Australian Capital Territory

Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)

**Notifiable instrument NI2022–43**

made under the

*Housing Assistance Act 2007,* section 17 (Housing commissioner – delegation)

**1 Name of instrument**

This instrument is the *Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1).*

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation for the Public Rental Housing Assistance Program 2013**

I delegate my functions under the *Housing Assistance Public Rental Housing Assistance Program 2013* as approved in DI2013–52 which are specified in columns 1 and 2 of the attached schedule to each person holding or performing the duties of an office in the ACT Public Service specified in column 3 and 4 of the schedule.

**4 Revocation**

This instrument revokes the *Housing Assistance Public Rental Housing Assistance Program Delegation 2016 (No 1)* NI2016–115 and the *Housing Assistance Public Rental Housing Assistance Program Delegation 2020 (No 1)* NI2020–191.

Catherine Rule

Commissioner for Social Housing

14 February 2022

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| Clause | Function | Position description | Business unit |
| Program | All functions and powers of the Commissioner for Social Housing | Deputy Director-General | Community Services Directorate (CSD) |
|  |  | Executive Group Manager | Housing ACT, CSD |
| Program | All functions and powers of the Commissioner for Social Housing except:   * the power to make determinations for the program (clause 6), | Executive Branch Manager | Policy and Business Transformation, Housing ACT, CSD |
|  | * to issue operation guidelines for the program (clause 7), * to determine that income for the program does not include certain types or amounts expended (clause 11(2)), and | Executive Branch Manager | Client Services, Housing ACT, CSD |
|  | * to approve forms for the program (clause 33). | Executive Branch Manager | Infrastructure and Contracts, Housing ACT, CSD |
| 8(2) | Asses the application for the required information. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
|  |  | Administrative Services Officer Class 3 (ASO3) |  |
|  |  | Administrative Services  Officer Class 2 (ASO2) |  |
| 8(3) | Determine whether the applicant is single or joint. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 8A (1), 8A (3) | Provide the names of eligible community applicants to housing providers. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 9(1) | Determine that an applicant meets the eligibility criteria (including criteria modified under clause 9(1B)). | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 9(3) | Determine to disregard any property in which an applicant has an interest also for the purposes of 9(1)(e) | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 9(5) | Determine that an applicant is or not eligible for assistance despite providing materially false or misleading information in the application | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC)  Administrative Services Officer Class 6 (ASO6) |  |
| 10 | Determine an exemption to eligibility criteria if the applicant is suffering severe hardship. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 11(3) | For the purposes of 11(1)(c);   * determine an amount that might have earned, derived or received or become entitled to is income; | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  |  |  |
|  | * determine that compensation for income lost or foregone is income; or, | Senior Officer Grade B (SOGB) |  |
|  | * deem a self-employed person to be receiving an amount equivalent to a relevant pension or benefit. | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 12(2) | Determine to disregard the weekly income of an applicant for either subclause 12(1)(a) or (b). | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 13(3) | Allocate a needs category to the eligible applicant. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
| 14 | Re-assess applicant’s application for eligibility and needs category and take appropriate actions. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 16(1) (2) (3) | Keep a register of all eligible applicants for rental housing assistance (clause16(1)); | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  | Enter names of the eligible applicants on register under the allocated needs category (clause 16(2)); | Senior Officer Grade B (SOGB) |  |
|  | Re-enter an application on the register after the need’s category is varied under clause 14 (clause 16(3)). | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
|  |  | Administrative Services Officer Class 3 (ASO3) |  |
| 17 | * Remove applicant’s name from register and notify the applicant. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  | * Return applicant’s name to the register and extend period to request re-instatement. | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 18(2), 18(4) and 18(6) | Offer/provide rental housing assistance**;** facilitate community rental housing assistance in accordance with clause 8(A) | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 18(5) and 18(7) | * Agree to alternative arrangements for acceptance of housing assistance 18(5), and | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  | * decide not to remove application from register after assistance is provided 18(7). | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 19(2), 19(4), 19(6) and 19(8) | * Provide rental housing assistance following the tenancy breakdown to remaining occupant(s), 19(2). * Provide rental housing assistance by way of a specified dwelling otherwise than in accordance with the general allocation provisions set out in this program, 19(4). | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  | * Provide rental housing assistance by way of special needs dwelling to a special needs applicant, 19(6). and | Senior Officer Grade B (SOGB) |  |
