



Australian Capital Territory

Housing Assistance Act 2007

A2007-8

Republication No 12

Effective: 1 January 2018 – 2 October 2019

Republication date: 1 January 2018

Last amendment made by [A2017-14](#)
(republication for amendments by [A2016-55](#)
as amended by [A2017-14](#))

About this republication

The republished law

This is a republication of the *Housing Assistance Act 2007* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 January 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 January 2018.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Housing Assistance Act 2007

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
3	Dictionary 2
4	Notes 2
Part 2	Objects and important concepts
6	Objects of Act 3
7	What is <i>housing assistance</i> ? 4
8	When is someone <i>eligible</i> for housing assistance? 4
Part 3	Housing Commissioner
9	Housing commissioner—establishment 5
10	Housing commissioner—powers generally 5
11	Housing commissioner—functions 6
12	Housing commissioner—no power for contracts of employment 6
<hr/>	
R12	Housing Assistance Act 2007 contents 1
01/01/18	Effective: 01/01/18-02/10/19

Contents

		Page
13	Limits on housing commissioner—joint ventures	7
14	Notice of joint ventures	7
15	Limit on housing commissioner—large contracts	8
16	Housing commissioner—Ministerial directions	8
17	Housing commissioner—delegation	8
Part 4	Housing assistance programs	
18	What is a <i>housing assistance program</i> ?	9
19	Approved housing assistance programs	9
20	Approved housing assistance programs—determinations	10
21	Approved housing assistance programs—operational guidelines	10
22	Approved housing assistance programs—market rent	11
23	Approved housing assistance programs—rent review	11
24	Housing assistance applicants—requirement for further information	11
25	Housing assistance recipients—requirement for information	12
Part 4A	Affordable and community housing programs	
25A	Definitions—pt 4A	14
25B	Housing commissioner etc may give assistance to registered community housing provider	14
25C	Affordable and community housing programs—housing commissioner to report to Minister	15
Part 4B	Official visitors	
25V	Meaning of <i>official visitor</i> etc	16
25W	Official visitors must give notice of visit	16
Part 5	Protection of information	
28	Meaning of <i>protected information</i> —pt 5	18
Part 6	Commonwealth-Territory funding agreements	
30	What is a <i>Commonwealth-Territory funding agreement</i> ?	20
31	Notification of Commonwealth-Territory funding agreements	20
Part 6A	Notification and review of decisions	
31A	Meaning of <i>reviewable decision</i> —pt 6A	21

		Page
31B	Reviewable decision notices	21
31C	Applications for review	21
Part 7	Miscellaneous	
32	Placing unleased land under housing commissioner's control	22
33	Unleased land placed under housing commissioner's control—powers	23
34	Unneeded land may be returned	24
35	Information to Minister	24
36	Financial arrangements	24
37	Protection of officials from liability	24
38	Determination of fees	25
39	Approved forms	25
40	Regulation-making power	26
Schedule 1	Reviewable decisions	27
Dictionary		28
Endnotes		
1	About the endnotes	30
2	Abbreviation key	30
3	Legislation history	31
4	Amendment history	34
5	Earlier republications	40



Australian Capital Territory

Housing Assistance Act 2007

An Act to provide for housing assistance, and for other purposes

R12
01/01/18

Housing Assistance Act 2007
Effective: 01/01/18-02/10/19

page 1

Part 1 Preliminary

1 Name of Act

This Act is the *Housing Assistance Act 2007*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*housing assistance*—see section 7.' means that the term 'housing assistance' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Objects and important concepts

6 Objects of Act

- (1) The main objects of this Act are—
- (a) to maximise the opportunities for everyone in the ACT to have access to housing that is affordable, secure and appropriate to their needs; and
 - (b) to facilitate the provision of housing assistance for those most in need; and
 - (c) to maximise value for money in the provision of housing assistance; and
 - (d) to promote a choice of forms of housing assistance, and providers of housing assistance, for entities eligible for housing assistance; and

Note **Entity** includes a person—see the [Legislation Act](#), dict, pt 1.

