

Australian Capital Territory

Housing Assistance Delegation 2014 (No 2)

Instrument of Delegation – NI2014-519

made under the

Housing Assistance Act 2007, s 17 (Housing Commissioner - Delegation)

1. Name of Instrument

This instrument is the *Housing Assistance Delegation 2014 (No 2)*.

2. Commencement

This instrument commences on the day after its notification.

3. 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.

4. Repeal

The following Notifiable Instrument is repealed:
NI2014-411

Natalie Howson
Commissioner for Social Housing
19 October 2014

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 19 October 2014.

COLUMN 1 Provision and outline of power	COLUMN 2 Office (Details of positions shown on Addendum)
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
Section 10(2) – Enter into arrangements with entities to provide housing assistance	Director Housing ACT; Senior Director Asset Management;
Section 11 – In connection with the housing commissioner’s functions exercise the following powers:	
<ul style="list-style-type: none"> acquire, control, manage and dispose of land 	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> purchase and sell housing 	Director Housing ACT; Senior Director Asset Management; ; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> construct, maintain, renovate and demolish housing 	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<ul style="list-style-type: none"> enter into arrangements with entities for the construction, maintenance, renovation or demolition of housing 	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs, SOGCs Asset Management
<ul style="list-style-type: none"> enter into contracts 	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s
<ul style="list-style-type: none"> enter into a tenancy or occupancy agreement 	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
<ul style="list-style-type: none"> exercise the housing commissioner’s powers under a tenancy or occupancy agreement 	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
<ul style="list-style-type: none"> set rents for individual dwellings or complexes (eg; dwellings newly handed-over or upgraded) 	Director Housing ACT; Senior Director Asset Management; SOGAs, SOGBs Asset Management
<ul style="list-style-type: none"> powers relating to the administration of the home purchase assistance arrangements and the loans portfolio 	Under Treasurer, Position No E00916; Director, Revenue Management, Commerce and Works, Position No E010
<ul style="list-style-type: none"> other powers necessary or convenient to be done 	Director Housing ACT; Senior Director Asset Management;
<ul style="list-style-type: none"> 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 mortgagee exercising power of sale 	Government Solicitor 2, Government Solicitor 3 and Government Solicitor 4 (Property and Commercial) All positions at this level Deputy Chief Solicitor All positions at this level

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 19 October 2014.

Section 13(1)(a) – 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
Section 13(1)(b) - enter into an agreement for a joint venture (with the Executive’s prior written approval)	Deputy Director-General
Section 15 – 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
Section 21 – issue housing operation guidelines	Director Housing ACT; Senior Director Asset Management;
Section 23 – review annually rent charged for housing rented under a housing assistance program	Director Housing ACT; Senior Director Asset Management;
Section 24(2) – 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
Section 24(3) – 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
Section 25A (1) – 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)
Section 25A (2) Registration may be subject to conditions.	Registrar, Not for Profit Housing Providers (SOGB)
Section 25H (1) 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)
Section 25H (2) 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)
Section 25K (2) 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)
Section 25O approve or refuse to approve a change to the constitution or rules of a registered housing provider.	Registrar, Not for Profit Housing Providers (SOGB)
Section 25R require the housing provider to give the commissioner relevant information or documents	Registrar, Not for Profit Housing Providers(SOGB)
Section 25(2) – require a housing assistance recipient to provide stated information for purposes specified in this provision	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs
Section 25(3) – 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; SOGAs; SOGBs
Section 31B – give written notice of a reviewable decision in accordance with this provision	Director Housing ACT; Senior Director Asset Management; SOGAs; SOGBs; SOGCs; ASO6s

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Section 32(3) – 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
Section 33(2) – 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
Section 33(3) – give prior written agreement to the grant of a lease or licence of unleased land	Director Housing ACT; Senior Director Asset Management;
Section 34(2) – surrender control of unleased land to the planning and land authority	Director Housing ACT; Senior Director Asset Management;
Section 35(1) – comply with Minister’s request to provide information	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 19 October 2014.

**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

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 (including Social Housing and Homelessness Services)

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 19 October 2014.

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