

Australian Capital Territory

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)

Notifiable instrument NI2023–794

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 2023 (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 2023* as approved in DI2023–92 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 2012 (No 1)* NI2022-43.

Catherine Rule
Commissioner for Social Housing

30 November 2023

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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 Executive Group Manager	Community Services Directorate (CSD) Housing Assistance, CSD
Program	All functions and powers of the Commissioner for Social Housing except: <ul style="list-style-type: none"> ➤ the power to make determinations for the program (clause 6), ➤ 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 ➤ to approve forms for the program (clause 33). 	Executive Branch Manager	Housing and Homelessness Programs, Housing Assistance, CSD Client Services, Housing Assistance, CSD Infrastructure and Contracts, Housing Assistance, CSD
7(2)	Asses the application for the required information.	Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Administrative Services Officer Class 4 (ASO4) Administrative Services Officer Class 3 (ASO3)	
7(3)	Determine whether the applicant is single or joint.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
8 (1), 8 (3)	Provide the names of eligible community applicants to housing providers.	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		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) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		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) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC)	Client Services, Housing Assistance, CSD
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) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	Client Services, Housing Assistance, CSD
10	Determine an exemption to eligibility criteria if the applicant is suffering severe hardship.	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1) made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC)	
11(3)	For the purposes of 11(1)(c); <ul style="list-style-type: none"> ➤ determine an amount that might have earned, derived or received or become entitled to is income; ➤ determine that compensation for income lost or foregone is income; or, ➤ deem a self-employed person to be receiving an amount equivalent to a relevant pension or benefit. 	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
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 Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5)	
13(3)	Allocate a needs category to the eligible applicant.	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

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
		Administrative Services Officer Class 5 (ASO5) Administrative Services Officer Class 4 (ASO4)	
14	Re-assess applicant's application for eligibility and needs category and take appropriate actions.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
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 Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
	<p>Enter names of the eligible applicants on register under the allocated needs category (clause 16(2));</p> <p>Re-enter an application on the register after the need's category is varied under clause 14 (clause 16(3)).</p>	<p>Senior Officer Grade B (SOGB)</p> <p>Senior Officer Grade C (SOGC)</p> <p>Administrative Services Officer Class 6 (ASO6)</p> <p>Administrative Services Officer Class 5 (ASO5)</p> <p>Administrative Services Officer Class 4 (ASO4)</p> <p>Administrative Services Officer Class 3 (ASO3)</p>	
17	<ul style="list-style-type: none"> ➤ Remove applicant's name from register and notify the applicant. ➤ Return applicant's name to the register and extend period to request re-instatement. 	<p>Senior Officer Grade A (SOGA)</p> <p>Senior Officer Grade B (SOGB)</p> <p>Senior Officer Grade C (SOGC)</p>	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5)	
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) 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)	Client Services, Housing Assistance, CSD
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 Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
	<ul style="list-style-type: none"> ➤ decide not to remove application from register after assistance is provided 18(7). 	Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC)	
19	<ul style="list-style-type: none"> ➤ Provide rental housing assistance following the tenancy breakdown to remaining occupant(s), 19(1). 	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