- (e) to facilitate the provision of rental housing that—
 - (i) has adequate amenity, is of an adequate size and is appropriately located for employment opportunities and necessary services and facilities; and
 - (ii) is coordinated with any support services (provided under other laws) required by consumers of housing assistance to live in the community; and
- (f) to facilitate the provision of an adequate supply of affordable home finance for people on low and moderate incomes; and
- (g) to promote the development of flexible and innovative financial arrangements to facilitate access to home ownership for people on low and moderate incomes; and

- (h) to promote the growth of a community housing sector as a viable alternative to public and private rental housing and home ownership; and
 - (i) to promote the establishment of appropriate mechanisms and forums to allow input into housing policy by consumers, and potential consumers, of housing assistance and by representative non-government agencies involved in housing policy and provision.
- (2) A person administering this Act must have regard to the objects of the Act to the maximum extent practicable considering the resources available to the person.

7 **What is *housing assistance*?**

In this Act:

housing assistance means services, programs, assets, rebates and amounts, provided under an approved housing assistance program to help entities who are eligible for assistance under the program to meet their emergency, short-term, medium-term and long-term housing needs.

Note ***Approved housing assistance program***—see s 19.

8 **When is someone *eligible* for housing assistance?**

For this Act, an entity is ***eligible*** for housing assistance if the entity meets the eligibility criteria under an approved housing assistance program.

Note ***Entity*** includes a person—see the [Legislation Act](#), dict, pt 1.

Part 3 Housing Commissioner

9 Housing commissioner—establishment

- (1) There is a Commissioner for Social Housing (the *housing commissioner*).
- (2) The housing commissioner is a corporation and must have a seal.
- (3) The director-general is the housing commissioner.

10 Housing commissioner—powers generally

- (1) The housing commissioner has all the powers of a person, unless expressly excluded by this Act.

Examples of powers

- 1 to enter into a contract
- 2 to own and dispose of property
- 3 to sue and be sued
- 4 to act as a trustee

Note 1 **Person** includes an individual and a corporation (see [Legislation Act](#), dict, pt 1).

Note 2 See s 12 to s 15 for limits on the housing commissioner's powers.

Note 3 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) Without limiting subsection (1), the housing commissioner may enter into arrangements with entities to provide housing assistance.

Note **Entity** includes a person—see the [Legislation Act](#), dict, pt 1.

11 Housing commissioner—functions

- (1) The housing commissioner has the following functions:
- (a) administering, on behalf of the Territory, programs and funding arrangements for delivering housing assistance in the ACT by way of—
 - (i) public rental housing; and
 - (ii) home ownership; and
 - (iii) financial assistance to home owners and tenants; and
 - (iv) community housing; and
 - (v) affordable housing;
 - (b) administering, on behalf of the Territory, any services relating to housing assistance that the Minister approves under subsection (2).

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) The Minister may approve stated services relating to housing assistance.
- (3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

12 Housing commissioner—no power for contracts of employment

The housing commissioner does not have the power to employ staff on a contract of employment.

13 Limits on housing commissioner—joint ventures

- (1) The housing commissioner must not—
 - (a) enter into negotiations for a joint venture without the Minister’s prior written approval; or
 - (b) enter into an agreement for a joint venture without the Executive’s prior written approval.
- (2) An approval under subsection (1)—
 - (a) may apply generally or may relate to a particular proposed joint venture; and
 - (b) may be given subject to the conditions or restrictions stated in the approval.

14 Notice of joint ventures

- (1) This section applies if the housing commissioner enters into an agreement for a joint venture.
- (2) The housing commissioner must, not later than 14 days after the day the commissioner enters into the agreement, give the Minister a written statement (the *commissioner’s statement*) setting out the details of, and the reasons for entering into, the agreement.
- (3) The Minister must present a copy of the commissioner’s statement to the Legislative Assembly not later than 6 sitting days after the day the Minister is given the statement.
- (4) However, the copy of the commissioner’s statement presented to the Legislative Assembly need not include any material that is commercially sensitive.

- (5) If commercially sensitive information is not included in the presented copy of the commissioner's statement, the Minister must, when presenting the statement to the Legislative Assembly, also present a further statement setting out the general nature of the commercially sensitive information and the reason for it not being included in the presented statement.

15 Limit on housing commissioner—large contracts

The housing commissioner must not, without the Minister's prior written approval, enter into a contract which involves the payment or receipt of a total amount larger than \$5 million.

