

AUSTRALIAN CAPITAL TERRITORY

HOUSING ASSISTANCE ACT 1987

DETERMINATION NO. 144 OF 1994

Under section 12 of the Housing Assistance Act 1987 I prepare a housing assistance program as follows:

SINGLE SHARE ACCOMMODATION SCHEME

PART I - PRELIMINARY

1. NAME OF PROGRAM AND COMMENCEMENT

- 1.1 The name of this program is the Single Share Accommodation Scheme.
- 1.2 This instrument commences operation on the date of its publication in the *Gazette*.

2. OBJECT

- 2.1 The object of this program is to provide single persons who are eligible for public housing, with or without Dependants, medium to long term independent public housing through improved security of housing tenure. It provides for group housing options through individual or head tenancy arrangements.
- 2.2 This program shall be reviewed and evaluated in terms of its effectiveness in the achievement of the object of this program in twelve months' time after the commencement of this program.

3. DEFINITION AND INTERPRETATION

- 3.1 In this program, unless the contrary intention appears:

"A.C.T." means the Australian Capital Territory.

"A.C.T. Average Weekly Earnings" means the amount given as the most recent estimate of average weekly earnings for the A.C.T. under the heading "all employees" in the most recent (from time to time) quarterly publication by the Australian Bureau of Statistics that specifies average weekly earnings in the States and Territories of Australia.

"Applicant" means a single person, with or without Dependants of not more than two, who has lodged an Application under this program.

"Application" means:

- (i) an application for Assistance under this program;

- (ii) an application for a transfer to another dwelling;
- (iii) an application for a rent rebate;
- (iv) an application to have a person's name or Community Organisation's name replaced on the Register.

"Assets" means any property or right that has a value but does not include:

- (i) clothing;
- (ii) ordinary personal effects;
- (iii) ordinary household furniture, fittings and utensils;
- (iv) tools of trade or plant and equipment used for earning income;
- (v) one motor vehicle.

"Assistance" means assistance under this program by way of the provision of rental accommodation and includes the provision of accommodation by the Commissioner, other than in accordance with any other program administered by the Commissioner under the Act, on any land:

- (i) which is under the control of the Commissioner by virtue of subsection 16(1) or 17(1) of the Act; or
- (ii) which is leased from the Commonwealth by the Commissioner.

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

"Community Organisation" means an incorporated non-profit organisation which:

- (i) lodges an Application for Assistance; or
- (ii) is in receipt of Assistance.

"Dependant" means a person who is under the age of sixteen years or who is physically, emotionally or financially dependent upon an Applicant who is the primary guardian or carer.

"Dependent Child Payments" means:

- (a) additional family payment paid under the **Social Security Act 1991 (Cth)**;
- (b) that part of a service pension payable under the **Veterans Entitlements Act 1986 (Cth)** in respect of a child.

"Head Tenant" means a Community Organisation that has entered into a tenancy agreement under this program.

"Household" means a group of between two and four Tenants with or without Dependant who shall not exceed two, accommodated in one dwelling provided under this program.

"Housing Review Committee" means an advisory body, membership of which is selected from the A.C.T. community and appointed by the Minister on such terms and conditions as are specified in their appointments, established to reconsider decisions of the types reviewable by the Administrative Appeals Tribunal under this program or any decisions of the Commissioner which are specifically made referable to it for reconsideration under this program and to recommend to the Commissioner whether the decision be affirmed or varied;

"Income" means income other than any of the following:

- (i) a payment under Part 2.17 of the **Social Security Act 1991 (Cth)** with respect to the basic rate of family payment;
- (ii) emergency relief or similar assistance paid by the Commonwealth or a State or Territory;
- (iii) an amount paid by an insurance company or any other person as compensation for property loss or damage;
- (iv) a hospital, medical, dental or pharmaceutical benefit;
- (v) any loss or outgoing that would be an allowable deduction in the assessment of income tax under the **Income Tax Assessment Act 1930 (Commonwealth)**;
- (vi) payment made under Part V ("Medical and other Treatment") or Part VI ("Allowances and other benefits") of the **Veteran's Entitlements Act 1986 (Commonwealth)** other than payments made under section 108 ("Loss of Earnings Allowance") or section 109 ("Advances on Account of Loss of Earnings Allowance") of that Act.

"Joint Applicant" means a person who applies jointly with other Applicants for Assistance under clause 6.2 of this program.

"Occupant" means a person who is provided with the service by a Head Tenant under clause 12.1.4.

"Officer" means an officer or person performing duties, or exercising powers or functions, under or in relation to this program.

"Public Rental Housing Assistance Program" means the Program of that title made and approved under section 12 of the Act.

"Rent" means a sum payable periodically, whether designated as rent or otherwise, as a consideration for the right to occupy premises, whether with or without other rights in relation to the occupation of the premises.

"Tenant" means an Applicant who has entered into a tenancy agreement under this program entitling him or her and any Dependents to the exclusive use of a bedroom or bedrooms in a dwelling.

"the Act" means the **Housing Assistance Act 1987**.

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

"the Housing Agreement" means the Commonwealth/State Housing Agreement set out in Schedule 1 to the Act.

"the Register" means the Register kept in accordance with Clause 8 of the names of eligible Applicants or Clause 13 of eligible Community Organisations.

"Weekly Income" of an Applicant means the greater of:

- (i) the person's gross income per week at the date of making an Application; or
- (ii) the average gross income per week of the person in the 26 week period immediately prior to the date of making an Application.

3.2 In this program, unless the contrary intention appears:

- 3.2.1 a word importing the singular includes the plural and vice versa;
- 3.2.2 a word importing one gender includes the other gender;
- 3.2.3 a reference to a clause or subclause is a reference to a clause or subclause of this program;
- 3.2.4 a reference to an Act, the Public Rental Housing Assistance Program or the Housing Agreement includes that Act or that Program or that Housing Agreement as amended from time to time.

4. APPLICATION OF THE HOUSING AGREEMENT

4.1 The Housing Agreement shall apply to this program.

4.2 The Commissioner shall make available a copy of the Housing Agreement to an Applicant or Community Organisation upon the request of that Applicant or Community Organisation.

PART II - SINGLE APPLICANTS**5. APPLICATION FOR ASSISTANCE BY SINGLE APPLICANT**

- 5.1 An Application for Assistance under this program shall be made on a form approved by the Commissioner and signed by each Applicant.
- 5.2 An Application shall include:
- 5.2.1 the name, address and age of each Applicant and Dependant;
 - 5.2.2 the grounds on which the Applicant claims to be eligible;
 - 5.2.3 the value of Assets owned by the Applicant;
 - 5.2.4 the Weekly Income of the Applicant and the Weekly Income of any Dependant of the Applicant;
 - 5.2.5 the name and address of the Applicant's employer, if the Applicant is employed;
 - 5.2.6 information as to whether the Applicant is an Australian citizen and, if not, his or her Australian residency status;
 - 5.2.7 in the case of a joint Application, information as to whether any of the Applicants is related by blood or marriage (including defacto marriage) to any other Applicant;
 - 5.2.8 if the Applicants are related, a statement as to how the Applicants are related;
 - 5.2.9 information as to whether the Applicant has any interest in residential real property in Australia.

6. ELIGIBILITY FOR ASSISTANCE

- 6.1 An Applicant is eligible for Assistance if all of the following are satisfied:
- 6.1.1 he or she is an Australian Citizen or has been granted permanent residence status;
 - 6.1.2 he or she is 16 years of age or older;
 - 6.1.3 he or she does not have any legal interest in any residential real property in Australia;
 - 6.1.4 the combined Assets of the Applicant and any Dependents do not exceed \$20,000;
 - 6.1.5 He or she falls within one of the following rules applying to weekly income:

- 6.1.5.1 the Weekly Income of the Applicant with no Dependants does not exceed 60% of the A.C.T. Average Weekly Earnings;
- 6.1.5.2 the combined Weekly Income of the Applicant with one Dependant does not exceed 100% of the A.C.T. Average Weekly Earnings;
- 6.1.5.3 the combined Weekly Income of the Applicant with two Dependants does not exceed 110% of the A.C.T. Average Weekly Earnings;
- 6.1.6 he or she is not married or living in a defacto relationship;
- 6.1.7 he or she has no more than two Dependants.
- 6.2 A group of such number of applicants to be determined at the discretion of the Commissioner on a case by case basis may make a joint application for Assistance.

7. HARDSHIP

- 7.1 Where an Applicant is not eligible for Assistance but would experience severe hardship if his or her Application were not granted, the Commissioner may waive any of the eligibility requirements in clause 6, provided that the provision of Assistance to the person concerned would still be in accordance with the objects of this program and his or her needs cannot be met by any other means.

8 REGISTRATION

- 8.1 The Commissioner shall keep a Register of the names of all eligible Applicants called the "Single Share Register".
- 8.2 The following rules apply to the Register:
 - 8.2.1 the Commissioner shall enter the names of eligible Applicants on the Register in the order in which the Applications are received by him or her.
 - 8.2.2 an Applicant shall notify the Commissioner in writing of any of the following changes in circumstances, if they occur before he or she is allocated Assistance under this program:
 - (i) a change in the Applicant's address;
 - (ii) the absence of the Applicant and/or his or her Dependants from the A.C.T for more than one month;
 - (iii) a change in the marital status of the Applicant;

- (iv) a change in the circumstances of a dependant such that he or she is no longer physically, emotionally or financially dependent upon the Applicant;
 - (v) any change in circumstances by reason of which the Applicant would no longer be eligible for Assistance.
- 8.2.3 a Joint Applicant shall notify the Commissioner in writing of any of those changes in circumstances in clause 8.2.2 affecting any Joint Applicant of which he or she is aware in their Joint Application, if they occur before the Joint Applicants are allocated Assistance under this program.
- 8.2.4 the Commissioner shall remove the name of the Applicant from the Register if the Applicant ceases to be eligible for Assistance except as provided under clause 7. of this program.
- 8.2.5 if an eligible Applicant whose name has been entered on the Register is absent from the A.C.T. for a period of one month or more, the Commissioner may at his or her discretion suspend the registration of the Application for the period of that absence.
- 8.2.6 if any Applicant is no longer eligible to remain on the Register or no longer wishes to remain on that Register, the Applicant may transfer his or her registration to the Public Rental Housing Assistance Program, subject to the eligibility criteria of that program.

9 ALLOCATION OF ASSISTANCE

- 9.1 The Commissioner may decide the number of dwellings which are to be made available from time to time to Applicants under this program. In making this decision the Commissioner may specify that a certain number of these dwellings be made available for identified special needs groups.
- 9.2 In allocating Assistance to an Applicant under this program the Commissioner may have regard to:
- 9.2.1 the size, type and location of available dwellings;
 - 9.2.2 the needs and preferences of Applicants.
- 9.3 When suitable Assistance becomes available, the Commissioner shall, subject to this program, allocate Assistance to Applicants in the order in which their names appear on the Register.
- 9.4 Before being offered Assistance under this program the Commissioner shall be satisfied that he or she has been resident or employed in the A.C.T. for the 6 month period immediately prior to the date of the offer of Assistance, unless in the Commissioner's opinion the Applicant's circumstances are such that this requirement should not apply.

- 9.5 Any offer of Assistance under this clause may be in writing and made on the basis that if the Applicant does not accept the offer within three working days after it is made, the Commissioner may remove the name of the Applicant from the Register.
- 9.6 Where an Applicant's name has been removed from the Register because the Applicant has not accepted an offer within the above time limit, the Commissioner may return that Applicant's name to the list in a position equivalent to that which was previously held if:
- 9.6.1 the Applicant was an eligible Applicant for the whole of the period in which the Applicant's name was removed from the Register; and
 - 9.6.2 the Applicant requests the Commissioner to replace his or her name on the Register within 6 months of his or her name being removed from the Register.
- 9.7 The Commissioner may refuse to grant Assistance to an Applicant who:
- 9.7.1 owes a debt of any nature whatsoever to the Commissioner; or
 - 9.7.2 has breached a term or condition of a tenancy agreement to which the Commissioner was a party.

10. REMOVAL OF A JOINT APPLICANT FROM THE REGISTER

- 10.1 If the name of a Joint Applicant is removed from the Register, the remaining Joint Applicants may nominate another eligible Applicant to replace the person whose name was removed.
- 10.2 If no replacement is nominated the remaining Joint Applicants may maintain his or her Joint Application subject to the discretion of the Commissioner.

11. RENTAL REBATES

- 11.1 In this clause "Basic Rent" means the sum of:
- 11.1.1 22% of that part of the Weekly Income of the Tenant, other than Dependent Child Payments, which does not exceed 25% of A.C.T. Average Weekly Earnings;
 - 11.1.2 25% of that part of the Weekly Income of the Tenant, other than Dependent Child Payments, which exceeds 25% of A.C.T. Average Weekly Earnings but does not exceed 50% of ACT Average Weekly Earnings;

11.1.3 30% of that part of the Weekly Income of the Tenant, other than Dependent Child Payment, which exceeds 50% of ACT Average Weekly Earnings but does not exceed ACT Average Weekly Earnings;

11.1.4 35% of that part of the Weekly Income of the Tenant, other than Dependent Child Payments, which exceeds ACT Average Weekly Earnings.

PROVIDED that the sum total of the calculations in subclauses 11.1.1, 11.1.2, 11.1.3 and 11.1.4 shall not exceed 25% of the Weekly Income of the Tenant, other than Dependent Child Payments.

11.1.5 10% of Dependent Child Payments paid to the Tenant; and

11.1.6 any charges for hot water, heating or garage facilities supplied by the Commissioner to the Tenant, provided that the Commissioner has given written notice to the Tenant that these charges are to form part of the Rent.

11.2 A Tenant may apply to the Commissioner for a rebate of Rent in respect of a tenancy under this program.

11.3 Subject to this clause, the Commissioner shall grant a rebate of Rent to any Tenant paying a weekly rate of Rent greater than the Basic Rent.

11.4 The Commissioner may from time to time review the eligibility of a Tenant for a Rent rebate.

PART III - ASSISTANCE TO COMMUNITY ORGANISATIONS

12. APPLICATION FOR ASSISTANCE BY COMMUNITY ORGANISATIONS

12.1 Subject to this program, where an Application for Assistance is made by a Community Organisation, that organisation shall be eligible for the allocation and the continuing provision of Assistance if:

12.1.1 the organisation is a body incorporated pursuant to a law of a State or Territory of Australia;

12.1.2 the organisation has appropriate financial and administrative resources;

12.1.3 the organisation has an appropriate system of management, and

12.1.4 the service that the organisation proposes to provide from the Assistance to be allocated involves the provision of residential facilities to persons eligible under Clause 6 of this program and who are not already adequately catered for in the A.C.T.

13. REGISTRATION

13.1 The Commissioner shall keep a Register of all eligible Community Organisations called the 'Community Organisations Register'.

13.2 The following rules apply to the Register:

13.2.1 the Commissioner shall enter the names of eligible Community Organisations on the Register in the order in which the Applications are received by him or her;

13.2.2 a Community Organisation shall notify the Commissioner in writing of any of the following changes in circumstances if they occur before it is allocated Assistance under this program:

- (i) a change in the Community Organisation's address;
- (ii) a change in the legal status of the Community Organisation;
- (iii) a change in the Community Organisation's financial and administrative resources;
- (iv) a change in the Community Organisation's system of management;
- (v) any change in circumstances by reason of which the Community Organisation would no longer be eligible for Assistance.

14. ALLOCATION OF ASSISTANCE TO COMMUNITY ORGANISATIONS

14.1 The Commissioner may decide the number of dwellings which are to be made available from time to time to Community Organisations under this program. In making this decision the Commissioner may specify that a certain number of these dwellings be made available for identified special needs groups.

14.2 When suitable Assistance becomes available, the Commissioner shall, subject to this program, allocate Assistance to Community organisations in the order in which their names appear on the Register.

14.3 The Commissioner shall have regard to the following matters before deciding what Assistance to offer to a Community Organisation:

14.3.1 the size, type and location of available dwellings;

14.3.2 the accommodation needs and preferences of the Community Organisation.

- 14.4 Where a Community Organisation does not accept an offer of Assistance under this clause by the close of business on the next working day after it is made, the name of the Community Organisation may be removed from the Register.

15. RENTAL REBATES

- 15.1 In this clause "Basic Rent" means the sum of:

- 15.1.1 22% of that part of the Weekly Income of the Occupant, other than Dependent Child Payments, which does not exceed 25% of A.C.T. Average Weekly Earnings;
- 15.1.2 25% of that part of the Weekly Income of the Occupant, other than Dependent Child Payments, which exceeds 25% of A.C.T. Average Weekly Earnings but does not exceed 50% of ACT Average Weekly Earnings;
- 15.1.3 30% of that part of the Weekly Income of the Occupant, other than Dependent Child Payment, which exceeds 50% of ACT Average Weekly Earnings but does not exceed ACT Average Weekly Earnings;
- 15.1.4 35% of that part of the Weekly Income of the Occupant, other than Dependent Child Payments, which exceeds ACT Average Weekly Earnings.

PROVIDED that the sum total of the calculations in subclauses 15.1.1, 15.1.2, 15.1.3 and 15.1.4 shall not exceed 25% of the Weekly Income of the Occupants, other than Dependent Child Payments.

- 15.1.5 10% of Dependent Child Payments paid to the Occupants; and
 - 15.1.6 any charges for hot water, heating or garage facilities supplied by the Commissioner to the Head Tenant, provided that the Commissioner has given written notice to the Head Tenant that these charges are to form part of the Rent.
- 15.2 A Head Tenant may apply to the Commissioner for a rebate of Rent in respect of a tenancy under this program.
- 15.3 Subject to this clause, the Commissioner shall grant a rebate of Rent to any Head Tenant paying a weekly rate of Rent greater than the Basic Rent.
- 15.4 The Commissioner may from time to time review the eligibility of a Head Tenant for a Rent rebate.
- 15.5 The Commissioner may grant additional rebate to a Head Tenant relating to the degree of fluctuation of occupancy rate of a particular dwelling administered by that Head Tenant.

PART IV - PRIORITY ASSISTANCE

16. PRIORITY ASSISTANCE

- 16.1 If a single Applicant or a Joint Applicant, as the case may be, refuses priority assistance under the Public Rental Housing Assistance Program that person may elect to remain on the waiting list under this program.
- 16.2 If more than half of the Applicants to a Joint Application are approved for priority Assistance under the Public Rental Housing Assistance Program, the Commissioner may provide a priority allocation to the Joint Applicants under this program.

PART V - PROVISION OF INFORMATION

17. GIVING FURTHER INFORMATION TO THE COMMISSIONER

- 17.1 The Commissioner may from time to time request an Applicant or a Community Organisation or a Tenant or a Head Tenant in writing to provide further information in connection with an Application.
- 17.2 If that information is not provided in writing within 28 days or such further time as the Commissioner allows, the Application is to be treated as having been withdrawn by the Applicant or Community Organisation or a Tenant or a Head Tenant.

PART VI - TENANCY PROVISIONS

18. TENANCY AGREEMENT

- 18.1 All Applicants and Community Organisations shall, on being allocated Assistance under this program, enter into a tenancy agreement with the Commissioner for Housing.
- 18.2 The agreement may incorporate any or all of the requirements of this program.

19. RENT

- 19.1 The Rent for Assistance provided under this program shall be determined by the Commissioner in accordance with the provisions of section 15 of the Act.
- 19.2 When, after reviewing the Rent under subsection 15(3) of the Act, the Commissioner decides to change the Rent, he or she shall write to each Tenant or Head Tenant affected by that decision, notifying the Tenant or Head Tenant in writing the amount of the new Rent and the date from which it is payable.

- 19.3 If the Rent increases, the date on which the new Rent is payable shall be at least 60 days after the Commissioner's decision.
- 19.4 The amount of Rent payable specified by the notice given under subclause 19.2 is deemed to be the amount of Rent payable under the tenancy agreement between that Tenant or Head Tenant (as the case may be) and the Commissioner from the commencement of the first Rent period which commences on or after the date specified in the notice.
- 19.5 Rent payable under this program is payable to the Fund.

20. VOLUNTARY TRANSFER

- 20.1 With the consent of all the Tenants in a Household, an eligible Community Organisation and the Commissioner, all the tenancies may be converted to a Head Tenancy.
- 20.2 With the consent of all the Occupants, the Head Tenant and the Commissioner, a Head Tenancy may be converted to single tenancies subject to each of the Occupants satisfying the provisions of Part II of this program.
- 20.3 The Tenants in a Household, either jointly or individually, or a Head Tenant may apply for transfer to other dwellings under this program or any other program administered by the Commissioner subject to the eligibility provisions of the relevant programs. In deciding whether to approve such an Application the Commissioner shall have regard to:
- 20.3.1 the availability of suitable alternative dwellings under this program or any other program administered by the Commissioner;
 - 20.3.2 the reasons given in the Application;
 - 20.3.3 the needs of other Applicants and community organisations who are about to be allocated Assistance under this Program or any other program administered by the Commissioner.
- 20.4 If the Commissioner approves an Application under subclause 20.3 above, and should there be other Tenants in the Household who are not Applicants for transfer (hereinafter called "Remaining Tenants") the Commissioner may give the Remaining Tenants up to 6 weeks from the date of transfer to nominate another eligible Applicant to replace the transferred Tenant.
- 20.5 If no such nomination is made within the time specified by the Commissioner, the Commissioner may transfer the Remaining Tenants to other dwellings.

21. COMPULSORY TRANSFER

- 21.1 The Commissioner may transfer a Tenant or a Head Tenant occupying a dwelling provided under this program to other dwellings under the control of the Commissioner if:
- 21.1.1 the Commissioner reasonably believes that the condition of the dwelling occupied by the Tenant or Head Tenant poses a danger to the health or safety of the Tenant or the Head Tenant or any Occupant or the public; or
 - 21.1.2 the Commissioner reasonably believes that the size of the dwelling occupied by the Tenant or Head Tenant is in excess of the Tenant's or the Head Tenant's needs; or
 - 21.1.3 the Commissioner believes on reasonable grounds that, due to the deterioration of Household or family relationships, it would be in the interest of Household harmony and/or community harmony to require a Tenant to transfer; or
 - 21.1.4 the Commissioner has decided to dispose of or redevelop the dwelling occupied by the Tenant.

PART VII - APPEAL PROVISIONS

22. NOTICE OF DECISIONS

- 22.1 Where the Commissioner makes a decision:
- 22.1.1 on an Application for Assistance under the provision of clauses 6, 7, 9 (other than 9.1), 12, 14 (other than 14.1) and 16.2;
 - 22.1.2 to transfer a Tenant or a Head Tenant to a different dwelling under clause 21 (other than a transfer under the provisions of clauses 21.1.1 and 21.1.4) or refuse to the transfer of tenancy under clause 20;
 - 22.1.3 to give, or refuse to give, a Rent rebate under clauses 11 and 15;
 - 22.1.4 to restore or refuse to restore an Applicant's name or Community Organisation's name, as the case may be, on the Register under the provisions of clauses 9.5, 8.2.4, 8.2.5, and 14.4;
 - 22.1.5 under clauses 9.4, 10.2 and 17.2

the Commissioner shall, within 28 days after the date of the decision, cause notice in writing of the decision to be given to the Applicant or Community Organisation or Tenant or Head Tenant (as the case may be).