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1) made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
20(1)	May provide assistance earlier than would normally be provided under clause 18(3).	Senior Officer Grade A (SOGA) Senior Office Grade B (SOG B) Senior Officer Grade C (SOG C) Administrative Services Officer Class 6 (ASO 6)	Client Services, Housing Assistance, CSD
20(2), 20(4) and 20(6)	<ul style="list-style-type: none"> • Provide rental housing assistance by way of a specified dwelling otherwise than in accordance with the general allocation provisions set out in this program, 20(2). • Provide rental housing assistance by way of special needs dwelling to a special needs applicant, 20(4). and • 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, 20(6). 	Senior Officer Grade A (SOGA) Senior Office Grade B (SOG B) Senior Officer Grade C (SOG C) Administrative Services Officer Class 6 (ASO 6)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
21(3)	Approve application for rental transfer.	Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) 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)	Client Services, Housing Assistance, CSD
21(4)	Determine that a transfer will enable more efficient use or management of public housing stock.	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	
22	Determine the size, bedroom entitlements, type and location of a dwelling to be provided to an applicant.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
23(2)	Enter into tenancy agreement with applicant before occupying the dwelling to be provided by way of assistance.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
23(3), 23(4) and 23(5)	Determine and agree to alternative arrangements for entering into a tenancy agreement with the applicant.	Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade C (SOGC)	
		Administrative Services Officer Class 6 (ASO6)	
		Administrative Services Officer Class 5 (ASO5)	
		Administrative Services Officer Class 4 (ASO4)	
24	Change market rent for a dwelling and notify the tenant of changed rent.	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD
		Senior Officer Grade B (SOGB)	Housing and Homelessness Program Management, Housing Assistance, CSD
25(1), (2), (5), (6) & (7)	<ul style="list-style-type: none"> ➤ Provide a rent rebate in accordance with the provision of clause 25, 25(1); ➤ Determine that a rent component forms part of the basic rent, 25(2); 	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD
		Senior Officer Grade B (SOGB)	Housing and Homelessness Program Management, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
	<ul style="list-style-type: none"> ➤ Round rent calculation up or down to the nearest 5 cents, 25(5); ➤ Determine the period for which a rent rebate is provided, 25(6); and ➤ Extend the rent rebate period provided by up to 6 months from time to time, 25(7). 	<p>Senior Officer Grade C (SOGC)</p> <p>Administrative Services Officer Class 6 (ASO6)</p> <p>Administrative Services Officer Class 5 (ASO5)</p> <p>Administrative Services Officer Class 4 (ASO4)</p>	
25(8)(c)	Determine the date of effect of rent rebate as different from the application date, the day after the date of the expired rebate if proven eligible. The date determined must not be more than 2 weeks before the application date.	<p>Senior Officer Grade A (SOGA)</p> <p>Senior Officer Grade B (SOGB)</p> <p>Senior Officer Grade C (SOGC)</p> <p>Administrative Services Officer Class 6 (ASO6)</p>	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
		Administrative Services Officer Class 5 (ASO5) Administrative Services Officer Class 4 (ASO4)	
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) 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)	Client Services, Housing Assistance, CSD
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 Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	
26(1)	Reassess a tenant's entitlement to receive or to continue to receive rent rebate.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
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Clause	Function	Position level/ position number	Business unit
26(2)	Notify tenant in writing of the assessment date.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
26(3)	Ask a tenant, receiving rent rebate to provide further stated information to enable reassessment.	Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
		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) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
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Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
26(6)(a) & (b)	Determine the date of effect of the rent rebate variation for suspension, amendment or revocation.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
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) Senior Officer Grade B (SOGB)	Client Services, Housing Assistance, CSD Finance, Corporate, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
		Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	
27	On entering into a tenancy agreement, give tenant a rebate assistance equivalent to amount of initial rent	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1) made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
Clause	Function	Position level/ position number	Business unit
28(1), (2), (3)	Housing commissioner may require transfer	Senior Officer Grade A (SOG A)	Client Services, Housing Assistance, CSD Infrastructure and Contracts, Housing Assistance, CSD Housing and Homelessness Program Management, Housing Assistance, CSD
29	Ask applicant or a community applicant for further information	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
30	Require a tenant or applicant to give stated information to undertake a review of housing assistance.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD
31	Periodic review of housing assistance of a tenant and determine action according to the provision.	Senior Officer Grade A (SOGA)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

Column 1	Column 2	Column 3	Column 4
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		Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6)	Housing and Homelessness Program Management, Housing Assistance, CSD
30(2)	Give <i>affected person</i> written notice about a decision made.	Senior Officer Grade A (SOGA) 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)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
32(2)	Allow a longer period for a person to make request for review of decision	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
32(4)	Review the decision or refer it to the advisory committee for recommendation	Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5)	Client Services, Housing Assistance, CSD

Schedule

Housing Assistance Public Rental Housing Assistance Program Delegation 2023 (No 1)
made under the *Housing Assistance Act 2007*

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Clause	Function	Position level/ position number	Business unit
33(5)	Give written notice of the decision reviewed	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