16 Housing commissioner—Ministerial directions

- (1) The Minister may give a direction to the housing commissioner about the exercise of the commissioner's functions.
- (2) The housing commissioner must exercise the commissioner's functions in accordance with any direction given by the Minister.
- (3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

17 Housing commissioner—delegation

The housing commissioner may delegate the commissioner's functions under this Act or another territory law to a public servant.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

Part 4 Housing assistance programs

18 What is a *housing assistance program*?

In this Act:

housing assistance program means a program for providing housing assistance that includes the following:

- (a) the kind of assistance that may be provided under the program;
- (b) the eligibility criteria for assistance under the program;
- (c) how decisions of the housing commissioner under the program may be reviewed.

Note 1 ***Housing assistance***—see s 7.

Note 2 Power given under an Act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see [Legislation Act](#), s 46 (1)).

19 Approved housing assistance programs

- (1) The Minister may approve a housing assistance program.
- (2) An approved housing assistance program is a disallowable instrument.

Note 1 Power given under an Act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see [Legislation Act](#), s 46 (1)).

Note 2 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

20 Approved housing assistance programs—determinations

- (1) An approved housing assistance program may provide for the housing commissioner to make determinations for the program.
- (2) A determination under subsection (1), and each amendment (if any) of a determination, is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

21 Approved housing assistance programs—operational guidelines

- (1) The housing commissioner may issue guidelines (*housing operation guidelines*) outlining procedures for the management or operation of approved housing assistance programs.
- (2) Housing operation guidelines—
 - (a) may deal with matters also dealt with elsewhere under this Act; but
 - (b) must not be inconsistent with this Act (including approved housing assistance programs).

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any approved housing assistance program or regulation (see [Legislation Act](#), s 104).

- (3) A housing operation guideline, and each amendment (if any) of a guideline, is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

22 Approved housing assistance programs—market rent

- (1) If housing is being rented to an entity under an approved housing assistance program, the entity must be charged market rent for the housing.
- (2) However, an approved housing assistance program may provide for a rebate of rent in accordance with the program.
- (3) In this section:

market rent, for housing, means the rent that would be charged by the lessor for the housing if the housing were rented by a willing lessor to a willing tenant—

- (a) dealing with each other at arm's length; and
- (b) each of whom had acted knowledgeably, sensibly and without compulsion.

23 Approved housing assistance programs—rent review

The housing commissioner must review the rent charged for housing rented under an approved housing assistance program at least once each year.

24 Housing assistance applicants—requirement for further information

- (1) This section applies if an entity applies for housing assistance.
- (2) The housing commissioner may require the entity to give the commissioner further stated information that the commissioner reasonably needs to decide the application.

Note **Information** includes a document—see the dictionary.

- (3) The housing commissioner may, by written notice to the entity, refuse the application if—
 - (a) the requirement is made in writing; and

- (b) the requirement states a reasonable time (of at least 7 days after the day the requirement is given to the entity) for providing the information; and
- (c) the entity does not provide the information in accordance with the requirement.

25 Housing assistance recipients—requirement for information

- (1) This section applies if an entity is receiving housing assistance.
- (2) The housing commissioner may, at any time, require the entity to give the commissioner stated information that the commissioner reasonably needs—
 - (a) to review the housing assistance being provided to the entity; or
 - (b) to provide housing assistance to the entity; or
 - (c) for the good management of an approved housing assistance program or of assets held by the commissioner; or
 - (d) to otherwise exercise the commissioner’s functions under this Act.

Note **Information** includes a document—see the dictionary.

- (3) The housing commissioner may suspend or cancel all or part of the entity’s housing assistance if—
 - (a) the requirement is made in writing; and
 - (b) the requirement states a reasonable time (of at least 7 days after the day the requirement is given to the entity) for giving the information; and

- (c) the entity does not give the information in accordance with the requirement.

Note The decision to suspend or cancel all or part of an entity's housing assistance is a reviewable decision (see s 31A), and the housing commissioner must give a reviewable decision notice to the entity (see s 31B).

- (4) The reviewable decision notice given to the entity must include—
 - (a) a statement that the housing assistance is suspended or cancelled; and
 - (b) when the suspension or cancellation begins; and
 - (c) if housing assistance is suspended—when the suspension ends.

