

Australian Capital Territory

# Housing Assistance Delegation 2016 (No 1)

**Notifiable Instrument NI2016 - 113**

made under the

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

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- 1. Name of Instrument**  
This instrument is the *Housing Assistance Delegation 2016 (No 1)*.
- 2. Commencement**  
This instrument commences on the day after it is notified.
- 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**  
This instrument repeals NI2014-519, the *Housing Assistance Delegation 2014 (No 2)*.

Natalie Howson  
Commissioner for Social Housing  
26 February 2016

<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	Senior Director / Chief Operating Officer; Director Business and Capital
<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>	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs, SOGBs
<ul style="list-style-type: none"> <li>purchase and sell housing</li> </ul>	Director Business and Capital; SOGAs, SOGBs
<ul style="list-style-type: none"> <li>construct, maintain, renovate and demolish housing</li> </ul>	Director Business and Capital; SOGAs, SOGBs, SOGCs
<ul style="list-style-type: none"> <li>enter into arrangements with entities for the construction, maintenance, renovation or demolition of housing</li> </ul>	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs, SOGBs, SOGCs
<ul style="list-style-type: none"> <li>enter into contracts</li> </ul>	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs; SOGBs; SOGCs; ASO6s; ASO5s
<ul style="list-style-type: none"> <li>enter into a tenancy or occupancy agreement</li> </ul>	Senior Director / Chief Operating Officer; Director Business and Capital; 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>	Senior Director / Chief Operating Officer; Director Business and Capital; 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>	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs, SOGBs
<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, Position No E00916; Director, Revenue Management, Chief Minister, Treasury and Economic Development, Position No E010
<ul style="list-style-type: none"> <li>other powers necessary or convenient to be done</li> </ul>	Senior Director / Chief Operating Officer; Director Business and Capital
<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 mortgagee exercising power of sale</li> </ul>	<b>Government Solicitor 2, Government Solicitor 3 and Government Solicitor 4 (Property and Commercial)</b> All positions at this level <b>Deputy Chief Solicitor</b> All positions at this level
<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 / Chief Operating Officer; Director Business and Capital; subject to the prior written approval of the Director-General
<b>Section 21</b> – issue housing operation guidelines	Senior Director / Chief Operating Officer; Director Business and Capital
<b>Section 23</b> – review annually rent charged for housing rented under a housing assistance program	Senior Director / Chief Operating Officer; Director Business and Capital
<b>Section 24(2)</b> – require an applicant to give the housing commissioner further stated information to decide an application for housing assistance	Senior Director / Chief Operating Officer; Director Business and Capital; 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)	Senior Director / Chief Operating Officer; Director Business and Capital; 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.	Human Services Registrar (SOGA)
<b>Section 25A (2)</b> Registration may be subject to conditions.	Human Services Registrar (SOGA)
<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.	Human Services Registrar (SOGA)
<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.	Human Services Registrar (SOGA)
<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.	Human Services Registrar (SOGA)
<b>Section 25O</b> approve or refuse to approve a change to the constitution or rules of a registered housing provider.	Human Services Registrar (SOGA)
<b>Section 25R</b> require the housing provider to give the commissioner relevant information or documents	Human Services Registrar (SOGA)
<b>Section 25(2)</b> – require a housing assistance recipient to provide stated information for purposes specified in this provision	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs; SOGBs
<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	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs; SOGBs
<b>Section 31B</b> – give written notice of a reviewable decision in accordance with this provision	Senior Director / Chief Operating Officer; Director Business and Capital; 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	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs, SOGBs, SOGCs
<b>Section 33(2)</b> – in relation to unleased land placed under the housing commissioner’s control under s32, exercise powers specified	Senior Director / Chief Operating Officer; Director Business and Capital; SOGAs, SOGBs, SOGCs

<b>Section 33(3)</b> – give prior written agreement to the grant of a lease or licence of unleased land	Senior Director / Chief Operating Officer; Director Business and Capital
<b>Section 34(2)</b> – surrender control of unleased land to the planning and land authority	Senior Director / Chief Operating Officer; Director Business and Capital
<b>Section 35(1)</b> – comply with Minister’s request to provide information	Senior Director / Chief Operating Officer; Director Business and Capital

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

**COMMUNITY SERVICES DIRECTORATE (CSD)**

**Deputy Director-General**

***Housing and Community Services***

**Executive Director**

**Senior Director / Chief Operating  
Officer**

**Director Business and Capital**

**Senior Officer Grade A (SOGA)  
Human Services Registrar**

**Senior Officer Grade A (SOGA) Housing and Community Services**  
All positions at this level

**Senior Officer Grade B (SOGB) Housing and Community Services**  
All positions at this level

**Senior Officer Grade C (SOGC) Housing and Community Services**  
All positions at this level

**Administrative Services Officer Class 6 (ASO6) Housing and Community  
Services**  
All positions at this level

**Administrative Services Officer Class 5 (ASO5) Housing and Community  
Services**  
All positions at this level

**Administrative Services Officer Class 4 (ASO4) (Housing and Community  
Services**  
All positions at this level