

**AUSTRALIAN CAPITAL TERRITORY**

**HOUSING ASSISTANCE ACT 1987**

**CRISIS ACCOMMODATION HOUSING ASSISTANCE PROGRAM**

No. 78 of 1991

Under section 12 of the Housing Assistance Act 1987 I make the following housing assistance program:

**1. NAME OF PROGRAM**

The name of this Program is the Crisis Accommodation Housing Assistance Program.

**2. OBJECTS OF PROGRAM**

The objective of this Program is to provide capital funds for the accommodation of people who are homeless and in crisis in accordance with the principles of the Housing Agreement and CAP Guidelines through the provision of dwellings to:

- (a) organisations subsidised by the Supported Accommodation Assistance Program which assists people who are homeless and in crisis through the provision of financial assistance to eligible organisations for supported accommodation services and related support services; and/or
- (b) other eligible organisations providing supported or unsupported accommodation services for people who are homeless and in crisis.

**3. APPLICATION OF HOUSING AGREEMENT AND CAP GUIDELINES**

The Housing Agreement and CAP Guidelines shall apply to this Program. Where there is any inconsistency between this Program and the CAP Guidelines, the latter shall prevail over this Program.

**4. DEFINITIONS AND INTERPRETATION**

**4.1 In this Program except where the contrary intention appears:**

"Act" means the Housing Assistance Act 1987.

"ACT Plan" means the plan approved in Clause 5 of this Program.

"Tenancy and Service Agreement" means the agreement referred to in clause 11 of this Program.

"CAP Guidelines" means the Crisis Accommodation Program Guidelines made under Part XII of the Housing Agreement.

"CAP Funds" means the funds provided for the purposes of this Program.

"Commissioner" means the Commissioner for Housing appointed under the Act.

"Commonwealth Minister" means the Commonwealth Minister responsible for the administration of the Commonwealth-State Housing Agreement.

"Eligible Organisation" means a body established by or under a law of the Territory or an incorporated organisation or a constituted body taking steps towards incorporation pursuant to the laws of the Territory being:

- (a) an organisation (other than an organisation conducted or controlled by, or by persons appointed by, the Government of the Commonwealth or of the Territory) that is carried on otherwise than for the purpose of profit or gain to its individual members and is:
  - (i) a religious organisation;
  - (ii) an organisation the principal objects or purposes of which are charitable or benevolent; or
  - (iii) any other organisation agreed upon by the Commonwealth Minister and the State Minister pursuant to the CAP Guidelines;
- (b) the trustee or trustees under a trust established by an organisation referred to in paragraph (a) or by a local governing body established by or under a law of the Territory;

Authorised by the Parliamentary Counsel and printed by authority of the ACT Government

- (c) a corporation established by an organisation referred to in paragraph (a) or by a local governing body established by or under the law of the Territory; or
- (d) the trustee or trustees under a trust established for charitable or benevolent purposes agreed upon by the Commonwealth and the Minister pursuant to the CAP Guidelines.

**"Financial Year"** means the financial period from 1st July to 30th June of the following year.

**"Housing Agreement"** has the same meaning as defined in the Act.

**"Program"** means Crisis Accommodation Housing Assistance Program.

**"State Minister"** means the State/Territory Minister responsible for administering the Housing Agreement for a particular State/Territory.

**"Supported Accommodation Assistance Program"** means the program administered by the Territory pursuant to an Agreement made between the Territory and the Commonwealth of Australia on 11 July 1989.

**"Territory"** has the same meaning as defined in the Interpretation Act 1967.

**"the Fund"** has the same meaning as defined in the Act.

**"the Minister"** means the Minister responsible for administering the Act.

**4.2 In this Program unless the contrary intention appears:**

- 4.2.1** a word importing the singular includes the plural and vice versa;
- 4.2.2** a word importing one gender includes the other gender;
- 4.2.3** a reference to a clause or subclause is a reference to a clause or subclause of this Program;
- 4.2.4** a reference to an Act or the CAP Guidelines includes that Act or CAP Guidelines as amended from time to time.
- 4.2.5** where a word or phrase is given a particular meaning in the Act or CAP Guidelines that word or phrase in this Program has a corresponding meaning.

**5. PLANNING AND PRIORITIES**

- 5.1 For each Financial Year the Minister shall develop or cause to be developed an ACT Plan for the purpose of this Program jointly with the Commonwealth Minister in accordance with the CAP Guidelines;
- 5.2 Upon approval of the ACT Plan by the Commonwealth Minister and State Minister, the Minister shall issue a joint press release and the ACT Plan shall be promulgated as a public document to inform possible applicants on the adopted priorities for the forthcoming Financial Year.

**6. USE OF FUNDS**

- 6.1 All CAP Funds shall be used in the manner and for purposes consistent with the CAP Guidelines and the ACT Plan.

**7. ADMINISTRATION OF PROGRAM**

- 7.1 The Minister shall establish or cause to be established an advisory structure comprising two levels:
- 7.1.1 a Ministerial Advisory Committee; and
- 7.1.2 a Joint Officers' Group.
- 7.2 The Commissioner shall submit names of persons to be appointed to the Ministerial Advisory Committee for the joint approval by the Commonwealth Minister and State Minister in accordance with the CAP Guidelines.
- 7.3 The Joint Officers' Group shall comprise members as set out in the CAP Guidelines.

**8. SALE AND OWNERSHIP OF PROPERTIES**

- 8.1 The Commissioner shall acquire or dispose of properties for the purposes of this Program in accordance with the CAP Guidelines.
- 8.2 The Commissioner shall maintain a register of properties funded by CAP Funds containing such details as are required by the CAP Guidelines.

**9. ELIGIBILITY FOR ASSISTANCE**

- 9.1 Subject to this Program and the CAP Guidelines, an organisation shall be eligible for the allocation of assistance and the continuing provision of assistance if that organisation is an Eligible Organisation as defined in this Program.

9.2 An Eligible Organisation shall have:

- 9.2.1 appropriate financial and administrative resources;
- 9.2.2 appropriate and effective system of management;
- 9.2.3 objectives which are consistent with the objectives of this Program, the CAP Guidelines and the ACT Plan.

## **10. ALLOCATION OF ASSISTANCE**

- 10.1 Subject to this Program, the CAP Guidelines and the ACT Plan, the Commissioner shall allocate assistance to the Eligible Organisations as it becomes available in the order that the organisation is approved as eligible for assistance.
- 10.2 Where an Eligible Organisation does not accept an offer of assistance under this Program within the time specified in the offer, the offer shall be deemed to have been refused and the Commissioner may offer the same assistance to the next approved Eligible Organisation which shall be subject to the time-frame as specified by the Commissioner in his offer.

## **11. TENANCY AND SERVICE AGREEMENT**

- 11.1 Prior to the grant of assistance to an approved Eligible Organisation, the approved Eligible Organisation shall enter into a Tenancy and Service Agreement in the form and on the terms and conditions required by the Commissioner.

## **12. RENT**

- 12.1 The level of rent in respect of accommodation provided as assistance in each case under this Program shall be determined by the Commissioner in accordance with the CAP Guidelines.
- 12.2 When, following a review conducted in accordance with subsection 15(3) of the Act, the Commissioner determines that the amount of rent payable is different from the amount payable prior to the review, the Commissioner shall notify in writing the organisation which has entered into the Tenancy and Service Agreement.
- 12.3 A notice given under subclause 12.2 shall specify:
  - 12.3.1 the amount of rent payable as a result of the determination; and
  - 12.3.2 the date on which the determination shall take effect.

- 12.4 Where rent is to be increased the date specified in accordance with subclause 12.3.2 shall not be less than 60 days after the day on which the Commissioner has made the determination.
- 12.5 Where the rent is decreased, the date specified in accordance with subclause 12.3.2 is the date of the determination.
- 12.6 Where a notice under subclause 12.2 has been served on the organisation the amount of rent payable specified by the notice is deemed to be the amount of rent payable under the Tenancy and Service Agreement from the commencement of the first rent period which commences on or after the date specified in subclause 12.3.2.
- 12.7 Rent paid under this Program is payable to the Fund.

**13. FORM OF APPLICATION**

- 13.1 An application for assistance under this Program shall be made in a form agreed by the Commissioner and lodged with the Commissioner within the period specified by the Commissioner. The application shall contain such information relating to the application as the Commissioner may require.
- 13.2 The Commissioner may from time to time request an applicant to provide in writing further information in connection with an application.
- 13.3 If that information is not provided within the time stipulated by the Commissioner, the application shall be deemed to have been withdrawn by the applicant.

**14. ADDITIONAL INFORMATION**

- 14.1 An organisation which is a party to the Tenancy and Service Agreement shall provide any additional information relating to the provision or continuance of provision of assistance under this Program that the Commissioner may require from time to time.

**15. NOTIFICATION OF DECISIONS**

- 15.1 Where this Program requires that notice of a decision of the Commissioner be served, that notice shall be in writing and shall be served by:
- 15.1.1 delivering the notice personally to an officer or employee of the organisation; or
- 15.1.2 posting the notice to the address of the organisation last known to the Commissioner.

16. **REPORTING**

- 16.1 The Commissioner shall provide reports to the Joint Officers' Group on such matters and in such manner and at such time as is required by the CAP Guidelines.
- 16.2 The Commissioner shall furnish to the Commonwealth Minister information on the operation of the Program in accordance with the CAP Guidelines.
- 16.3 The Commissioner shall provide to the Commonwealth Minister an annual financial statement in a form determined by the Minister in accordance with the CAP Guidelines.

17. **SECRECY**

- 17.1 The Commissioner shall not disclose information obtained in connection with this Program other than:
- 17.1.1 in the performance of his duties or functions under this Program;
- 17.1.2 in accordance with the Freedom of Information Act 1989;
- 17.1.3 in accordance with the Privacy Act 1988 (Cth.); or
- 17.1.4 where the organisation or person who is the subject of the information consents to its release.

DATE:

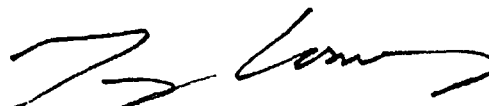
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RODNEY DAVID TEMPLAR  
Acting Commissioner for Housing

### APPROVAL

Under section 12 of the Housing Assistance Act 1987, I APPROVE the above Crisis Accommodation Housing Assistance Program.

DATE: 23/8/91



TERENCE CONNOLLY  
MINISTER FOR HOUSING  
AND COMMUNITY SERVICES

- Note:
- (1) This Program is published pursuant to section 6 of the Subordinate Laws Act 1989.
  - (2) The CAP Guidelines referred to in this Program may be obtained from the A.C.T. Housing Trust, Rental Housing Services Section, 2nd Floor, South Building, Canberra.