Housing Assistance Act 2007

A2007-8

Republication No 15
Effective: 1 April 2023

Republication date: 1 April 2023

Last amendment made by A2023-5
About this republication

The republished law

This is a republication of the Housing Assistance Act 2007 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes)) as in force on 1 April 2023. It also includes any commencement, amendment, repeal or expiry affecting this republicated law to 1 April 2023.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel’s Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

• authorised republications to which the Legislation Act 2001 applies
• unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The Legislation Act 2001, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see Legislation Act 2001, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol \[U\] appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol \[M\] appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the Legislation Act 2001, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see Legislation Act 2001, s 133).
Housing Assistance Act 2007

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**Dictionary**

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R15 Housing Assistance Act 2007 contents 3
01/04/23 Effective: 01/04/23

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Housing Assistance Act 2007

An Act to provide for housing assistance, and for other purposes
Part 1

Preliminary

1 Name of Act

This Act is the Housing Assistance Act 2007.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (signpost definitions) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘housing assistance’—see section 7.’ means that the term ‘housing assistance’ is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.
Part 2  

Objects and important concepts

6  

Objects of Act

(1) The main objects of this Act are—

(a) to maximise the opportunities for everyone in the ACT to have access to housing that is affordable, secure and appropriate to their needs; and

(b) to facilitate the provision of housing assistance for those most in need; and

(c) to maximise value for money in the provision of housing assistance; and

(d) to promote a choice of forms of housing assistance, and providers of housing assistance, for entities eligible for housing assistance; and

Note  

Entity includes a person—see the Legislation Act, dict, pt 1.

(e) to facilitate the provision of rental housing that—

(i) has adequate amenity, is of an adequate size and is appropriately located for employment opportunities and necessary services and facilities; and

(ii) is coordinated with any support services (provided under other laws) required by consumers of housing assistance to live in the community; and

(f) to facilitate the provision of an adequate supply of affordable home finance for people on low and moderate incomes; and

(g) to promote the development of flexible and innovative financial arrangements to facilitate access to home ownership for people on low and moderate incomes; and
Part 2  Objects and important concepts

Section 7

(h) to promote the growth of a community housing sector as a viable
alternative to public and private rental housing and home
ownership; and

(i) to promote the establishment of appropriate mechanisms and
forums to allow input into housing policy by consumers, and
potential consumers, of housing assistance and by representative
non-government agencies involved in housing policy and
provision.

(2) A person administering this Act must have regard to the objects of the
Act to the maximum extent practicable considering the resources
available to the person.

7  What is housing assistance?

In this Act:

housing assistance means services, programs, assets, rebates and
amounts, provided under an approved housing assistance program to
help entities who are eligible for assistance under the program to meet
their emergency, short-term, medium-term and long-term housing
needs.

Note  Approved housing assistance program—see s 19.

8  When is someone eligible for housing assistance?

For this Act, an entity is eligible for housing assistance if the entity
meets the eligibility criteria under an approved housing assistance
program.

Note  Entity includes a person—see the Legislation Act, dict, pt 1.
Part 3  Housing Commissioner

9  Housing commissioner—establishment

(1) There is a Commissioner for Social Housing (the housing commissioner).

(2) The housing commissioner is a corporation and must have a seal.

(3) The director-general is the housing commissioner.

10  Housing commissioner—powers generally

(1) The housing commissioner has all the powers of a person, unless expressly excluded by this Act.

Examples of powers

1. to enter into a contract
2. to own and dispose of property
3. to sue and be sued
4. to act as a trustee

Note 1  Person includes an individual and a corporation (see Legislation Act, dict, pt 1).

Note 2  See s 12 to s 15 for limits on the housing commissioner’s powers.

(2) Without limiting subsection (1), the housing commissioner may enter into arrangements with entities to provide housing assistance.

Note  Entity includes a person—see the Legislation Act, dict, pt 1.

11  Housing commissioner—functions

(1) The housing commissioner has the following functions:

(a) administering, on behalf of the Territory, programs and funding arrangements for delivering housing assistance in the ACT by way of—

(i) public rental housing; and
(ii) home ownership; and
(iii) financial assistance to home owners and tenants; and
(iv) community housing; and
(v) affordable housing;
(b) administering, on behalf of the Territory, any services relating to housing assistance that the Minister approves under subsection (2).