|  | * Decide if a dwelling is to be allocated by way of rental housing assistance despite an existing debt or breach of a term or condition of a tenancy agreement, 19(8). | Senior Officer Grade C (SOGC) |  |
| 20(3) | Approve application for rental transfer. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 20(4) | Determine that a transfer will enable more efficient use or management of public housing stock. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
| 21 | Determine the size, type and location of a dwelling to be provided to an applicant. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 22(2) | Enter into tenancy agreement with applicant before occupying the dwelling to beprovided by way of assistance. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 22(3), 22(4) and 22(5) | Determine andagree to alternative arrangements for entering into a tenancy agreement with the applicant. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 23 and 24 | Set, review, change market rent for a dwelling and notify the tenant of changed rent. | Infrastructure Manager Program Director: 52407  Senior Officer Grade A (SOGA) Position Nos: 33454, 04077, 53191;  Senior Officer Grade B (SOGB) Position Nos: 17401; 27131;10053  Administrative Services Officer Class 6 (ASO6) Position No 00452 | Housing ACT, CSD |
| 25(1) (2) (5) (6) & (7) | * Provide a rent rebate in accordance with the provision of clause 25, 25(1); | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  | * Determine that a rent component forms part of the basic rent, 25(2); | Senior Officer Grade B (SOGB) |  |
|  | * Round rent calculation up or down to the nearest 5 cents, 25(5); | Senior Officer Grade C (SOGC) |  |
|  | * Determine the period for which a rent rebate is provided, 25(6); and | Administrative Services Officer Class 6 (ASO6) |  |
|  | * Extend the rent rebate period provided by up to 6 months from time to time, 25(7). | Administrative Services Officer Class 5 (ASO5) |  |
|  | **Limitation:** AS03s may only extend provision of rent rebate up to 6 weeks | Administrative Services Officer Class 4 (ASO4) |  |
| 25(8)(c) | Determine the date of effect of rent rebate as different from the application date by not more than 2 weeks before application date. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
| 25(8)(d) | Determine in particular circumstances, the date of effect of rent rebate by more than 2 weeks before application date. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC)  Administrative Services Officer Class 6 (ASO6) |  |
| 25(9) | Determine that special circumstances exist to continue a rent rebate during a tenant’s unauthorised or lengthy absence (not including any subletting period) | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
| 26(1) | Reassess a tenant’s entitlement to receive or to continue to receive rent rebate. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 26(2) | Notify tenant in writing of the assessment date. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5)  Administrative Services Officer Class 4 (ASO4) |  |
| 26(3) | Ask a tenant, receiving rent rebate to provide further stated information to enable reassessment. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 26(5) | Suspend, amend, or revoke provision of rent rebate. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6)  Administrative Services Officer Class 5 (ASO5) |  |
| 26(6)(a) & (b) | Determine the date of effect of the rent rebate variation for suspension, amendment or revocation. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) | Finance, Infrastructure and Contracts, Housing ACT, CSD |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
| 26(6)(c) | Determine the date of effect of the rent rebate variation for suspension, amendment or revocation under specified circumstances in the provision. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) | Finance, Infrastructure and Contracts, Housing ACT, CSD |
|  |  | Senior Officer Grade C (SOGC) |  |
| 27 | On entering into a tenancy agreement, give tenant a rebate assistance equivalent to amount of initial rent | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 29 | Ask applicant or a community applicant for further information | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 29A | Require a tenant to give stated information to undertake a review of housing assistance. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 29B | Periodic review of housing assistance of a tenant and determine action according to the provision. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
| 30(2) | Give *affected person* written notice about a decision made. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 31(2) | Allow a longer period for a person to make request for review of decision | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 31(4) | Review the decision or refer it to the advisory committee for recommendation | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 31(5) | Give written notice of the decision reviewed | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |