Australian Capital Territory

# Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)

**Notifiable instrument NI2022–43**

made under the

*Housing Assistance Act 2007,* **section 17 (Housing commissioner – delegation)**

### 1 Name of instrument

This instrument is the *Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1).*

### 2 Commencement

This instrument commences on the day after it is signed.

### 3 Delegation for the Public Rental Housing Assistance Program 2013

I delegate my functions under the *Housing Assistance Public Rental Housing Assistance Program 2013* as approved in DI2013–52 which are specified in columns 1 and 2 of the attached schedule to each person holding or performing the duties of an office in the ACT Public Service specified in column 3 and 4 of the schedule.

### 4 Revocation

This instrument revokes the *Housing Assistance Public Rental Housing Assistance Program Delegation 2016 (No 1)* NI2016–115 and the *Housing Assistance Public Rental Housing Assistance Program Delegation 2020 (No 1)* NI2020–191.

Catherine Rule
Commissioner for Social Housing
14 February 2022

# Schedule
Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)
made under the *Housing Assistance Act 2007*

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| Program | All functions and powers of the Commissioner for Social Housing | Deputy Director-General<br><br><br>Executive Group Manager | Community Services Directorate (CSD)<br><br><br>Housing ACT, CSD |
| Program | All functions and powers of the Commissioner for Social Housing except:<br>➢ the power to make determinations for the program (clause 6),<br>➢ to issue operation guidelines for the program (clause 7),<br>➢ to determine that income for the program does not include certain types or amounts expended (clause 11(2)), and<br>➢ to approve forms for the program (clause 33). | Executive Branch Manager<br><br>Executive Branch Manager<br><br><br>Executive Branch Manager | Policy and Business Transformation, Housing ACT, CSD<br><br>Client Services, Housing ACT, CSD<br><br><br>Infrastructure and Contracts, Housing ACT, CSD |
| 8(2) | Asses the application for the required information. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5) | Client Services, Housing ACT, CSD |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  |  | Administrative Services Officer Class 4 (ASO4)  Administrative Services Officer Class 3 (ASO3)  Administrative Services Officer Class 2 (ASO2) |  |
| 8(3) | Determine whether the applicant is single or joint. | Senior Officer Grade A (SOGA)  Senior Officer Grade B (SOGB)  Senior Officer Grade C (SOGC)  Administrative Services Officer Class 6 (ASO6)  Administrative Services Officer Class 5 (ASO5)  Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 8A (1), 8A (3) | Provide the names of eligible community applicants to housing providers. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5) Administrative Services Officer Class 4 (ASO4) | |
| 9(1) | Determine that an applicant meets the eligibility criteria (including criteria modified under clause 9(1B)). | Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5) | Client Services, Housing ACT, CSD |

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# Schedule
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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Administrative Services Officer Class 4 (ASO4) | |
| 9(3) | Determine to disregard any property in which an applicant has an interest also for the purposes of 9(1)(e) | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |
| 9(5) | Determine that an applicant is or not eligible for assistance despite providing materially false or misleading information in the application | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 10 | Determine an exemption to eligibility criteria if the applicant is suffering severe hardship. | Senior Officer Grade A (SOGA)<br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |

## Schedule
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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| 11(3) | For the purposes of 11(1)(c);<br>➤ determine an amount that might have earned, derived or received or become entitled to is income;<br><br>➤ determine that compensation for income lost or foregone is income; or,<br><br>➤ deem a self-employed person to be receiving an amount equivalent to a relevant pension or benefit. | Senior Officer Grade A (SOGA)<br><br><br><br>Senior Officer Grade B (SOGB)<br><br><br>Senior Officer Grade C (SOGC)<br><br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 12(2) | Determine to disregard the weekly income of an applicant for either subclause 12(1)(a) or (b). | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |
| 13(3) | Allocate a needs category to the eligible applicant. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5) | |
| 14 | Re-assess applicant's application for eligibility and needs category and take appropriate actions. | Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) Senior Officer Grade C (SOGC) Administrative Services Officer Class 6 (ASO6) Administrative Services Officer Class 5 (ASO5) Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 16(1) (2) (3) | Keep a register of all eligible applicants for rental housing assistance (clause16(1)); Enter names of the eligible applicants on register under the allocated needs category (clause 16(2)); | Senior Officer Grade A (SOGA) Senior Officer Grade B (SOGB) | Client Services, Housing ACT, CSD |

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**Schedule**

Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)
made under the *Housing Assistance Act 2007*

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  | Re-enter an application on the register after the need's category is varied under clause 14 (clause 16(3)). | Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4)<br><br>Administrative Services Officer Class 3 (ASO3) |  |
| 17 | ➢ Remove applicant's name from register and notify the applicant.<br><br>➢ Return applicant's name to the register and extend period to request re-instatement. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 18(2), 18(4) and 18(6) | Offer/provide rental housing assistance; facilitate community rental housing assistance in accordance with clause 8(A) | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  |  | Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) |  |
| 18(5) and 18(7) | ➤ Agree to alternative arrangements for acceptance of housing assistance 18(5), and<br><br>➤ decide not to remove application from register after assistance is provided 18(7). | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |
| 19(2), 19(4), 19(6) and 19(8) | ➤ Provide rental housing assistance following the tenancy breakdown to remaining occupant(s), 19(2).<br><br>➤ Provide rental housing assistance by way of a specified dwelling otherwise than in accordance with the general allocation provisions set out in this program, 19(4). | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  | ➢ Provide rental housing assistance by way of special needs dwelling to a special needs applicant, 19(6). and | Senior Officer Grade B (SOGB) |  |
|  | ➢ Decide if a dwelling is to be allocated by way of rental housing assistance despite an existing debt or breach of a term or condition of a tenancy agreement, 19(8). | Senior Officer Grade C (SOGC) |  |
| 20(3) | Approve application for rental transfer. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 20(4) | Determine that a transfer will enable more efficient use or management of public housing stock. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB) | Client Services, Housing ACT, CSD |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| 21 | Determine the size, type and location of a dwelling to be provided to an applicant. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 22(2) | Enter into tenancy agreement with applicant before occupying the dwelling to be provided by way of assistance. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  |  | Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) |  |
| 22(3), 22(4) and 22(5) | Determine and agree to alternative arrangements for entering into a tenancy agreement with the applicant. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |
| 23 and 24 | Set, review, change market rent for a dwelling and notify the tenant of changed rent. | Infrastructure Manager Program Director: 52407<br><br>Senior Officer Grade A (SOGA) Position Nos: 33454, 04077, 53191;<br><br>Senior Officer Grade B (SOGB) Position Nos: 17401; 27131;10053<br><br>Administrative Services Officer Class 6 (ASO6) Position No 00452 | Housing ACT, CSD |
| 25(1) (2) (5) (6) & (7) | ➢ Provide a rent rebate in accordance with the provision of clause 25, 25(1); | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | ➢ Determine that a rent component forms part of the basic rent, 25(2); | Senior Officer Grade B (SOGB) | |
| | ➢ Round rent calculation up or down to the nearest 5 cents, 25(5); | Senior Officer Grade C (SOGC) | |
| | ➢ Determine the period for which a rent rebate is provided, 25(6); and | Administrative Services Officer Class 6 (ASO6) | |
| | ➢ Extend the rent rebate period provided by up to 6 months from time to time, 25(7). | Administrative Services Officer Class 5 (ASO5) | |
| | **Limitation:** AS03s may only extend provision of rent rebate up to 6 weeks | Administrative Services Officer Class 4 (ASO4) | |
| 25(8)(c) | Determine the date of effect of rent rebate as different from the application date by not more than 2 weeks before application date. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| 25(8)(d) | Determine in particular circumstances, the date of effect of rent rebate by more than 2 weeks before application date. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 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) | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |
| 26(1) | Reassess a tenant's entitlement to receive or to continue to receive rent rebate. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| 26(2) | Notify tenant in writing of the assessment date. | Senior Officer Grade A (SOGA) <br><br> Senior Officer Grade B (SOGB) <br><br> Senior Officer Grade C (SOGC) <br><br> Administrative Services Officer Class 6 (ASO6) <br><br> Administrative Services Officer Class 5 (ASO5) <br><br> Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 26(3) | Ask a tenant, receiving rent rebate to provide further stated information to enable reassessment. | Senior Officer Grade A (SOGA) <br><br> Senior Officer Grade B (SOGB) <br><br> Senior Officer Grade C (SOGC) <br><br> Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Administrative Services Officer Class 5 (ASO5)  Administrative Services Officer Class 4 (ASO4) | |
| 26(5) | Suspend, amend, or revoke provision of rent rebate. | Senior Officer Grade A (SOGA)  Senior Officer Grade B (SOGB)  Senior Officer Grade C (SOGC)  Administrative Services Officer Class 6 (ASO6)  Administrative Services Officer Class 5 (ASO5) | Client Services, Housing ACT, CSD |
| 26(6)(a) & (b) | Determine the date of effect of the rent rebate variation for suspension, amendment or revocation. | Senior Officer Grade A (SOGA)  Senior Officer Grade B (SOGB)  Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD  Finance, Infrastructure and Contracts, Housing ACT, CSD |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |
| 26(6)(c) | Determine the date of effect of the rent rebate variation for suspension, amendment or revocation under specified circumstances in the provision. | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) | Finance, Infrastructure and Contracts, Housing ACT, CSD |
|  |  | Senior Officer Grade C (SOGC) |  |
| 27 | On entering into a tenancy agreement, give tenant a rebate assistance equivalent to amount of initial rent | Senior Officer Grade A (SOGA) | Client Services, Housing ACT, CSD |
|  |  | Senior Officer Grade B (SOGB) |  |
|  |  | Senior Officer Grade C (SOGC) |  |
|  |  | Administrative Services Officer Class 6 (ASO6) |  |
|  |  | Administrative Services Officer Class 5 (ASO5) |  |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
|  |  | Administrative Services Officer Class 4 (ASO4) |  |
| 29 | Ask applicant or a community applicant for further information | Senior Officer Grade A (SOGA)