Part 4A Affordable and community housing programs

25A Definitions—pt 4A

In this part:

Community Housing Providers National Law (ACT) means the provisions applying because of the *Community Housing Providers National Law (ACT) Act 2013*, section 7.

registered community housing provider—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

25B Housing commissioner etc may give assistance to registered community housing provider

- (1) The housing commissioner or another Territory entity may give assistance to a registered community housing provider.

Examples—assistance by housing commissioner

- 1 a grant of money
- 2 a transfer of land
- 3 a lease of land or property for use as long-term affordable rental housing
- 4 a commercial partnership or joint venture between the housing commissioner and registered community housing provider

Examples—assistance by Territory entity

- 1 a secured loan
- 2 a tax concession

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) Assistance may be given subject to conditions.
- (3) Nothing in this section requires the housing commissioner or a Territory entity to give assistance to a registered community housing provider.

25C Affordable and community housing programs—housing commissioner to report to Minister

- (1) The housing commissioner must, if asked by the Minister, give the Minister a written report about the assistance given to registered community housing providers under section 25B.
- (2) If the housing commissioner gives the Minister a report mentioned in subsection (1), the Minister must present the report to the Legislative Assembly within 6 sitting days after the day the Minister is given the report.

Part 4B Official visitors

Note At least 1 official visitor must be appointed for this Act under the [Official Visitor Act 2012](#) (the *OV Act*).

The *OV Act* sets out the functions of official visitors which includes visiting visitable places, handling complaints from entitled people and reporting on those matters.

This part defines what is an *entitled person* and a *visitable place* for the *OV Act*. This part also prescribes other matters for the *OV Act*.

25V Meaning of *official visitor* etc

In this Act:

entitled person means a person—

- (a) who is homeless or at risk of homelessness who is staying in a visitable place; or
- (b) prescribed by regulation.

official visitor means an official visitor for this Act appointed under the [Official Visitor Act 2012](#), section 10.

visitable place means multiple occupancy supported accommodation for people who are homeless or at risk of homelessness, provided by an entity funded by the Territory.

25W Official visitors must give notice of visit

- (1) An official visitor must give an operating entity for a visitable place written notice that the official visitor intends to visit the place at least 24 hours before the official visitor's visit.
- (2) However, the official visitor may visit a visitable place without giving notice to the operating entity if—
 - (a) the official visitor reasonably believes, or has been given a complaint, that an entitled person at the visitable place is at risk of abuse or harm; and

(b) the entitled person consents to the visit.

(3) In this section:

operating entity, for a visitable place, means—

- (a) if the Territory operates the place—the director-general; or
- (b) in any other case—the entity that operates the place.

Part 5 Protection of information

28 Meaning of *protected information*—pt 5

- (1) For this part, information is *protected information* if it—
- (a) identifies an entity that has applied for housing assistance as having applied for housing assistance; or
 - (b) identifies an entity that is or has been a housing assistance recipient as a housing assistance recipient or former housing assistance recipient; or
 - (c) identifies land that is a housing assistance property as a housing assistance property; or
 - (d) is protected personal information about an entity that—
 - (i) has applied for housing assistance; or
 - (ii) is or has been a housing assistance recipient; or
 - (e) is information prescribed by regulation for this definition; or
 - (f) would allow something to which paragraph (a), (b), (c), (d) or (e) applies to be worked out.

Note *Entity* includes a person—see the [Legislation Act](#), dict, pt 1.

- (2) In this section:

housing assistance property means—

- (a) land owned, controlled or held by the housing commissioner; or
- (b) land used by an entity contracted by the commissioner to provide housing assistance.

**Example of land controlled or held by the housing commissioner—
par (a)**

land leased by the commissioner from a private landlord to provide public rental housing

Example of entity contracted by the housing commissioner—par (b)

a community organisation that is contracted by the commissioner to operate a refuge

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

housing assistance recipient means an entity receiving housing assistance.

Examples of housing assistance recipients

- 1 a tenant of a housing assistance property
- 2 a person accommodated at a refuge or other residential facility that is operated by a community organisation receiving housing assistance to provide the accommodation

protected personal information, about an entity that is or has been a housing assistance recipient, means—

- (a) the entity's name, telephone number or address; or
- (b) any other information prescribed by regulation for this definition.

Part 6 Commonwealth-Territory funding agreements

30 What is a *Commonwealth-Territory funding agreement*?

In this Act:

Commonwealth-Territory funding agreement means an agreement between the Commonwealth and the Territory for the Commonwealth to give financial assistance to the Territory for housing assistance or to promote the objects of this Act.

31 Notification of Commonwealth-Territory funding agreements

- (1) This section applies if the Territory enters into or amends a Commonwealth-Territory funding agreement.
- (2) The agreement or amendment is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

Part 6A Notification and review of decisions

31A Meaning of *reviewable decision*—pt 6A

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

31B Reviewable decision notices

If the housing commissioner makes a reviewable decision, the commissioner must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The housing commissioner must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

31C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

Part 7 Miscellaneous

32 Placing unleased land under housing commissioner's control

- (1) The Executive may direct the planning and land authority to place unleased territory land under the control of the housing commissioner.
- (2) However, if land that is placed under the housing commissioner's control under subsection (1) is subject to an existing tenancy, the land is placed under the commissioner's control subject to the tenancy.
- (3) To remove any doubt, the housing commissioner may exercise the commissioner's powers under section 33 in relation to a tenancy to which subsection (2) applies, including, for example, by ending the tenancy.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (4) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) In this section:

existing tenancy, for land placed under the housing commissioner's control, means a tenancy that was in force immediately before the land was placed under the commissioner's control.

unleased territory land means territory land that is not leased under the [Planning and Development Act 2007](#) or the [Unit Titles Act 2001](#).

33 Unleased land placed under housing commissioner's control—powers

- (1) This section applies to land placed under the control of the housing commissioner under section 32.
- (2) The housing commissioner may do 1 or more of the following in relation to the land:
 - (a) manage the land;
 - (b) authorise people to enter the land;
 - (c) use the land in any way the commissioner considers appropriate for the commissioner's functions;
 - (d) arrange for the grant to someone else of a lease of, or licence to occupy, the land;
 - (e) obtain a lease for the land in the name of the housing commissioner and transfer the lease;
 - (f) if the land is held by an entity under a lease—
 - (i) do anything in relation to the land that the Territory could do in relation to the land immediately before the land was placed under the commissioner's control; or
 - (ii) exercise any power under the *Recovery of Lands Act 1929* that the Territory may exercise for the land under that Act on behalf of the Commonwealth.
- (3) However, a lease or licence must not be granted by anyone for the land except with the housing commissioner's prior written agreement.

Note 1 The *Recovery of Lands Act 1929* provides for the Territory to end a lease and take action against people. However, it does not apply to leases under the *Residential Tenancies Act 1997*.

Note 2 See also the *Planning and Development Act 2007*, s 312 for the recovery of land from a former licensee.

34 Unneeded land may be returned

- (1) This section applies if the housing commissioner is satisfied that unleased land that has been placed under the commissioner's control under section 32 is no longer needed for this Act.
- (2) The housing commissioner may, by instrument, surrender control of the land to the planning and land authority.
- (3) An instrument under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

35 Information to Minister

- (1) If the Minister asks the housing commissioner at any time to give the Minister information (including protected information) about any matter relating to the commissioner's functions, the commissioner must comply with the request.
- (2) In this section:

protected information—see section 28.

36 Financial arrangements

- (1) All amounts paid to or by the housing commissioner for this Act (including amounts paid under a Commonwealth-Territory funding agreement) must be paid into or out of a directorate banking account, or territory banking account, within the meaning of the [Financial Management Act 1996](#).
- (2) To remove any doubt, amounts owed to, or paid to or by, the housing commissioner are amounts owed to, or paid to or by, the Territory.

37 Protection of officials from liability

- (1) In this section:

official means—

- (a) the housing commissioner; or

- (b) anyone else exercising a function under this Act.
- (2) An official is not personally liable for anything done or omitted to be done honestly and without recklessness—
 - (a) in the exercise of a function under this Act; or
 - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.
- (3) Any liability that would, apart from this section, attach to an official attaches instead to the Territory.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any approved housing assistance program or regulation (see [Legislation Act](#), s 104).