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def entity).

(2) The Minister may approve stated services relating to housing assistance.

(3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

12 Housing commissioner—no power for contracts of employment

The housing commissioner does not have the power to employ staff on a contract of employment.

13 Limits on housing commissioner—joint ventures

(1) The housing commissioner must not—
(a) enter into negotiations for a joint venture without the Minister’s prior written approval; or
(b) enter into an agreement for a joint venture without the Executive’s prior written approval.

(2) An approval under subsection (1)—
(a) may apply generally or may relate to a particular proposed joint venture; and
(b) may be given subject to the conditions or restrictions stated in the approval.

14 Notice of joint ventures

(1) This section applies if the housing commissioner enters into an agreement for a joint venture.

(2) The housing commissioner must, not later than 14 days after the day the commissioner enters into the agreement, give the Minister a written statement (the commissioner’s statement) setting out the details of, and the reasons for entering into, the agreement.

(3) The Minister must present a copy of the commissioner’s statement to the Legislative Assembly not later than 6 sitting days after the day the Minister is given the statement.

(4) However, the copy of the commissioner’s statement presented to the Legislative Assembly need not include any material that is commercially sensitive.

(5) If commercially sensitive information is not included in the presented copy of the commissioner’s statement, the Minister must, when presenting the statement to the Legislative Assembly, also present a further statement setting out the general nature of the commercially sensitive information and the reason for it not being included in the presented statement.

15 Limit on housing commissioner—large contracts

The housing commissioner must not, without the Minister’s prior written approval, enter into a contract which involves the payment or receipt of a total amount larger than $5 million.
16  **Housing commissioner—Ministerial directions**

(1) The Minister may give a direction to the housing commissioner about the exercise of the commissioner’s functions.

(2) The housing commissioner must exercise the commissioner’s functions in accordance with any direction given by the Minister.

(3) A direction is a notifiable instrument.

*Note*  A notifiable instrument must be notified under the *Legislation Act*.

17  **Housing commissioner—delegation**

The housing commissioner may delegate the commissioner’s functions under this Act or another territory law to a public servant.

*Note*  For the making of delegations and the exercise of delegated functions, see the *Legislation Act*, pt 19.4.
Part 4 Housing assistance programs

18 What is a housing assistance program?

In this Act:

housing assistance program means a program for providing housing assistance that includes the following:

(a) the kind of assistance that may be provided under the program;
(b) the eligibility criteria for assistance under the program;
(c) how decisions of the housing commissioner under the program may be reviewed.

Note 1 Housing assistance—see s 7.

Note 2 Power given under an Act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

19 Approved housing assistance programs

(1) The Minister may approve a housing assistance program.

(2) An approved housing assistance program is a disallowable instrument.

Note 1 Power given under an Act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

Note 2 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
20 **Approved housing assistance programs—determinations**

(1) The housing commissioner may make a determination for an approved housing assistance program.

(2) A determination is—
(a) for a determination that deals with a relevant matter—a disallowable instrument; or
(b) for any other determination—a notifiable instrument.

(3) In this section:

*relevant matter* means—
(a) the review of a person’s entitlement to housing assistance; or
(b) requiring a person receiving housing assistance to move to alternate premises; or
(c) eligibility for temporary housing assistance.

21 **Approved housing assistance programs—operational guidelines**

(1) The housing commissioner may make guidelines for the management or operation of an approved housing assistance program.

(2) A guideline is—
(a) for a guideline that deals with a relevant matter—a disallowable instrument; or
(b) for any other guideline—a notifiable instrument.

(3) In this section:

*relevant matter*—see section 20 (3).
22 **Approved housing assistance programs—market rent**

(1) If housing is being rented to an entity under an approved housing assistance program, the entity must be charged market rent for the housing.

(2) However, an approved housing assistance program may provide for a rebate of rent in accordance with the program.

(3) Subsection (4) applies if—

   (a) an entity is currently being charged less than the market rent for the housing (disregarding any rent rebate); and

   (b) if the housing commissioner were to increase the rent to market rent—the increase would be more than the amount prescribed by regulation for the *Residential Tenancies Act 1997*, section 64B (Limitation on rent increases).

(4) Despite subsection (1), the housing commissioner may decide to only increase the rent by an amount up to the prescribed amount.

(5) In this section:  

   *market rent*, for housing, means the rent that would be charged by the lessor for the housing if the housing were rented by a willing lessor to a willing tenant—

   (a) dealing with each other at arm’s length; and

   (b) each of whom had acted knowledgeably, sensibly and without compulsion.

23 **Approved housing assistance programs—rent review**

The housing commissioner must review the rent charged for housing rented under an approved housing assistance program at least once each year.
24 Housing assistance applicants—requirement for further information

(1) This section applies if an entity applies for housing assistance.

(2) The housing commissioner may require the entity to give the commissioner further stated information that the commissioner reasonably needs to decide the application.

Note Information includes a document—see the dictionary.

(3) The housing commissioner may, by written notice to the entity, refuse the application if—

(a) the requirement is made in writing; and

(b) the requirement states a reasonable time (of at least 7 days after the day the requirement is given to the entity) for providing the information; and

(c) the entity does not provide the information in accordance with the requirement.

25 Housing assistance recipients—requirement for information

(1) This section applies if an entity is receiving housing assistance.

(2) The housing commissioner may, at any time, require the entity to give the commissioner stated information that the commissioner reasonably needs—

(a) to review the housing assistance being provided to the entity; or

(b) to provide housing assistance to the entity; or

(c) for the good management of an approved housing assistance program or of assets held by the commissioner; or

(d) to otherwise exercise the commissioner’s functions under this Act.

Note Information includes a document—see the dictionary.
(3) The housing commissioner may suspend or cancel all or part of the entity’s housing assistance if—

(a) the requirement is made in writing; and

(b) the requirement states a reasonable time (of at least 7 days after the day the requirement is given to the entity) for giving the information; and

(c) the entity does not give the information in accordance with the requirement.

Note: The decision to suspend or cancel all or part of an entity’s housing assistance is a reviewable decision (see s 31A), and the housing commissioner must give a reviewable decision notice to the entity (see s 31B).

(4) The reviewable decision notice given to the entity must include—

(a) a statement that the housing assistance is suspended or cancelled; and

(b) when the suspension or cancellation begins; and

(c) if housing assistance is suspended—when the suspension ends.
Part 4A  Affordable and community housing programs

Section 25A

Part 4A  Affordable and community housing programs

25A  Definitions—pt 4A

In this part:

*Community Housing Providers National Law (ACT)* means the provisions applying because of the *Community Housing Providers National Law (ACT) Act 2013*, section 7.

registered community housing provider—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

25B  Housing commissioner etc may give assistance to registered community housing provider

(1) The housing commissioner or another Territory entity may give assistance to a registered community housing provider.

**Examples—assistance by housing commissioner**

1 a grant of money
2 a transfer of land
3 a lease of land or property for use as long-term affordable rental housing
4 a commercial partnership or joint venture between the housing commissioner and registered community housing provider

**Examples—assistance by Territory entity**

1 a secured loan
2 a tax concession

(2) Assistance may be given subject to conditions.

(3) Nothing in this section requires the housing commissioner or a Territory entity to give assistance to a registered community housing provider.
25C Affordable and community housing programs—housing commissioner to report to Minister

(1) The housing commissioner must, if asked by the Minister, give the Minister a written report about the assistance given to registered community housing providers under section 25B.

(2) If the housing commissioner gives the Minister a report mentioned in subsection (1), the Minister must present the report to the Legislative Assembly within 6 sitting days after the day the Minister is given the report.
Part 4B  Official visitors

Note

At least 1 official visitor must be appointed for this Act under the Official Visitor Act 2012 (the OV Act).

The OV Act sets out the functions of official visitors which includes visiting visitable places, handling complaints from entitled people and reporting on those matters.

This part defines what is an entitled person and a visitable place for the OV Act. This part also prescribes other matters for the OV Act.

