

Australian Capital Territory

Housing Assistance Public Rental Housing Assistance Program Delegation 2010 (No 1)

Instrument of Delegation – NI2010-278

made under the

Housing Assistance Act 2007, s 17 (Delegation)

Under Section 17 of the *Housing Assistance Act 2007* (the Act) I revoke all previous delegations under the Housing Assistance Public Rental Housing Assistance Program (the 'Program') and, with effect from 22 December 2009, I delegate those of my powers under the 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 Social Housing

Date: 1 June 2010

| COLUMN 1 Provision and outline of power | COLUMN 2 Office (Position Numbers shown on Addendum) |
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| All powers under the Housing Assistance Public Rental Housing Assistance Program | Deputy Chief Executive; Executive Director; Director Housing ACT; Director Asset Management |
| Clauses 4, 6, 7, 8, 9(2), 11(2), 13(1), 13(2), 18(3), 19(1), 28 – determine asset eligibility limit; determine assets of a kind to be disregarded; make determinations; issue operation guidelines; approve application forms; decide that certain time limits imposed by law are not relevant; determine income to be disregarded; determine purposes for which excludable amounts may be expended; determine needs categories and criteria for the allocation of categories to applicants; decide order of allocation for a needs category to be non-chronological; provide assistance earlier than under clause 18(3) in extreme circumstances; require tenant to transfer to another dwelling | Deputy Chief Executive; Executive Director; Director Housing ACT; Director Asset Management only |
| Clause 8(2) – require information to be provided in relation to an application | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO3s; ASO2s |
| Clause 8(3) - determine who are to be considered the applicant or joint applicants | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 9(1) – decide whether an applicant meets the eligibility criteria | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 9(3) – decide to disregard any property in which an applicant has an interest | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 9(5) – decide that an applicant is eligible for assistance (despite misleading information; contrived schemes etc) | SOGAs; SOGBs; SOGCs |
| Clause 10 - Disregard eligibility criteria if the applicant is suffering severe hardship | SOGAs; SOGBs; SOGCs |
| Clause 11 - decide a person has earned, derived, received or become entitled to an amount of income, including compensation for income lost or foregone, and deeming particular applicants are receiving amounts equivalent to a relevant pension or benefit | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 12 – disregard current weekly income or average gross weekly income for preceding 26 weeks; decide that a period other than 26 weeks is appropriate | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 13(3) - allocate a needs category for an application | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 14 – re-assess application for eligibility and needs category and take appropriate actions | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 16(2) – enter names of applicants on register | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO3s |

This is page 2 of the Schedule to the Instrument of Delegation for the *Housing Assistance Public Rental Housing Assistance Program 2010 (No 1)* under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on June 2010

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| Clause 16(3) – re-enter an application on the register after the needs category is varied under clause 14 | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s;ASO4s; ASO3s |
| Clauses 17(1) & (2) – remove applicant’s name from register and notify applicant | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 17(3) – return applicant’s name to the register; extend period to request re-instatement | SOGAs; SOGBs; SOGCs; ASO6s |
| Clauses 18(2), (4) & (6) – provide assistance in the form of rental accommodation | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 18(5) – agree to alternative arrangements for acceptance of housing assistance | SOGAs; SOGBs; SOGCs |
| Clause 19(2) – provide assistance following tenancy breakdown to remaining occupant(s) | SOGAs; SOGBs; SOGCs |
| Clause 19(4) – provide assistance by way of a specified dwelling (hard to lets) | SOGAs; SOGBs; SOGCs |
| Clause 19(6) – provide assistance by way of special needs dwelling to a special needs applicant | SOGAs; SOGBs; SOGCs |
| Clause 19(8) – decide if a dwelling is to be allocated by way of assistance despite an existing debt or breach of a term or condition of a tenancy agreement | SOGAs; SOGBs; SOGCs |
| Clause 20(3) – approve application for rental transfer | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 20(4) – decide that a transfer will enable the more efficient use of stock | SOGAs; SOGBs |
| Clause 21 – decide the size, type and location of dwelling to be provided | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 22(2) – enter into tenancy agreement with applicant | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clauses 22(3), (4) & (5) – decide and agree to alternative arrangements for entering into tenancy agreement | SOGAs; SOGBs; SOGCs |
| Clauses 23, 24 – set, review, change market rent for a dwelling; notify tenant of changed rent | SOGA Position Nos: 07781, 04077; SOGB Position Nos: 7818, 11710, 3832 |
| Clause 25(1) – provide a rent rebate in accordance with this provision | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 25(2) – decide that a rent component forms part of the basic rent | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 25(5) – round rent calculation up or down | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 25(6) – decide the period for which a rent rebate is provided | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 25(7) – extend rent rebate by up to 6 months | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO 3s (who may only extend provision of a rent rebate for up to 6 weeks) |