38 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

39 Approved forms

- (1) The housing commissioner may approve forms for this Act.
- (2) If the housing commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

40 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Schedule 1 Reviewable decisions

(see pt 6A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	24	refuse application for housing assistance	applicant
2	25	suspend or cancel all or part of housing assistance provided to entity	entity

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- ACAT
- director-general (see s 163)
- entity
- exercise
- function
- Minister (see s 162)
- planning and land authority
- reviewable decision notice
- territory land
- year.

affordable housing means housing that is affordable by people on low or moderate incomes.

approved housing assistance program means a housing assistance program approved under section 19.

Commonwealth-Territory funding agreement—see section 30.

community housing means rental housing for—

- (a) people on low and moderate incomes or with special needs; or
- (b) nonprofit community organisations.

Community Housing Providers National Law (ACT), for part 4A (Affordable and community housing programs)—see section 25A.

eligible, for housing assistance—see section 8.

entitled person—see section 25V.

housing—

- (a) means residential housing and other forms of residential accommodation; and
- (b) includes the fences, outbuildings and other improvements and the connections for utilities and other services provided or reasonably required for the accommodation.

housing assistance—see section 7.

housing assistance program—see section 18.

housing commissioner means the Commissioner for Social Housing established under section 9.

information includes a document.

official visitor—see section 25V.

protected information, for part 5 (Protection of information)—see section 28.

registered community housing provider, for part 4A (Affordable and community housing programs)—see section 25A.

reviewable decision, for part 6A (Notification and review of decisions)—see section 31A.

visitable place—see section 25V.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Housing Assistance Act 2007 A2007-8

notified LR 10 May 2007

s 1, s 2 commenced 10 May 2007 (LA s 75 (1))

remainder commenced 10 November 2007 (s 2 and LA s 79)

as modified by

Housing Assistance Regulation 2008 SL2008-7 ss 3-5

notified LR 18 March 2008

s 1, s 2 commenced 18 March 2008 (LA s 75 (1))

remainder commenced 19 March 2008 (s 2)

as amended by

Housing Assistance Amendment Act 2008 A2008-33

notified LR 2 September 2008

s 1, s 2 commenced 2 September 2008 (LA s 75 (1))

remainder commenced 2 March 2009 (s 2 and LA s 79)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.56

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.56 commenced 2 March 2009 (s 2 (2) and see [A2008-33](#), s 2 and LA s 79)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.42

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.42 commenced 22 September 2009 (s 2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.39

notified LR 26 November 2009

s 1, s 2 commenced 26 November 2009 (LA s 75 (1))

sch 3 pt 3.39 commenced 17 December 2009 (s 2)

Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.8

notified LR 13 May 2010

s 1, s 2 commenced 13 May 2010 (LA s 75 (1))

sch 3 pt 3.8 commenced 3 June 2010 (s 2)

Endnotes

3 Legislation history

Administrative (One ACT Public Service Miscellaneous Amendments)

Act 2011 A2011-22 sch 1 pt 1.81

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.81 commenced 1 July 2011 (s 2 (1))

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.20

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.20 commenced 1 March 2012 (s 2 (1) and see [Evidence Act 2011 A2011-12, s 2](#) and [CN2012-4](#))

Official Visitor Act 2012 A2012-33 sch 1 pt 1.4

notified LR 15 June 2012
s 1, s 2 commenced 15 June 2012 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 September 2013 (s 2 as am by [A2013-22 s 4](#))

Community Housing Providers National Law (ACT) Act 2013

A2013-18 sch 1 pt 1.1

notified LR 23 May 2013
s 1, s 2 commenced 23 May 2013 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 January 2014 (s 2 and [CN2013-10](#))

Official Visitor Amendment Act 2013 A2013-22 sch 1 pt 1.4

notified LR 17 June 2013
s 1, s 2 commenced 17 June 2013 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 September 2013 (s 2 and see [Official Visitor Act 2012 A2012-33 s 2](#) as am by this Act)

Freedom of Information Act 2016 A2016-55 sch 4 pt 4.16 (as am by A2017-14 s 19)

notified LR 26 August 2016
s 1, s 2 commenced 26 August 2016 (LA s 75 (1))
sch 4 pt 4.16 commenced 1 January 2018 (s 2 as am by [A2017-14 s 19](#))

**Justice and Community Safety Legislation Amendment Act 2017
(No 2) A2017-14 s 19**

notified LR 17 May 2017

s 1, s 2 commenced 17 May 2017 (LA s 75 (1))

s 19 commenced 24 May 2017 (s 2 (1))

Note This Act only amends the Freedom of Information Act 2016
[A2016-55](#).

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Offences against Act—application of Criminal Code etc

s 5 om [A2010-18](#) amdt 3.9

Objects of Act

s 6 hdg sub [A2009-49](#) amdt 3.89

Housing commissioner—establishment

s 9 am [A2011-22](#) amdt 1.251; [A2011-48](#) amdt 1.32

Housing commissioner—functions

s 11 am [A2008-33](#) s 4

Housing commissioner—delegation

s 17 am [A2008-33](#) s 5; [A2013-18](#) amdt 1.1

Housing assistance recipients—requirement for information

s 25 am [A2008-37](#) amdt 1.241

Affordable and community housing programs

pt 4A hdg ins [A2008-33](#) s 7
sub [A2013-18](#) amdt 1.2

Affordable and community housing providers

div 4A.1 hdg ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Definitions—pt 4A

s 25A ins [A2008-33](#) s 7
sub [A2013-18](#) amdt 1.2
def **Community Housing Providers National Law (ACT)** ins
[A2013-18](#) amdt 1.2
def **registered community housing provider** ins [A2013-18](#)
amdt 1.2

Housing commissioner etc may give assistance to registered community housing provider

s 25B ins [A2008-33](#) s 7
sub [A2013-18](#) amdt 1.2

Affordable and community housing programs—housing commissioner to report to Minister

s 25C ins [A2008-33](#) s 7
sub [A2013-18](#) amdt 1.2

Public access—register

s 25D ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Notice about changes of particulars in register

s 25E ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable housing provider—eligibility criteria

s 25F ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Community housing provider—eligibility criteria

s 25G ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—trustees and subsidiaries

s 25H ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Community housing providers—standards

s 25I ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Community housing providers—compliance with standards

s 25J ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—monitoring guidelines

s 25K ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—compliance with monitoring guidelines

s 25L ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—monitoring standards, guidelines etc

s 25M ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—report to housing commissioner

s 25N ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—changes to constitution or rules

s 25O ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Exemption from requirement or approval—changes to constitution or rules

s 25P ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Endnotes

4 Amendment history

Affordable and community housing programs

div 4A.2 hdg ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing programs—housing commissioner may give assistance

s 25Q ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing programs—requirement for information etc

s 25R ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Housing commissioner’s functions

div 4A.3 hdg ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Housing commissioner’s functions—housing commissioner may intervene

s 25S ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing providers—removal from register

s 25T ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Affordable and community housing programs—housing commissioner to report to Minister

s 25U ins [A2008-33](#) s 7
om [A2013-18](#) amdt 1.2

Official visitors

pt 4B hdg ins [A2012-33](#) amdt 1.34
note am [A2013-22](#) amdt 1.22

Meaning of *official visitor* etc

s 25V hdg sub [A2013-22](#) amdt 1.23
s 25V ins [A2012-33](#) amdt 1.34
am [A2013-22](#) amdt 1.24

Official visitors must give notice of visit

s 25W hdg am [A2013-22](#) amdt 1.25
s 25W ins [A2012-33](#) amdt 1.34
am [A2013-22](#) amdts 1.25-1.28

Requirements for information—AAT review

s 26 om [A2008-33](#) s 6

Requirements for information—notice of reviewable decisions

s 27 om [A2008-33](#) s 6

FOI Act exemption—documents containing protected informations 29 om [A2016-55](#) amdt 4.20**Notification and review of decisions**pt 6A hdg ins [A2008-33](#) s 8
sub [A2008-37](#) amdt 1.242**Meaning of *reviewable decision*—pt 6A**s 31A ins [A2008-33](#) s 8
sub [A2008-37](#) amdt 1.242**Reviewable decision notices**s 31B ins [A2008-33](#) s 7
sub [A2008-37](#) amdt 1.242**Applications for review**s 31C ins [A2008-37](#) amdt 1.242**Placing unleased land under housing commissioner's control**s 32 am [A2009-49](#) amdt 3.90**Unleased land placed under housing commissioner's control—powers**s 33 am [A2009-49](#) amdt 3.91**Financial arrangements**s 36 am [A2009-49](#) amdt 3.92; [A2011-22](#) amdt 1.252**Legislation amended—sch 1**

s 41 om LA s 89 (3)