25V  Meaning of official visitor etc

In this Act:

entitled person means a person—

(a) who is homeless or at risk of homelessness who is staying in a visitable place; or

(b) prescribed by regulation.

official visitor, for a visitable place—see the Official Visitor Act 2012, section 6.

visitable place means either of the following kinds of accommodation for people who are homeless or at risk of homelessness, provided by an entity funded by the Territory:

(a) multiple occupancy supported accommodation;

(b) single occupancy independent accommodation.
25W Official visitors must give notice of visit

(1) An official visitor must give an operating entity for a visitable place written notice that the official visitor intends to visit the place at least 24 hours before the official visitor’s visit.

(2) However, the official visitor may visit a visitable place without giving notice to the operating entity if—

(a) for multiple occupancy supported accommodation—

(i) the official visitor reasonably believes, or has been given a complaint, that an entitled person at the visitable place is at risk of abuse or harm; and

(ii) the entitled person consents to the visit; or

(b) for single occupancy independent accommodation—the official visitor reasonably believes, or has been given a complaint, that there is a serious risk to the health or welfare of an entitled person at the visitable place.

(3) In this section:

operating entity, for a visitable place, means—

(a) if the Territory operates the place—the director-general; or

(b) in any other case—the entity that operates the place.
Part 5 Protection of information

28 Meaning of protected information—pt 5

(1) For this part, information is protected information if it—

(a) identifies an entity that has applied for housing assistance as having applied for housing assistance; or

(b) identifies an entity that is or has been a housing assistance recipient as a housing assistance recipient or former housing assistance recipient; or

(c) identifies land that is a housing assistance property as a housing assistance property; or

(d) is protected personal information about an entity that—
   (i) has applied for housing assistance; or
   (ii) is or has been a housing assistance recipient; or

(e) is information prescribed by regulation for this definition; or

(f) would allow something to which paragraph (a), (b), (c), (d) or (e) applies to be worked out.

Note Entity includes a person—see the Legislation Act, dict, pt 1.

(2) In this section:

 housing assistance property means—

(a) land owned, controlled or held by the housing commissioner; or

(b) land used by an entity contracted by the commissioner to provide housing assistance.

Example of land controlled or held by the housing commissioner—par (a)

land leased by the commissioner from a private landlord to provide public rental housing
Example of entity contracted by the housing commissioner—par (b)

a community organisation that is contracted by the commissioner to operate a refuge.

housing assistance recipient means an entity receiving housing assistance.

Examples of housing assistance recipients

1 a tenant of a housing assistance property
2 a person accommodated at a refuge or other residential facility that is operated by a community organisation receiving housing assistance to provide the accommodation

protected personal information, about an entity that is or has been a housing assistance recipient, means—

(a) the entity’s name, telephone number or address; or
(b) any other information prescribed by regulation for this definition.
Part 6 Commonwealth-Territory funding agreements

Section 30

What is a Commonwealth-Territory funding agreement?

In this Act:

*Commonwealth-Territory funding agreement* means an agreement between the Commonwealth and the Territory for the Commonwealth to give financial assistance to the Territory for housing assistance or to promote the objects of this Act.

Notification of Commonwealth-Territory funding agreements

(1) This section applies if the Territory enters into or amends a Commonwealth-Territory funding agreement.

(2) The agreement or amendment is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act*. 

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Part 6A Notification and review of decisions

31A Meaning of reviewable decision—pt 6A

In this part:

*reviewable decision* means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

31B Reviewable decision notices

If the housing commissioner makes a reviewable decision, the commissioner must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note 1* The housing commissioner must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

31C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.
Part 7  Miscellaneous

32  Placing unleased land under housing commissioner's control

(1) The Executive may direct the planning and land authority to place unleased territory land under the control of the housing commissioner.

(2) However, if land that is placed under the housing commissioner’s control under subsection (1) is subject to an existing tenancy, the land is placed under the commissioner’s control subject to the tenancy.

(3) To remove any doubt, the housing commissioner may exercise the commissioner’s powers under section 33 in relation to a tenancy to which subsection (2) applies, including, for example, by ending the tenancy.

(4) A direction under subsection (1) is a notifiable instrument.

Note: A notifiable instrument must be notified under the Legislation Act.

(5) In this section:

existing tenancy, for land placed under the housing commissioner’s control, means a tenancy that was in force immediately before the land was placed under the commissioner’s control.

unleased territory land means territory land that is not leased under the Planning and Development Act 2007 or the Unit Titles Act 2001.

