

Housing Assistance Housing Asset Assistance Program 2008 (No 1)

Disallowable instrument DI2008-180

made under the

Housing Assistance Act 2007, s 19 (1) (Housing assistance programs)

1 Name of instrument

This instrument is the *Housing Assistance Housing Asset Assistance Program 2008 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Object of program

The object of this program is to make available public housing assets to eligible organisations for the provision of services within the social housing and human services system.

4 Interpretation

Note 1 The *Housing Assistance Act 2007* contains definitions that apply to this program. The Act defines the following terms:

- approved housing assistance program
- community housing
- eligible, for housing assistance
- housing
- housing assistance
- housing assistance program
- housing commissioner
- information

Note 2 The Legislation Act also contains definitions and other provisions relevant to this program. For example, the Legislation Act, dict, pt 1 defines the following terms:

- Act
- the Territory
- entity

- administrative unit

Note 3 A definition applies except so far as the contrary intention appears (see Legislation Act 2001, s 155).

In this program—

assistance means the provision of one or more of the kinds of assistance set out in clause 5.

eligible organisation means an organisation that satisfies the eligibility criteria for assistance set out in clause 7 and includes an organisation that has received assistance under this program.

5 Kind of assistance

The kinds of assistance that may be provided by the housing commissioner under this program are the provision of—

- (a) services;
- (b) programs;
- (c) assets;
- (d) rebates; and
- (e) amounts.

6 Determinations

The housing commissioner may make determinations for this program.

Note A determination, and each amendment (if any) to it, is a notifiable instrument and must be notified under the Legislation Act.

7 Eligibility criteria for assistance

An organisation may be eligible for assistance if the housing commissioner is satisfied that it meets the following criteria—

- (a) the service or services to be provided by the organisation are of benefit to the ACT community;
- (b) the service or services provided by the organisation are not already adequately provided by another organisation;
- (c) the organisation has an appropriate system of management which would enable it to operate on a financially viable basis;
- (d) the organisation has complied with any applicable provisions of the Act relating to registration of the organisation;
- (e) the organisation is either:
 - (i) a nonprofit community organisation; or
 - (ii) an administrative unit, or a Territory entity under the *Auditor-General Act 1996*;

- (f) the organisation provides one or more of the following services to the members of the ACT community:
 - (i) tenancy services and tenant support in properties used for community housing;
 - (ii) crisis or transitional supported accommodation and a range of related support services to people, including people who are homeless or at risk of homelessness;
 - (iii) facilitates long-term accommodation and support services;
 - (iv) temporary, short-term housing needs to people transitioning from supported accommodation to independent living; or
 - (v) other forms of services as agreed by the housing commissioner; and
- (g) the organisation has applied in writing to the housing commissioner for assistance under this program.

Note If the housing commissioner approves a form for an application, the form must be used.

8 Provision of assistance

Where an organisation satisfies the eligibility criteria set out in clause 7 the housing commissioner may, in his or her discretion, provide assistance to the organisation, but the housing commissioner is not obliged to do so.

9 Withdrawal of assistance

Subject to compliance with the *Residential Tenancies Act 1997* (if applicable), the housing commissioner may withdraw assistance if—

- (a) the housing commissioner decides the housing provided by way of assistance—
 - (i) is no longer suitable for residential purposes;
 - (ii) is no longer being used for the purpose for which it was allocated;
 - (iii) is no longer required by the organisation for residential purposes; or
 - (iv) is required by the housing commissioner for another purpose; or
- (b) the eligible organisation advises the housing commissioner the assistance is no longer required; or
- (c) the eligible organisation is in breach of any of its agreements or obligations with the housing commissioner (whether relating to the assistance or any other arrangements including but not limited to any lease, occupancy right or funding arrangement).

10 Further information

The housing commissioner may at any time ask an organisation for further information in relation to an application for assistance.

Note 1 The Information Privacy Principles apply to the housing commissioner. Principle 4 states requirements about the storage and security of personal information and principle 11 states when personal information may be disclosed (see *Privacy Act 1988* (Cwlth), s 14).

Note 2 Access to information may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).

Note 3 If the information is not provided in accordance with a notice under section 24(3) or section 25(2) of the Act the application may be refused.

11 Agreement for assistance

An offer of assistance by the housing commissioner may be made conditional upon the eligible organisation entering into an agreement, in a form approved by the housing commissioner, setting out the terms and conditions on which the assistance will be provided. A failure by the organisation to enter into the agreement may result in the offer of assistance being withdrawn by the housing commissioner.

12 Review of decision

- (1) An organisation may ask the housing commissioner, in writing, to reconsider a decision not to provide assistance.
- (2) The request to reconsider must be made within 28 days after the organisation is given notice of the decision (or a longer period decided by the housing commissioner).
- (3) The request to reconsider must include full details of the grounds on which it is made.
- (4) Where the decision to be reconsidered is made by a delegate of the housing commissioner, the housing commissioner will ensure that the same delegate does not conduct the reconsideration.

Sandra Lambert
Commissioner for Social Housing
4 June 2008

I approve the *Housing Assistance Housing Asset Assistance Program 2008 (No 1)* made by the Commissioner for Social Housing by this instrument.

John Hargreaves
Minister for Housing
25 June 2008