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| Clause 25(8) – determine date of effect of rent rebate as different from the application date by not more than 2 weeks before application date; or in particular circumstances, by more than 2 weeks before application date | <ul style="list-style-type: none"> • SOGAs; SOGBs; SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before application date; • SOGAs; SOGBs; SOGCs for a period more than 2 weeks before application date |
| Clause 25(9) - determine that special circumstances exist to continue a rent rebate during a tenant's unauthorised or lengthy absence (not including any subletting period) | SOGAs; SOGBs; SOGCs |
| Clause 26(1) – re-assess a tenant's entitlement to a rebate | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 26(2) – notify tenant of assessment date | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s |
| Clause 26(3) – ask existing rent rebate recipient to provide further information | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 26(5) – suspend, amend, or revoke provision of rent rebate | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 26(6) - determine date of effect of rent rebate as different from the assessment date by not more than 2 weeks before notification date; or in particular circumstances, by more than 2 weeks before notification date | <ul style="list-style-type: none"> • SOGAs; SOGBs; SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before notification date; • SOGAs; SOGBs; SOGCs for a period more than 2 weeks before notification date |
| Clause 27 – give commencement rebate assistance equivalent to initial rent | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 29 – ask applicant for further information | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 30(2) – give written notice of decision | SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s |
| Clause 31(4) – cause a decision to be reviewed | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 31(5) – give written notice of decision | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 31(6) – extend period to request further review | SOGAs; SOGBs; SOGCs; ASO6s |
| Clause 31(7) – cause decision to be reviewed, seeking the advice of advisory committee as appropriate | SOGAs; SOGBs; SOGCs |
| Clause 31(8) – give written notice of decision under clause 31(7) | SOGAs; SOGBs |

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

Deputy Chief Executive Position No E00268

Executive Director Position No E00270

Director Housing ACT Position No E00315

Director Asset Management Position No E00434

Senior Officer Grade A (SOGA) Asset Management (including Business Development)

Position Nos: 4077, 7781, 3140

Senior Officer Grade B (SOGB) Asset Management

Position Nos: 7818, 3832, 11710

Senior Officer Grade A (SOGA) Housing ACT

Position No: 12132

Senior Officer Grade B (SOGB) Housing ACT

Position No: 10583

Senior Officer Grade C (SOGC) Housing ACT

Position Nos: 10588, 10582, 04349, 03107, 10580

Administrative Services Officer Class 6 (ASO6)

Position Nos: 03365, 09046, 03844, 06920, 09048, 07618, 03464, 03846, 10889, 09047, 03108, 11287, 03842, 09865, 12395, 07197, 03108, 03844, 03846, 42249, 05079, 09071

Administrative Services Officer Class 5 (ASO5)

Position Nos: 10787, 09066, 09069, 09068, 09090, 09087, 09081, 43516, 03445, 09088, 09083, 09064, 09065, 09089, 09086, 09075, 09072, 09073, 09235, 11293, 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, 10007, 09269, 10006, 09268, 07749, 07750, 07751, 07752, 07753, 07343, 03150, 09267, 11417, 14076, 14077

Administrative Services Officer Class 4 (ASO4)

Position Nos: 03828, 11306, 10480, 03414, 19895, 09680, 07780, 07769, 07756, 03354, 07757, 07763, 07774, 07767, 07772, 07758, 03414, 03828, 11306

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ADDENDUM TO SCHEDULE (CONTINUED)

Administrative Services Officer Class 3 (ASO3)

Position Nos: 11445, 19898, 03459, 11449, 03431, 08130, 8074, 11942, 11967, 19899, 03458, 03490, 07789, 07800, 07803, 8074, 07806, 12268, 03487

Administrative Services Officer Class 2 (ASO2)

Position No: 12122