33  Unleased land placed under housing commissioner's control—powers

(1) This section applies to land placed under the control of the housing commissioner under section 32.

(2) The housing commissioner may do 1 or more of the following in relation to the land:

(a) manage the land;
(b) authorise people to enter the land;

(c) use the land in any way the commissioner considers appropriate for the commissioner’s functions;

(d) arrange for the grant to someone else of a lease of, or licence to occupy, the land;

(e) obtain a lease for the land in the name of the housing commissioner and transfer the lease;

(f) if the land is held by an entity under a lease—
   (i) do anything in relation to the land that the Territory could do in relation to the land immediately before the land was placed under the commissioner’s control; or
   (ii) exercise any power under the *Recovery of Lands Act 1929* that the Territory may exercise for the land under that Act on behalf of the Commonwealth.

Note 1 The *Recovery of Lands Act 1929* provides for the Territory to end a lease and take action against people. However, it does not apply to leases under the *Residential Tenancies Act 1997*.

Note 2 See also the *Planning and Development Act 2007*, s 312 for the recovery of land from a former licensee.

(3) However, a lease or licence must not be granted by anyone for the land except with the housing commissioner’s prior written agreement.

### 34 Unneeded land may be returned

(1) This section applies if the housing commissioner is satisfied that unleased land that has been placed under the commissioner’s control under section 32 is no longer needed for this Act.

(2) The housing commissioner may, by instrument, surrender control of the land to the planning and land authority.

(3) An instrument under subsection (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act*. 
35 **Information to Minister**

(1) If the Minister asks the housing commissioner at any time to give the Minister information (including protected information) about any matter relating to the commissioner’s functions, the commissioner must comply with the request.

(2) In this section:

*protected information*—see section 28.

36 **Financial arrangements**

(1) All amounts paid to or by the housing commissioner for this Act (including amounts paid under a Commonwealth-Territory funding agreement) must be paid into or out of a directorate banking account, or territory banking account, within the meaning of the *Financial Management Act 1996*.

(2) To remove any doubt, amounts owed to, or paid to or by, the housing commissioner are amounts owed to, or paid to or by, the Territory.

37 **Protection of officials from liability**

(1) In this section:

*official* means—

(a) the housing commissioner; or

(b) anyone else exercising a function under this Act.

(2) An official is not personally liable for anything done or omitted to be done honestly and without recklessness—

(a) in the exercise of a function under this Act; or

(b) in the reasonable belief that the conduct was in the exercise of a function under this Act.
(3) Any liability that would, apart from this section, attach to an official attaches instead to the Territory.

Note  A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any approved housing assistance program or regulation (see Legislation Act, s 104).

38  Determination of fees

(1) The Minister may determine fees for this Act.

Note  The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note  A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

39  Approved forms

(1) The housing commissioner may approve forms for this Act.

(2) If the housing commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

Note  For other provisions about forms, see the Legislation Act, s 255.

(3) An approved form is a notifiable instrument.

Note  A notifiable instrument must be notified under the Legislation Act.

40  Regulation-making power

The Executive may make regulations for this Act.

Note  A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.
Part 11    Transitional—Residential Tenancies Legislation Amendment Act 2023

111    Meaning of commencement day—pt 11

In this part:

commencement day means the day the Residential Tenancies Legislation Amendment Act 2023, schedule 1, amendment 1.1 commences.

112    Housing assistance program determinations

(1) The Housing Assistance Public Rental Housing Assistance Program (Review of Entitlement to Housing Assistance) Determination 2020 (No 1) (NI2020-658), as in force immediately before the commencement day, is taken to be a disallowable instrument made under section 20.

(2) The Legislation Act, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) does not apply to the instrument mentioned in subsection (1).

(3) The following determinations, as in force immediately before the commencement day, are taken to be notifiable instruments made under section 20:

- Housing Assistance Public Rental Housing Assistance Program (Community Rental Housing Assistance – Modified Eligibility Criteria) Determination 2012 (No 1) (NI2012-254)
- Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2020 (No 1) (NI2020-113)
- Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2020 (No 2) (NI2020-173)
• *Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2011 (No 2)* (NI2011-507)

• *Housing Assistance Public Rental Housing Assistance Program (Residency Time Limits—Exemptions) Determination 2020 (No 1)* (NI2020-521)

• *Housing Assistance Public Rental Housing Assistance Program (Special Needs Applicants and Dwellings) Determination 2012 (No 1)* (NI2012-358).

