Australian Capital Territory

Housing Assistance Rental Bond Program Delegation 2023 (No 1)

**Notifiable instrument NI2023–793**

made under the

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

**1 Name of instrument**

This instrument is the *Housing Assistance Rental Bond Program Delegation 2023 (No 1).*

**2 Commencement**

This instrument commences on the day after it is signed.

**3 Delegation for the Rental Bond Program 2018**

I delegate my functions under the *Housing Assistance Rental Bond Program 2018 (No 1)* as approved in DI2018–270 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 Rental Bond Program Delegation 2021 (No 1)* NI2022–44.

Catherine Rule

Commissioner for Social Housing

30 November 2023

| **Column 1** | **Column 2** | **Column 3** | **Column 4** |
| --- | --- | --- | --- |
| Clause | Function | Position level/ position number | Business unit |
| Program | All functions and powers of the Commissioner for Social Housing  | Deputy Director-General | Community Services Directorate (CSD) |
|  |  | Executive Group Manager | Housing Assistance, CSD |
| Program | All functions and powers of the Commissioner for Social Housing except:* the power to determine the asset eligibility limit (clause 4(a))
 | Executive Branch Manager | Housing and Homelessness Programs, Housing Assistance, CSDClient Services, Housing Assistance, CSDInfrastructure and Contracts, Housing Assistance, CSD |
|  | * to issue operation guidelines (clause 5) and
 |  |
|  | * to determine that all outstanding amounts under the rental bond agreement are not repayable in accordance with the agreement for applicants following the permanent vacating of a residence (clause 13(3)).
 |  |
| 6(1) | Provide an amount to the Territory entity responsible for holding a rental bond up to the value of the rental bond sought by the lessor  | Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) | Client Services, Housing Assistance, CSDFinance, Corporate, CSD |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  |  |  |
|  |  | Administrative Services Officer Class 6 (ASO6)Administrative Services Officer Class 5 (ASO5) |  |
|  |  |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 6(3) | Enter into an agreement with the applicant for repayment of the amount provided under 6(1) | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) | Finance, Corporate, CSD |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 8(1) | Receive an application for rental bond assistance under the program on an approved form. | Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) | Client Services, Housing Assistance, CSD |
| 8(2), 8(3) | Determine: | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  | * the information that is reasonably required in a rental bond program application, and
 | Senior Officer Grade B (SOGB) |  |
|  | * if two or more people seek rental bond assistance as a household in respect of the same residence be considered as single or joint applicant.
 | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 8(4)(a), 8(4)(b) | Determine the length of time an application will remain valid, and determine whether it will be reinstated  | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 9(1) | Determine that an applicant satisfies the eligibility criteria for rental bond assistance | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, 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(2)(a), 9(2)(b) | Determine that an applicant is eligible for assistance despite owing a debt under this program; or being unable to meet the schedule of repayments. | Senior Officer Grade A (SOGA)Senior Officer Grade B (SOGB) | Client Services, Housing Assistance, CSDFinance, Corporate, CSD |
|  |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 9(3) | Determine that an applicant is eligible or not for assistance despite providing materially false or misleading information in the application | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC)Administrative Services Officer Class 6 (ASO6) |  |
| 10(1) | Apply an exemption to eligibility criteria  | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  |  |  |
| 12 | Determine the income of an applicant | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, 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) |  |
| 13(4) | Apply all amounts received from the Territory towards repayment of any outstanding amount under the rental bond agreement; repay an amount received which exceeds the outstanding balance to the applicant via electronic funds transfer | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSDFinance, Corporate, CSD |
|  |  | Senior Officer Grade B (SOGB)Senior Officer Grade C (SOGC)Administrative Services Officer Class 6 (ASO6) | Client Services, Housing Assistance, CSDFinance, Corporate, CSD |
|  |  | Senior Officer Grade A (SOGA) | Finance, Corporate, CSD |
| 14(2) | Give affected person a written notice about a decision within 28 days  | Senior Officer Grade A (SOGA)Senior Officer Grade B (SOGB)Senior Officer Grade C (SOGC)Administrative Services Officer Class 6 (ASO6) | Client Services, Housing Assistance, CSD |
|  |  |
|  |  |
|  |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 15(2) | Allow extension to the period, to seek review | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 15(4) | Review the decision or refer it to advisory committee, and accept, vary or reject the recommendation, on receipt of a request | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
| 15(5) | Give affected person a written notice of the review decision within 28 days | Senior Officer Grade A (SOGA) | Client Services, Housing Assistance, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |