

# **Housing Assistance (Public Rental Housing Assistance Program) Delegation 2005 (No 2)**

**Instrument of Delegation – NI2005–494**

made under the

**Housing Assistance Act 1987 (Division 2.2 Powers and functions of  
Commissioner, Section 10 Delegation).**

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Under Section 10 of the Housing Assistance Act 1987 (the Act) I revoke NI2005-8, notified on the Legislation Register on 20 January 2005; and I delegate those of my powers under the Public Rental Housing Assistance Program specified in column 1 of the attached Schedule to each person holding or performing the duties of an office in the ACT Public Service specified in column 2 of the Schedule and which position number is specifically stated in the Addendum.

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Sandra Lambert  
Commissioner for Housing

Date: 8 December 2005

<b>COLUMN 1</b> <b>Provision and outline of power</b>	<b>COLUMN 2</b> <b>Office (Position Numbers shown on Addendum)</b>
All powers under the Public Rental Housing Assistance Program	Deputy Chief Executive; Executive Director; Director Housing ACT;
<b>Clauses 5 and 6(2)</b> – determine asset eligibility limit; determine assets of a kind which should be disregarded; determine income, or income of a kind, which should be disregarded; determine purposes for which excludable income may be expended	Deputy Chief Executive; Executive Director; Director Housing ACT only)
<b>Clause 6(3) and 6(4)</b> - decide a person has earned, derived, received or become entitled to an amount of income, including compensation for income lost or foregone	SGBs (excluding Position No. 30326), SOGCs; ASO6s
<b>Clause 7</b> – disregard current weekly income or average gross weekly income for preceding 26 weeks; decide that a period other than 26 weeks is appropriate	SGBs (excluding Position No. 30326), SOGCs; ASO 6s
<b>Clause 8(2)</b> – require information to be provided in relation to an application	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
<b>Clause 8(3)</b> - determine who are to be considered the applicant or joint applicants	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 9</b> – decide whether an applicant meets the basic eligibility criteria	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 9(2)</b> – determine that certain time limits imposed by law are not relevant	Deputy Chief Executive; Executive Director; Director Housing ACT only
<b>Clause 9(3)</b> – decide to disregard any property in which an applicant has an interest	SGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 9(4)</b> – decide that an applicant is eligible for assistance (despite misleading information; contrived schemes etc)	SGBs (excluding Position No. 30326); SOGCs
<b>Clause 10(1) and 10(2)</b> – determine priority categories and criteria for the allocation of categories to applicants	Deputy Chief Executive; Executive Director; Director Housing ACT only
<b>Clauses 10(3) and 10(4)</b> - assign or vary a priority category for an application	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 10(6)(f)</b> – specify ‘any other type of change’ of circumstances	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s
<b>Clause 11(2)</b> – enter names of applicants on register	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s; ASO3s

<b>Clause 11(3)</b> – re-enter an application on the register after the priority category is varied under clause 10(4)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
<b>Clause 11(3)</b> – decide not to vary the registration date after the priority category of an application is varied under clause 10(4)	SOGBs (excluding Position No. 30326); SOGCs;
<b>Clause 12(1)</b> - suspend the registration of an applicant during absence from the ACT	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 12(2)</b> - return a name to the register removed under clause 12(1)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 12(3)</b> - remove from the register the name of an applicant who has failed to provide additional information	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 12(4)</b> – return a name to the register removed under clause 12(3)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 12(5)</b> - remove from the register the name of any applicant who has ceased to be eligible for assistance	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 12(6)</b> – deem an applicant who has lost employment in the ACT to be eligible to remain on the register for a further period of no more than 3 months	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 12(7)</b> – remove applicant from the register if substantive eligibility has not been re-established at the end of the deeming period	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clauses 13(1) and 13(2)</b> – provide assistance in the form of rental accommodation	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 13(4)</b> – decide that the 6 months residence requirement does not apply	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 13(4)</b> – provide assistance in accordance with clause 13 after the residence criterion is met	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 13(5)</b> – provide assistance out of turn for urgent or critical need	Deputy Chief Executive; Executive Director; Director ACT Housing only
<b>Clause 13(6)</b> – determine that an applicant is eligible for assistance despite a debt or tenancy breach	SOGBs (excluding Position No. 30326); SOGCs;
<b>Clause 13(7)</b> - notify an applicant of an offer of rental accommodation	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
<b>Clause 13(8)</b> - remove from the register the name of an applicant who fails to notify acceptance of an offer or refuses an offer	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s