113 **Operational guidelines**

All guidelines (other than NI2013-534) made under section 21, as in force immediately before the commencement day, are taken to continue in force.


114 **Expiry—pt 11**

This part expires 1 year after the commencement day.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see *Legislation Act*, s 88).
Schedule 1  Reviewable decisions

(see pt 6A)

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 section</th>
<th>column 3 decision</th>
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<tr>
<td>1</td>
<td>24</td>
<td>refuse application for housing assistance</td>
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<tr>
<td>2</td>
<td>25</td>
<td>suspend or cancel all or part of housing assistance provided to entity</td>
<td>entity</td>
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</table>
Dictionary

(see s 3)

Note The Legislation Act contains definitions relevant to this Act. For example:

- ACAT
- director-general (see s 163)
- entity
- exercise
- function
- planning and land authority
- reviewable decision notice
- territory land
- year.

affordable housing means housing that is affordable by people on low or moderate incomes.

approved housing assistance program means a housing assistance program approved under section 19.

Commonwealth-Territory funding agreement—see section 30.

community housing means rental housing for—

(a) people on low and moderate incomes or with special needs; or

(b) nonprofit community organisations.

Community Housing Providers National Law (ACT), for part 4A (Affordable and community housing programs)—see section 25A.

eligible, for housing assistance—see section 8.

entitled person—see section 25V.

housing—

(a) means residential housing and other forms of residential accommodation; and
(b) includes the fences, outbuildings and other improvements and the connections for utilities and other services provided or reasonably required for the accommodation.

**housing assistance**—see section 7.

**housing assistance program**—see section 18.

**housing commissioner** means the Commissioner for Social Housing established under section 9.

**information** includes a document.

**official visitor**—see section 25V.

**protected information**, for part 5 (Protection of information)—see section 28.

**registered community housing provider**, for part 4A (Affordable and community housing programs)—see section 25A.

**reviewable decision**, for part 6A (Notification and review of decisions)—see section 31A.

**temporary housing assistance** means housing assistance identified as temporary housing assistance in an approved housing assistance program.

**visitable place**—see section 25V.
Endnotes

1 About the endnotes
Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the Legislation Act 2001, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel’s Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

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<thead>
<tr>
<th>Abbreviation key</th>
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3 Legislation history

Housing Assistance Act 2007 A2007-8
notified LR 10 May 2007
s 1, s 2 commenced 10 May 2007 (LA s 75 (1))
remainder commenced 10 November 2007 (s 2 and LA s 79)

as modified by

Housing Assistance Regulation 2008 SL2008-7 ss 3-5
notified LR 18 March 2008
s 1, s 2 commenced 18 March 2008 (LA s 75 (1))
remainder commenced 19 March 2008 (s 2)

as amended by

Housing Assistance Amendment Act 2008 A2008-33
notified LR 2 September 2008
s 1, s 2 commenced 2 September 2008 (LA s 75 (1))
remainder commenced 2 March 2009 (s 2 and LA s 79)

ACT Civil and Administrative Tribunal Legislation Amendment
Act 2008 (No 2) A2008-37 sch 1 pt 1.56
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.56 commenced 2 March 2009 (s 2 (2) and see A2008-33,
s 2 and LA s 79)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.42
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.42 commenced 22 September 2009 (s 2)

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.39 commenced 17 December 2009 (s 2)

Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.8
notified LR 13 May 2010
s 1, s 2 commenced 13 May 2010 (LA s 75 (1))
sch 3 pt 3.8 commenced 3 June 2010 (s 2)
Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.81
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.81 commenced 1 July 2011 (s 2 (1))

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.20
notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.20 commenced 1 March 2012 (s 2 (1) and see Evidence Act 2011 A2011-12, s 2 and CN2012-4)

Official Visitor Act 2012 A2012-33 sch 1 pt 1.4
notified LR 15 June 2012
s 1, s 2 commenced 15 June 2012 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 September 2013 (s 2 as am by A2013-22 s 4)

