



DEPARTMENT OF DISABILITY, HOUSING AND COMMUNITY SERVICES

DEVELOPMENT
OF THE
DEPARTMENT'S RECORDS DISPOSAL SCHEDULE

Stage 1
PRELIMINARY INVESTIGATION

11 March 2004

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1. INTRODUCTION

1.1 BACKGROUND

The Department of Disability, Housing and Community Services is required to comply with the *Territory Records Act 2002* administered by the ACT Territory Records Office. The Act establishes a mandate for the management and care of Territory records both paper and electronic. The legislation cites Principal Officers (Chief Executive Officers, General Managers etc) as being responsible for ensuring that their agency:

- Makes and keeps full and accurate records of business activities;
- Takes the necessary steps to ensure that the information in records continues to be accessible in accordance with the *Freedom of Information Act 1989* and the Territory Records Act; and
- An approved agency specific Records Management Program is established and maintained.

Section 16 of the *Territory Records Act 2002* requires agencies to produce Records Disposal Schedules as part of their Records Management Program using an adaptation of the DIRKS (Designing and Implementing Recordkeeping Systems) methodology. Agencies need to complete five steps before their Records Disposal Schedules can be approved by the ACT Territory Records Office and Advisory Council.

1.2 PURPOSE

Being the first step in the DIRKS methodology, this document provides the findings of a preliminary investigation of the department's regulatory, business and social environment in which it operates. The document is divided into three main sections which broadly cover the administrative/functional history, the legal framework that determines how the agency operates and its business context. In particular, the document focus on

- Legislation that is administered by the department;
- Internal and external stakeholders whose interests the agency takes into account;
- Unique functions and the ways in which the agency carries them out;
- The work of the agency that overlaps with the functions of another agency;
- Factors affecting the agency's recordkeeping practices; and
- The agency's corporate culture.

1.3 APPROACH

A range of documentary sources have been consulted, researched and analysed to assist with, and to verify the findings and conclusions of the investigation process. Targeted staff were consulted to identify specific activities of the department and documentary sources such as legislation, annual reports, Administrative Arrangement Orders, strategic planning documents, agency publications, policy and media statements etc were examined for their relevance and usefulness. The sources used are notated throughout the document and listed in a register of sources at the back of this document.

2. ADMINISTRATIVE CONTEXT

2.1. PROJECT MANAGER

Name	Position	Contact Means
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2.2. ORGANISATION NAME

Name	Source No.
ACT Department of Disability, Housing and Community Services	1

2.3. ORGANISATION TYPE

Type	Australian Business Number	Source No.
The Department of Disability, Housing and Community Services is an Australian Capital Territory Government department.	ABN : 26 471 407 289	2

2.4. CHARACTERISTICS OF THE ORGANISATION

Description	Source No.
<p>Formed on 1 July 2002, the department employs 675 full time staff and brings together functions transferred from the Department of Education, Youth and Family Services; ACT Health, the former ACT Community Care; and the Department of Urban Services. In bringing the related functions together in one organisation, the department aims to provide a more integrated approach to the policy delivery of community services. The functions of the new department includes:</p> <ul style="list-style-type: none"> • Public housing and related support and community linkage services (<i>from ACT Housing</i>); • Individual support services for people with a disability services (<i>from ACT Community Care</i>); • Funding for community, supported and Aboriginal and Torres Strait Islander housing services (<i>from the then Department of Education and Community Services</i>); • Therapy services for people with developmental delays and disabilities(<i>from Department of Education- Child Health and Development Services (CHADS)</i>); • Funding to other government and commercial agencies for concession in relation to rates, motor vehicle registration, electricity, water, public transport and spectacles (<i>from ACT Community Care & the then Department of Health and Community Care</i>); • Funding for homelessness, community development and disability support services (<i>from ACT Community Care & the then Department of Health and Community Care</i>); • Policy advice and development services to government in relation to community services, disability, housing, concessions, therapy and homelessness issues (<i>from the Department of Urban Services & the then Department of Health and Community Care</i>); and • Organisational support services. 	1. p11
<p>The Department has a responsibility to contribute to the delivery of the ACT Government's vision of a community that:</p> <ul style="list-style-type: none"> • Is inclusive to all Canberrans; • Is prosperous, progressive, skilled and creative; • Is cohesive, fair, tolerant and optimistic; • Is committed to protecting the vulnerable and supporting those in need; and • Gives its children every chance to realise their potential. 	1. p6-7

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<p>The Department's Statement of Purpose is that: <i>"We deliver high quality, co-ordinated services to significant sectors of the community through engaging and involving our clients, building community partnerships, contributing to good governance and performing as a best practice organisation".</i></p> <p>Supporting the Statement of Purpose , departmental activities are carried out in accordance with the following five strategic themes:</p> <ul style="list-style-type: none"> • Engaging and Involving Our Clients; • Improving Outcomes for Our Clients; • Building Better Community Partnerships; • Serving and Contributing to Good Governance; and • Performing as a Best Practice Organisation. 	<p>1. p6-7</p> <p>1</p>
<p>The Department's service delivery clients are people:</p> <ul style="list-style-type: none"> ▪ With a disability; ▪ With a developmental delay; ▪ In public, community and supported housing; ▪ Who are at risk of or who are homeless; ▪ Who are experiencing financial or material disadvantage. ▪ Who receive concessions and community services; and ▪ Who are tenants or users of community facilities. <p>These clients are sometimes supported by family members, or carers and sometimes community advocacy or support organisations.</p>	1.p7
<p>The Chief Executive is responsible for managing the department with the strategic support of the Board of Management. The Board of Management consists of the department's Chief Executive; the Executive Coordinator; the Executive Directors of ACT Housing and Disability ACT and the Director of Strategic Policy and Organisational Services. In January 2003 a new Organisational Committee Structure was established, with the Board of Management (Bo M) as the key advisory mechanism for the Chief Executive's decision making role as head of the department. In addition to the Board of Management the following high level committees are:</p> <ul style="list-style-type: none"> • Senior Management Group • Policy Coordination Group • Government Support Group • Community Development Group • ACT Housing Executive Group <p>Secretariat services are provided by the department to the Disability Advisory Council, Disability Advisory Council, and Affordable Housing Taskforce.</p>	1. p6