- 22.2 The above notice shall include a statement to the effect that the Applicant or Community Organisation or Tenant or Head Tenant, as the case may be, may within 28 days of the service of the notice on the Applicant or Community Organisation or Tenant or Head Tenant lodge an objection in writing with the Commissioner.
- 22.3 An objection must state fully and in detail the grounds on which it is made.
- 22.4 The Commissioner shall refer to the Housing Review Committee for reconsideration an objection which he or she has decided not to uphold and may accept, reject or vary the recommendation of the Housing Review committee.
- 22.5 The Commissioner shall give the objector written reasons for his or her decision on an objection.
- 22.6 The Commissioner may consider a late objection if he or she is satisfied that:
- 22.6.1 the objector had a good reason for not lodging the objection within the specified time; and
 - 22.6.2 a decision to allow the objection would not be unjust to any other Applicant or Community Organisation or Tenant or Head Tenant, or because of the lateness of the objection, make excessive demands on the resources of the Commissioner.
- 22.7 The Commissioner shall refer to the Housing Review Committee an application for the consideration of a late objection which he or she has decided to refuse, and may accept, reject or vary the recommendation of the Housing Review Committee.
- 22.8 The Commissioner shall give written reasons for a decision disallowing a late objection.

23. APPEAL TO ADMINISTRATIVE APPEALS TRIBUNAL

- 23.1 An Applicant or Community Organisation or Tenant or Head Tenant may apply to the Administrative Appeals Tribunal for review of a decision by the Commissioner:
- 23.1.1 disallowing an objection pursuant to clause 22.4; or
 - 23.1.2 refusing to consider a late objection pursuant to clause 22.6.

24. NOTICE OF APPEAL RIGHTS

- 24.1 Where the Commissioner disallows an objection or refuses to consider a late objection, the Commissioner shall give the Applicant or Community Organisation or Tenant or Head Tenant written notice to this effect within 14 days from the date of the disallowance or refusal.

24.2 The notice shall:

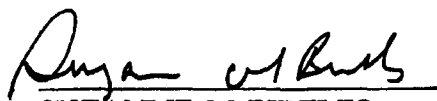
- 24.2.1 include a statement to the effect that under the **Administrative Appeals Tribunal Act 1989** an application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates; and
 - 24.2.2 except where subsection 26(11) of the **Administrative Appeals Tribunal Act 1989** applies (because the Commissioner has already given a statement of reasons for the decision), the notice shall include a statement to the effect that the Applicant or Community Organisation or Tenant or Head Tenant may request a statement of reasons under section 26 of that Act.
- 24.3 The validity of a decision referred to in clause 24.1 is not to be taken to be affected by a failure to comply with clause 24.2

PART VIII - SECRECY

25. OFFICERS TO OBSERVE SECRECY

- 25.1 Neither the Commissioner nor his or her officers shall disclose information obtained in connection with this program other than:
- 25.1.1 in the performance of duties or functions under this program;
 - 25.1.2 in accordance with the **Freedom of Information Act 1989**;
 - 25.1.3 in accordance with the **Privacy Act 1988 (Commonwealth)**;
 - 25.1.4 where the person who is the subject of the information consents to its release.

DATE:

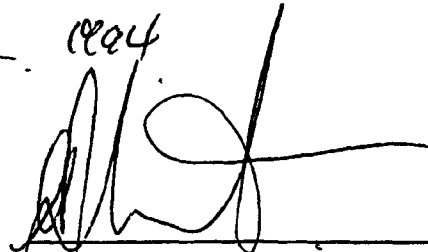

 SUZANNE M BIRTLES
 Commissioner for Housing

11.10.94

APPROVAL

Under section 12 of the **Housing Assistance Act 1987** I APPROVE the above program called the "Single Share Accommodation Scheme" prepared by the Commissioner for Housing.

DATE: 4th Day of OCTOBER. 1994



DAVID LAMONT
MINISTER FOR HOUSING AND
COMMUNITY SERVICES

Note: This Program is published pursuant to section 6 of the **Subordinate Laws Act 1989**.