Community Housing Providers National Law (ACT) Act 2013 A2013-18 sch 1 pt 1.1
notified LR 23 May 2013
s 1, s 2 commenced 23 May 2013 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 January 2014 (s 2 and CN2013-10)

Official Visitor Amendment Act 2013 A2013-22 sch 1 pt 1.4
notified LR 17 June 2013
s 1, s 2 commenced 17 June 2013 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 September 2013 (s 2 and see Official Visitor Act 2012 A2012-33 s 2 as am by this Act)

Freedom of Information Act 2016 A2016-55 sch 4 pt 4.16 (as am by A2017-14 s 19)
notified LR 26 August 2016
s 1, s 2 commenced 26 August 2016 (LA s 75 (1))
sch 4 pt 4.16 commenced 1 January 2018 (s 2 as am by A2017-14 s 19)
Endnotes

3 Legislation history

Justice and Community Safety Legislation Amendment Act 2017 (No 2) A2017-14 s 19
notified LR 17 May 2017
s 1, s 2 commenced 17 May 2017 (LA s 75 (1))
s 19 commenced 24 May 2017 (s 2 (1))
Note This Act only amends the Freedom of Information Act 2016 A2016-55.

Official Visitor Amendment Act 2019 A2019-29 sch 1 pt 1.4
notified LR 2 October 2019
s 1, s 2 commenced 2 October 2019 (LA s 75 (1))
sch 1 pt 1.4 commenced 3 October 2019 (s 2 (2))

Residential Tenancies Legislation Amendment Act 2023 A2023-5 sch 1
notified LR 27 March 2023
s 1, s 2 commenced 27 March 2023 (LA s 75 (1))
sch 1 amdt 1.2 commenced 28 March 2023 (s 2 (2))
sch 1 remainder commenced 1 April 2023 (s 2 (3) and CN2023-1)
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s 2  om LA s 89 (4)

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s 5  om A2010-18 amdt 3.9

Objects of Act
s 6 hdg  sub A2009-49 amdt 3.89

Housing commissioner—establishment
s 9  am A2011-22 amdt 1.251; A2011-48 amdt 1.32

Housing commissioner—functions
s 11  am A2008-33 s 4

Housing commissioner—delegation
s 17  am A2008-33 s 5; A2013-18 amdt 1.1

Approved housing assistance programs—determinations
s 20  sub A2023-5 amdt 1.1

Approved housing assistance programs—operational guidelines
s 21  sub A2023-5 amdt 1.1

Approved housing assistance programs—market rent
s 22  am A2023-5 amdt 1.2; ss renum R14 LA

Housing assistance recipients—requirement for information
s 25  am A2008-37 amdt 1.241

Affordable and community housing programs
pt 4A hdg  ins A2008-33 s 7
sub A2013-18 amdt 1.2

Affordable and community housing providers
div 4A.1 hdg  ins A2008-33 s 7
om A2013-18 amdt 1.2

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def Community Housing Providers National Law (ACT) ins
A2013-18 amdt 1.2
def registered community housing provider ins A2013-18
amdt 1.2

Housing commissioner etc may give assistance to registered community
housing provider
s 25B  ins A2008-33 s 7
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Affordable and community housing programs—housing commissioner to report to Minister
s 25C ins A2008-33 s 7
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Public access—register
s 25D ins A2008-33 s 7
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Notice about changes of particulars in register
s 25E ins A2008-33 s 7
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Affordable housing provider—eligibility criteria
s 25F ins A2008-33 s 7
om A2013-18 amdt 1.2

Community housing provider—eligibility criteria
s 25G ins A2008-33 s 7
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Affordable and community housing providers—trustees and subsidiaries
s 25H ins A2008-33 s 7
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Community housing providers—standards
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Community housing providers—compliance with standards
s 25J ins A2008-33 s 7
om A2013-18 amdt 1.2

Affordable and community housing providers—monitoring guidelines
s 25K ins A2008-33 s 7
om A2013-18 amdt 1.2

Affordable and community housing providers—compliance with monitoring guidelines
s 25L ins A2008-33 s 7
om A2013-18 amdt 1.2

Affordable and community housing providers—monitoring standards, guidelines etc
s 25M ins A2008-33 s 7
om A2013-18 amdt 1.2

