

Housing Assistance (Public Rental Housing Assistance Program) Delegation 2006 (No 1)*

Instrument of Delegation – NI2006-201

made under the

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

Under Section 10 of the Housing Assistance Act 1987 (the Act) I revoke all previous delegations 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 stated in the Addendum.

Sandra Lambert
Commissioner for Housing

Date: 29 May 2006

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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

Clause 11(3) – 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;
Clause 12(1) - 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
Clause 12(2) – return a name to the register removed under clause 12(1)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 12(3) - remove from the register the name of any applicant who has ceased to be eligible for assistance	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clauses 13(1) and 13(2) – provide assistance in the form of rental accommodation	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 13(4) – provide assistance out of turn in extreme circumstances	Deputy Chief Executive; Executive Director; Director ACT Housing only
Clause 13(5) – provide assistance in a tenancy breakdown	SOGBs (excluding Position No. 30326); SOGCs;
Clause 13(6) – determine that an applicant is eligible for assistance despite a debt or tenancy breach	SOGBs (excluding Position No. 30326); SOGCs;
Clause 13(7) - notify an applicant of an offer of rental accommodation	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
Clause 13(8) - 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
Clauses 13(9) – return to the register in certain circumstances the name of an eligible applicant removed under clause 13(8), in certain circumstances	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clauses 14 - decide the size, type and location of rental accommodation to be offered to an applicant	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 15 - provide assistance in the form of aged persons' accommodation	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 15 - designate accommodation as aged persons' accommodation	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SOGB Property Services
Clause 17 – enter into tenancy agreement with an applicant who has accepted assistance	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clauses 18 and 19 - determine rent payable for accommodation provided under the program	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SOGB Property Services
Clause 19(2) - notify tenants affected by determinations under clause 19(1)	Director Strategic Asset Management; SOGA Property Services and Business Improvement; SOGB Property Services
Clause 20(3) – grant rebate of rent in accordance with this provision	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 20(7) – round rent calculation up or down	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s

Clause 20(8A) – Determine a period shorter than six month for a rental rebate where income likely to change	SOGBs (excluding Position No. 30326); SOGCs
Clause 20(9) – extend period of rent rebate by up to 6 months	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 20(10) – 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"> SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before application date; SOGBs (excluding Position No. 30326) and SOGCs for a period more than 2 weeks before application date
Clause 20(11) - determine that special circumstances exist to continue a rental rebate during a tenant's unauthorised or lengthy absence (not including any subletting period)	SOGBs (excluding Position No. 30326); SOGCs;
Clause 21(1) – require an applicant for rebate to provide further information	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 21(2) and (3) – Review, suspend, amend or revoke the rent rebate granted to a tenant	SOGBs (excluding Position No. 30326); SOGCs, ASO6s
Clause 21(4) – determine the date of effect of suspension, amendment or revocation if different from the date of review	SOGBs (excluding Position No. 30326); SOGCs
Clause 22(1) – grant a rebate equivalent to the initial rent	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 24 – Require a tenant to transfer for reasons of the state of the property, community harmony or more efficient use of stock	Deputy Chief Executive; Executive Director; Director Housing ACT only
Clause 25(1) - request an applicant to provide further information in relation to an application	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 25(2) – 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
Clause 27(2) – notify an applicant of a decision	SOGBs (excluding Position No. 30326); SOGCs; ASO6s; ASO5s; ASO4s
Clause 28(2) – allow a further period of time to lodge a request for review	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clause 28(4) – Cause the decision to be reviewed	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clause 28(5) – Give notice of a reviewed decision	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clause 28(2) & (6) – allow a further period of time to lodge a request for review	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clause 28(7) – review a decision	Deputy Chief Executive; Executive Director; Director Housing ACT only
Clause 28(7) refer request to HRC	SOGBs (excluding Position No. 30326)
Clause 28(7) Accept, reject or vary the	Deputy Chief Executive; Executive Director; Director

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recommendation of the HRC	Housing ACT only
Clause 28(8) – notify an applicant of the decision following review under clause 28(4)	SOGBs (excluding Position No. 30326); SOGCs; ASO6s
Clause 31 – approve a form for the purposes of the Program	Deputy Chief Executive; Executive Director; Director Housing ACT only
Clause 32(2) – allocate assistance during the transitional period.	Deputy Chief Executive; Executive Director; Director Housing ACT only

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

Deputy Chief Executive Position No E00268

Executive Director Position No E00270

Director Housing ACT Position No E00139

**Director Strategic Asset
Management** 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

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ADDENDUM TO SCHEDULE (CONTINUED)

Administrative Services Officer Class 3 (ASO3)

Position Nos

11445, 19898, 03459, 11449, 03431, 08130, 8074, 13487, 11942, 11967, 19899,
03458, 03490