

Australian Capital Territory

# **Housing Assistance Delegation 2012 (No 1)\***

**Instrument of Delegation –NI2012-1**

made under the

**Housing Assistance Act 2007, s 17 (Delegation)**

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**1. Name of Instrument**

This instrument is the Housing Assistance Delegation 2012 (No 1)

**2. Delegations for the Housing Assistance Act**

I delegate my powers under the Act 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 with details of positions shown in the Addendum.

**3. Revocation**

NI2010 – 563 as notified on 7 October 2010 is revoked.

Martin Hehir  
Commissioner for Social Housing  
23 December 2011

\*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

This is page 1 of the Schedule to the Instrument of Delegation under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on 23 December 2011

<b>COLUMN 1</b> <b>Provision and outline of power</b>	<b>COLUMN 2</b> <b>Office (Details of positions shown on Addendum)</b>
All powers (except the power to delegate itself)	Deputy Director-General
All powers (except the power to delegate itself and excluding all powers under Part 4A)	Executive Director
<b>Section 10(2)</b> – Enter into arrangements with entities to provide housing assistance	Director Housing ACT; Senior Director Asset Management;
<b>Section 11</b> – In connection with the housing commissioner’s functions exercise the following powers:	
<ul style="list-style-type: none"> <li>• acquire, control, manage and dispose of land</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> <li>• purchase and sell housing</li> </ul>	Director Housing ACT; Senior Director Asset Management; ; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> <li>• construct, maintain, renovate and demolish housing</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<ul style="list-style-type: none"> <li>• enter into arrangements with entities for the construction, maintenance, renovation or demolition of housing</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<ul style="list-style-type: none"> <li>• enter into contracts</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s
<ul style="list-style-type: none"> <li>• enter into a tenancy or occupancy agreement</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
<ul style="list-style-type: none"> <li>• exercise the housing commissioner’s powers under a tenancy or occupancy agreement</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
<ul style="list-style-type: none"> <li>• set rents for individual dwellings or complexes (eg; dwellings newly handed-over or upgraded)</li> </ul>	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> <li>• powers relating to the administration of the home purchase assistance arrangements and the loans portfolio</li> </ul>	Under Treasurer, Treasury Directorate, Position No C017; Director, Revenue Management, Treasury Directorate, Position No E010
<ul style="list-style-type: none"> <li>• other powers necessary or convenient to be done</li> </ul>	Director Housing ACT; Senior Director Asset Management;
<ul style="list-style-type: none"> <li>• powers relating to the administration of the home purchase assistance arrangements and the loans portfolio – limited to the execution of mortgage discharges and transfers on</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chief Solicitor PN E00056</li> <li>• Solicitor Legal 2 PN 42623</li> <li>• Solicitor Legal 2 PN 19797</li> </ul>

This is page 2 of the Schedule to the Instrument of Delegation under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on 23 December 2011

mortgagee exercising power of sale	<ul style="list-style-type: none"> <li>• Solicitor Legal 1 PN 18139</li> <li>• Solicitor Legal 1 PN 42605</li> </ul>
<b>Section 13(1)(a)</b> – enter into negotiations for a joint venture (with the Minister’s prior written approval)	Deputy Director-General; Executive Director, subject to the prior written approval of the Director-General
<b>Section 13(1)(b)</b> - enter into an agreement for a joint venture (with the Executive’s prior written approval)	Deputy Director-General
<b>Section 15</b> – enter into a contract for an amount exceeding \$5 million (with the Minister’s prior written approval)	Deputy Director-General; Executive Director; Senior Director Asset Management, subject to the prior written approval of the Director-General
<b>Section 21</b> – issue housing operation guidelines	Director Housing ACT; Senior Director Asset Management;
<b>Section 23</b> – review annually rent charged for housing rented under a housing assistance program	Director Housing ACT; Senior Director Asset Management;
<b>Section 24(2)</b> – require an applicant to give the housing commissioner further stated information to decide an application for housing assistance	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
<b>Section 24(3)</b> – refuse an application for housing assistance if the applicant does not provide the information required under s24(2)	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s
<b>Section 25A (1)</b> – The housing commissioner may, on application, register an eligible entity as— (a) an affordable housing provider; or (b) a community housing provider.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25A (2)</b> Registration may be subject to conditions.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25H (1)</b> register an eligible entity that acts as trustee as an affordable housing provider, or community housing provider, if satisfied that the role of trustee does not adversely affect the entity’s ability to comply with the eligibility criteria.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25H (2)</b> register an eligible entity that is a subsidiary of a body other than an eligible entity as an affordable housing provider, or community housing provider, if satisfied that the entity’s status as a subsidiary does not adversely affect its ability to comply with the eligibility criteria.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25K (2)</b> use the monitoring guidelines to decide whether a provider continues to comply with the eligibility criteria for the provider’s registration.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25O</b> approve or refuse to approve a change to the constitution or rules of a registered housing provider.	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25R</b> require the housing provider to give the commissioner relevant information or documents	Registrar, Not for Profit Housing Providers (SOGB)
<b>Section 25(2)</b> – require a housing assistance recipient to provide stated information for purposes specified in this provision	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs

This is page 3 of the Schedule to the Instrument of Delegation under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on 23 December 2011

<b>Section 25(3)</b> – in accordance with this provision, suspend or cancel all or part of the housing assistance if required information is not provided	Director Housing ACT; Senior Director Asset Management;
<b>Section 27</b> – give written notice of a reviewable decision in accordance with this provision	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s
<b>Section 32(3)</b> – exercise housing commissioner's powers under s33 in relation to a tenancy of unleased land placed under the housing commissioner's control subject to that tenancy	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<b>Section 33(2)</b> – in relation to unleased land placed under the housing commissioner's control under s32, exercise powers specified	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<b>Section 33(3)</b> – give prior written agreement to the grant of a lease or licence of unleased land	Director Housing ACT; Senior Director Asset Management;
<b>Section 34(2)</b> – surrender control of unleased land to the planning and land authority	Director Housing ACT; Senior Director Asset Management;
<b>Section 35(1)</b> – comply with Minister's request to provide information	Director Housing ACT; Senior Director Asset Management;
<b>Section 102(1)</b> – declare that an approved housing assistance program corresponds to an old program; and that a thing under an old program corresponds to a thing under an approved program	Director Housing ACT; Senior Director Asset Management;
<b>Section 102(4)</b> – give a direction to facilitate the application of a declaration under subsection (1) in relation to an entity	Director Housing ACT; Senior Director Asset Management;

This is page 4 of the Schedule to the Instrument of Delegation under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on 23 December 2011

**ADDENDUM TO SCHEDULE  
DETAILS OF POSITIONS REFERRED TO IN SCHEDULE**

**COMMUNITY SERVICES DIRECTORATE (CSD)**

**Deputy Director-General**

***Housing and Community Services***

**Executive Director**

**Director Housing ACT**

**Senior Director Asset Management**

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

All positions at this level

**Senior Officer Grade B (SOGB) Asset Management**

All positions at this level

**Senior Officer Grade C (SOGC) Asset Management**

All positions at this level

**Administrative Services Officer Class 6 (ASO6) Asset Management**

All positions at this level

**Administrative Services Officer Class 5 (ASO5) Asset Management**

All positions at this level

**Administrative Services Officer Class 4 (ASO4) Asset Management**

All positions at this level

**Senior Officer Grade B (SOGB)**

Registrar, Not for Profit Housing Providers

**Senior Officer Grade A (SOGA) Housing ACT (including Social Housing and Homelessness Services)**

All positions at this level

**Senior Officer Grade B (SOGB) Housing ACT**

All positions at this level

**Senior Officer Grade C (SOGC) Housing ACT (including Social Housing and Homelessness Services)**

All positions at this level (including Regional Managers)

This is page 5 of the Schedule to the Instrument of Delegation under the *Housing Assistance Act 2007* signed by the Commissioner for Social Housing on 23 December 2011

**Administrative Services Officer Class 6 (ASO6) Housing ACT**

All positions at this level (including Team Leaders, Client Support Co-ordinators, and Tribunal Advocate)

**Administrative Services Officer Class 5 (ASO5) Housing ACT**

All positions at this level (including Housing Managers and Gateway Officers)

**Administrative Services Officer Class 4 (ASO4) (Housing ACT)**

All positions at this level