Affordable and community housing providers—report to housing commissioner
s 25N ins A2008-33 s 7
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Affordable and community housing providers—changes to constitution or rules
s 25O  
in s A2008-33 s 7
  om A2013-18 amdt 1.2

Exemption from requirement or approval—changes to constitution or rules
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in s A2008-33 s 7
  om A2013-18 amdt 1.2

Affordable and community housing programs
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Housing commissioner’s functions
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in s A2008-33 s 7
  om A2013-18 amdt 1.2

Housing commissioner’s functions—housing commissioner may intervene
s 25S  
in s A2008-33 s 7
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Affordable and community housing providers—removal from register
s 25T  
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Affordable and community housing programs—housing commissioner to report to Minister
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pt 4B hdg  
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  note am A2013-22 amdt 1.22

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sub A2013-22 amdt 1.23
  ins A2012-33 amdt 1.34
  am A2013-22 amdt 1.24; A2019-29 amdt 1.11
Endnotes

4 Amendment history

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s 25W hdg am A2013-22 amdt 1.25
s 25W ins A2012-33 amdt 1.34
am A2013-22 amdts 1.25-1.28; A2019-29 amdt 1.12

Requirements for information—AAT review
s 26 om A2008-33 s 6

Requirements for information—notice of reviewable decisions
s 27 om A2008-33 s 6

FOI Act exemption—documents containing protected information
s 29 om A2016-55 amdt 4.20

Notification and review of decisions
pt 6A hdg ins A2008-33 s 8
sub A2008-37 amdt 1.242

Meaning of reviewable decision—pt 6A
s 31A ins A2008-33 s 8
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s 31B ins A2008-33 s 7
sub A2008-37 amdt 1.242

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s 31C ins A2008-37 amdt 1.242

Placing unleased land under housing commissioner’s control
s 32 am A2009-49 amdt 3.90

Unleased land placed under housing commissioner’s control—powers
s 33 am A2009-49 amdt 3.91

Financial arrangements
s 36 am A2009-49 amdt 3.92; A2011-22 amdt 1.252

Legislation amended—sch 1
s 41 om LA s 89 (3)

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s 42 om LA s 89 (3)

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pt 10 hdg exp 10 November 2008 (s 110)

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Transitional—rights and liabilities under old Act
s 101 mod SL2008-7 s 3
(1)-(3), (4) exp 10 November 2008 (s 110 (LA s 88 declaration applies))
(3A)-(3C) exp 10 November 2008 (s 101 (3C))

Transitional—corresponding housing assistance programs and things
s 102 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—mentions of commissioner
s 102A ins as mod SL2008-7 s 4
exp 10 November 2008 (s 102A (2))

Transitional—uncompleted applications for AAT review
s 103 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—other uncompleted proceedings
s 103A ins as mod SL2008-7 s 5
exp 10 November 2008 (s 103A (5) (LA s 88 declaration applies))

Transitional—sensitive information under old Act
s 104 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

Transitional—notification of existing Commonwealth-Territory funding agreements
s 105 exp 10 November 2008 (s 110)

Transitional—land placed under control of housing commissioner under old Act
s 106 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

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s 107 exp 10 November 2008 (s 110 (LA s 88 declaration applies))

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Transitional—Residential Tenancies Legislation Amendment Act 2023
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exp 1 April 2024 (s 114)

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am A2009-20 amdt 3.99, amdt 3.100; items renum R5 LA;
A2013-18 amdt 1.3

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sch 1 pt 1.1  om LA s 89 (1) (b)
sch 1 pts 1.2-1.11  om LA s 89 (3)

Dictionary
dict  am A2008-37 amdt 1.244; A2009-49 amdt 3.93, amdt 3.94;
A2011-22 amdt 1.253; A2012-33 amdt 1.35; A2013-22
amdt 1.29; A2023-5 amdt 1.4
def affordable housing ins A2008-33 s 9
def Community Housing Providers National Law (ACT) ins
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def reviewable decision ins A2008-37 amdt 1.245
def standards ins A2008-33 s 9
om A2013-18 amdt 1.7
def temporary housing assistance ins A2023-5 amdt 1.5
def visitable place ins A2012-33 amdt 1.36
5 **Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

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## Endnotes

5 Earlier republications

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