<b>Clauses 13(9) and 13(10)</b> – return to the register in certain circumstances the name of an eligible applicant removed under clause 13(8), in certain circumstances	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clauses 14</b> - decide the size, type and location of rental accommodation to be offered to an applicant	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 15</b> - provide assistance in the form of aged persons' accommodation	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 15</b> - designate accommodation as aged persons' accommodation	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SGB Property Services
<b>Clause 16</b> - Disregard eligibility criteria if the applicant is suffering severe hardship	SGBs (excluding Position No. 30326); SOGCs
<b>Clause 17</b> – enter into tenancy agreement with an applicant who has accepted assistance	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clauses 18 and 19</b> - determine rent payable for accommodation provided under the program	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SGB Property Services
<b>Clause 19(2)</b> - notify tenants affected by determinations under clause 19(1)	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SGB Property Services
<b>Clause 20(3)</b> – grant rebate of rent in accordance with this provision	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 20(7)</b> – round rent calculation up or down	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 20(8A)</b> – Determine a period shorter than six month for a rental rebate where income likely to change	SGBs (excluding Position No. 30326); SOGCs
<b>Clause 20(9)</b> – extend period of rent rebate by up to 6 months	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 20(10)</b> – determine the date of effect of rebate as different from the application date by not more than 2 weeks before application date; or in exceptional circumstances, by more than 2 weeks before application date	<ul style="list-style-type: none"> <li>• SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before application date;</li> <li>• SGBs (excluding Position No. 30326) and SOGCs for a period more than 2 weeks before application date</li> </ul>
<b>Clause 20(11)</b> - determine that special circumstances exist to continue a rental rebate during a tenant's unauthorised or lengthy absence (not including any subletting period)	SGBs (excluding Position No. 30326); SOGCs;
<b>Clause 21(1)</b> – require an applicant for rebate to provide further information	SGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s

This is page 5 of the Schedule to the Instrument of Delegation for the Public Rental Housing Assistance Program under the Housing Assistance Act 1987 signed by the Commissioner for Housing on 8 December 2005

<b>Clause 21(2) and (3)</b> – Review, suspend, amend or revoke the rent rebate granted to a tenant	SOGBs (excluding Position No. 30326); SOGCs, ASO6s
<b>Clause 21(4)</b> – determine the date of effect of suspension, amendment or revocation if different from the date of review	SOGBs (excluding Position No. 30326); SOGCs
<b>Clause 22(1)</b> – grant a rebate equivalent to the initial rent	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 25(1)</b> - request an applicant to provide further information in relation to an application	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 25(2)</b> – decide whether to treat an application as withdrawn or to extend the period for the provision of further information	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 27(2)</b> – notify an applicant of a decision	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
<b>Clause 28(4)</b> – On receipt of a request for review: <ul style="list-style-type: none"> <li>review the decision the subject of the request for review -</li> </ul>	Deputy Chief Executive; Executive Director; Director Housing ACT only
<b>Clause 28(4)</b> refer request to HRC	SOGBs (excluding Position No. 30326)
<b>Clause 28(4)</b> Accept, reject or vary the recommendation of the HRC	Deputy Chief Executive; Executive Director; Director Housing ACT only
<b>Clause 28(5)</b> – notify an applicant of the decision following review under clause 28(4)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 29(4)</b> – accept or refuse an application to extend the period within which to lodge a request for review	SOGBs (excluding Position No. 30326); SOGCs
<b>Clause 29(5)</b> – notify the applicant of the decision under clause 29(4)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
<b>Clause 31</b> – approve a form for the purposes of the Program	Deputy Chief Executive; Executive Director; Director Housing ACT only

**ADDENDUM TO SCHEDULE  
OFFICES REFERRED TO IN SCHEDULE**

<b>Deputy Chief Executive</b>	Position No E00268
<b>Executive Director</b>	Position No E00270
<b>Director Housing ACT</b>	Position No E00139
<b>Director Strategic Asset Management</b>	Position No E00347

**Senior Officer Grade A (SOGA) Property Services and Business Improvement**  
Position No 4077

**Senior Officer Grade B (SOGB) Property Services**  
Position No 30326

**Senior Officer Grade B (SOGB)**  
**Position Nos**  
10583, 04270, 10585

**Senior Officer Grade C (SOGC)**  
**Position Nos**  
10588, 10586, 10582, 04349, 03107, 10580, 10587

**Administrative Services Officer Class 6 (ASO6)**  
**Position Nos**  
03365, 09046, 03844, 06920, 09048, 03841, 07618, 03464, 03846, 10889, 09047, 03108, 11287, 09044, 03842, 22003

**Administrative Services Officer Class 5 (ASO5)**  
**Position Nos**  
10787, 09066, 09069, 09068, 09090, 09087, 09081, 43516, 09071, 03445, 09088, 09083, 09064, 09065, 09089, 09086, 09075, 09072, 09073, 09235, 11293, 03650, 03376, 06921, 11045, 03151, 03831, 09085, 09076, 09060, 09058, 09063, 11040, 09074, 09084, 04288, 09077, 09070, 09080, 09082, 09061, 09059, 09062, 26174, 09236, 09237, 09238, 09239, 09240, 03157

**Administrative Services Officer Class 4 (ASO4)**  
**Position Nos**  
10478, 03417, 03537, 03357, 03353, 11481, 10913, 03828, 11306, 03530, 03485, 03452, 07590, 03418, 03790, 03358, 10793, 03830, 03405, 03342, 03484, 03782, 03478, 11392, 10836, 10861, 11053, 03528, 19901, 04458, 03465, 03455, 04454, 03488, 03392, 03550, 12595, 10801, 03547, 03546, 10480, 10855, 11305, 03414, 19895, 03483, 03539, 10792, 04451, 03456, 19897, 11414, 11438, 03414, 19895, 03483, 03539, 10792, 04451, 03456, 19897, 11414, 11438

**Administrative Services Officer Class 3 (ASO3)**  
**Position Nos**  
11445, 19898, 03459, 11449, 03431, 08130, 8074, 13487, 11942, 11967, 19899, 03458, 03490