Senior Officer Grade B (SOGB)

Senior Officer Grade C (SOGC)

Administrative Services Officer Class 6 (ASO6)

Administrative Services Officer Class 5 (ASO5)

Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |
| 29A | Require a tenant to give stated information to undertake a review of housing assistance. | Senior Officer Grade A (SOGA)

Senior Officer Grade B (SOGB)

Senior Officer Grade C (SOGC) | Client Services, Housing ACT, CSD |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) | |
| 29B | Periodic review of housing assistance of a tenant and determine action according to the provision. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB) | Client Services, Housing ACT, CSD |
| 30(2) | Give *affected person* written notice about a decision made. | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6)<br><br>Administrative Services Officer Class 5 (ASO5)<br><br>Administrative Services Officer Class 4 (ASO4) | Client Services, Housing ACT, CSD |

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Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)
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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| 31(2) | Allow a longer period for a person to make request for review of decision | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 31(4) | Review the decision or refer it to the advisory committee for recommendation | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB)<br><br>Senior Officer Grade C (SOGC)<br><br>Administrative Services Officer Class 6 (ASO6) | Client Services, Housing ACT, CSD |
| 31(5) | Give written notice of the decision reviewed | Senior Officer Grade A (SOGA)<br><br>Senior Officer Grade B (SOGB) | Client Services, Housing ACT, CSD |

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Housing Assistance Public Rental Housing Assistance Program Delegation 2022 (No 1)
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| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| Clause | Function | Position description | Business unit |
| | | Senior Officer Grade C (SOGC)  Administrative Services Officer Class 6 (ASO6) | |