Legislation repealed

s 42 om LA s 89 (3)

Transitional—Housing Assistance Act 1987

pt 10 hdg exp 10 November 2008 (s 110)

Definitions—pt 10s 100 exp 10 November 2008 (s 110)
def **old Act** exp 10 November 2008 (s 110)
def **old housing assistance program** exp 10 November 2008
(s 110)**Transitional—rights and liabilities under old Act**s 101 mod [SL2008-7](#) s 3
(1)-(3), (4) exp 10 November 2008 (s 110 (LA s 88 declaration
applies))
(3A)-(3C) exp 10 November 2008 (s 101 (3C))**Transitional—corresponding housing assistance programs and things**

s 102 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Endnotes

4 Amendment history

Transitional—mentions of commissioner

s 102A ins as mod [SL2008-7](#) s 4
exp 10 November 2008 (s 102A (2))

Transitional—uncompleted applications for AAT review

s 103 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—other uncompleted proceedings

s 103A ins as mod [SL2008-7](#) s 5
exp 10 November 2008 (s 103A (5) (LA s 88 declaration
applies))

Transitional—sensitive information under old Act

s 104 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—notification of existing Commonwealth-Territory funding agreements

s 105 exp 10 November 2008 (s 110)

Transitional—land placed under control of housing commissioner under old Act

s 106 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—standard residential tenancy terms, cl 36

s 107 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—outdated references to old Act

s 108 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional regulations

s 109 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Expiry—pt 10

s 110 exp 10 November 2008 (s 110)

Reviewable decisions

sch 1 ins [A2008-37](#) amdt 1.243
am [A2009-20](#) amdt 3.99, amdt 3.100; items renum R5 LA;
[A2013-18](#) amdt 1.3

Consequential amendments

sch 1 pt 1.1 om LA s 89 (1) (b)
sch 1 pts 1.2-1.11 om LA s 89 (3)

Dictionary

dict

am [A2008-37](#) amdt 1.244; [A2009-49](#) amdt 3.93, amdt 3.94;
[A2011-22](#) amdt 1.253; [A2012-33](#) amdt 1.35; [A2013-22](#)
amdt 1.29

def **affordable housing** ins [A2008-33](#) s 9

def **Community Housing Providers National Law (ACT)** ins
[A2013-18](#) amdt 1.4

def **company limited by guarantee** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.5

def **company limited by shares** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.5

def **entitled person** ins [A2012-33](#) amdt 1.36

def **housing provider** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.5

def **incorporated association** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.5

def **monitoring guidelines** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.5

def **official visitor** ins [A2013-22](#) amdt 1.30

def **registered community housing provider** ins [A2013-18](#)
amdt 1.6

def **reviewable decision** ins [A2008-37](#) amdt 1.245

def **standards** ins [A2008-33](#) s 9
om [A2013-18](#) amdt 1.7

def **visitable place** ins [A2012-33](#) amdt 1.36

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 10 Nov 2007	10 Nov 2007– 18 Mar 2008	not amended	new Act
R2 19 Mar 2008	19 Mar 2008– 10 Nov 2008	not amended	modification by SL2008-7
R3 11 Nov 2008	11 Nov 2008– 1 Mar 2009	A2008-37	commenced expiry
R4 2 Mar 2009	2 Mar 2009– 21 Sept 2009	A2008-37	amendments by A2008-33 and A2008-37
R5 22 Sept 2009	22 Sept 2009– 16 Dec 2009	A2009-20	amendments by A2009-20
R6 17 Dec 2009	17 Dec 2009– 2 June 2010	A2009-49	amendments by A2010-49
R7 3 June 2010	3 June 2010– 30 June 2011	A2010-18	amendments by A2010-18
R8 1 July 2011	1 July 2011– 29 Feb 2012	A2011-22	amendments by A2011-22
R9 1 Mar 2012	1 Mar 2012– 31 Aug 2013	A2011-48	amendments by A2011-48
R10 1 Sept 2013	1 Sept 2013– 31 Dec 2013	A2013-22	amendments by A2012-33 and A2013-22
R11 1 Jan 2014	1 Jan 2014– 31 Dec 2017	A2013-22	amendments by A2013-18

© Australian Capital Territory 2018