where issues identified during an inspection are visible from outside the premises (i.e. unreasonably dirty external area) departmental officers are not required to enter the premises. The CEO (Housing) may check for compliance by making an external observation, including the use of photography for evidence gathering.

A compliance check is not an inspection, as the intent is to confirm that the identified issues from the previous inspection have been rectified. An inspection will not be conducted during the course of a compliance check.

3.6. External appearance of a property

An external observation is not an inspection (refer to section 3.10 of the Property Management policy).

4. Timeframes

An inspection will not take place more than once every three months. A tenant will be given at least seven days written notice prior to an inspection taking place.

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 Department's Housing Delegations and Financial Management Delegations.

A discretionary decision may be made outside the general application of policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in line with the Department's delegations and legislative obligations. Refer to the Discretionary Decision Making policy.

6. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

7. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

8. References

8.1. Legislation

Care and Protection of Children Act 2007

Domestic and Family Violence Act 2007

Housing Act 1982

Residential Tenancies Act 1999

8.2. Policies

Appeals policy

Care and Protection of Children policy

Complaints policy

Discretionary Decision Making policy

Domestic and Family Violence policy

Property Management policy

Tenant Damage policy

9. Document change control table

Release date	Version number	Approved by (position)	Section amended	Category
1/01/2020	3.04	Executive Director, Strategic Policy and Partnerships	3.4	Editorial amendments
15/10/2020	3.03	Director Policy	all	Editorial amendments
3/09/2020	3.02	Executive Director Strategy, Policy and Performance	all	Editorial amendments
23/11/2016	3.01	Director Policy	all	Editorial amendments
4/07/2016	3.00	Chief Executive Officer	all	Revised
23/12/2016	2.00	Director Policy	all	Editorial amendments
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 9