2.5 EXTERNAL SCRUTINY

Description	Source No
<p>Reports and recommendations by agencies who perform a statutory oversight role continually influence the activities of the department. For example, the Board of Inquiry into Disability Services, the Review of Therapy Services for School Students with a Disability, activities of Committees of the ACT Legislative Assembly and decisions of Courts and Tribunals all had a significant impact on the work of the department during 2002-2003.</p> <p>The Department was subject of scrutiny by, or provided reports and information to:</p> <ul style="list-style-type: none"> ▪ Board of Inquiry into Disability Services; ▪ Review of Therapy Services for School Students with a Disability; ▪ Committees of the ACT Legislative Assembly; ▪ ACT Ombudsman; ▪ Housing Commissioner; ▪ Discrimination Commissioner; ▪ ACT Coroner's Court; 	1. p14

<ul style="list-style-type: none"> ▪ Magistrates Court; ▪ Housing Review Committee; ▪ Discrimination Tribunal; ▪ Standing Committee on Community Services and Social Equity (ACT Legislative Assembly); ▪ Residential Tenancies Tribunal; ▪ Auditor-General; ▪ Inquiry into the Operational Response to the January 2003 Bushfires in the ACT; ▪ ACT Supreme Court; ▪ Commonwealth Grants Commission; ▪ Administrative Appeals Tribunal; ▪ Productivity Commission; ▪ Select Committee on Estimates (ACT Legislative Assembly); ▪ Office of the Community Advocate; and ▪ Management Assessment Panel. 	
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2.6 FUNCTIONAL HISTORY

Year	Description	Source No
1901	The Commonwealth Department of Treasury was established.	3
1910	Using its constitutional powers under Section 51 of the <i>Invalid and Old-Age Pensions Act No 17 1908</i> the Commonwealth introduced pensions for people with disabilities which were administered by the Department of Treasury	4
1913	Walter Burley Griffin was appointed Federal Capital Director of Design and Construction.	5.p3
1920	When Walter Burley Griffin's original appointment had expired he declined an invitation to continue his relationship with the national capital and joined the new Federal Capital Advisory Committee. The Committee had been established in recognition that the pace of infrastructure work had to be lifted significantly if the Seat of Government were to move to the capital.	5.p3
1921	Government built Bachelor Quarters at Acton, and 8 houses for married officers. There was also a bank manager's house, and a residency for the Administrator of the Territory.	5.p3
1925	Federal Capital Advisory Committee abolished after only 134 houses were built in just over five years.	5.p4
1925	Established in June 1925, the Federal Capital Commission initiated its first major construction project. Twenty wooden portable cottages at the Causeway for construction workers were completed by the middle of the year and another ninety three expected by the end of the year. The Commission was told to prepare for the transfer of the Seat of Government to Canberra by June 1926 and a program of construction of public houses for public servants commenced.	5.p4
1926	Transferring public servants were offered the choice of becoming public housing tenants by renting houses from the Federal Capital Commission; entering a 'rental purchase' arrangement to buy a house from the Federal Capital Commission with repayments spread over 20-25 years; buying from the Commission for cash, or making their own arrangements to build or buy independently of the Commission.	5.p10
1928	The former Department of Home and Territories became the Department of Home Affairs and included the functions of Seat of Government (including the Federal Capital Commission).	6.
1928	There were 728 government houses built and tenanted to public servants in Canberra, as well as 200 'framed houses' for construction workmen. About another 100 workmen and families were housed in tenements.	5.p17

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1930	The Federal Capital Commission was wound up with the change of government amid criticisms that it had been extravagant and undemocratic. Canberra reverted back to divided departmental control (advised by a partly elected ACT Advisory Council), a state of affairs that continued to 1958. The Commission's functions were transferred to the Federal Capital Territory Branch of the Department of Home Affairs with the exception of those relating to Transport.	5.p18
1931	The impact of the Depression highlighted the gap between government rent levels and the people's capacity to pay became more noticeable. The allowance public servants had been receiving was discontinued and all rents were reduced by 20 per cent. In July 1931 the Financial Emergency Act reduced rents by a further 20 percent.	5.p19
1932	Federal Capital Commission affairs of the Territory placed under the Department of the Interior for Ministerial responsibility through an amalgamation of functions from the Department's of Home Affairs and Works and Railways.	5.p20
1939	Over 400 people on the waiting list for government housing in Canberra and a special meeting of the ACT Advisory Council was held to discuss the shortage. To relieve the housing crisis proposals were put forward for boarding house development. It was finally developed in 1959 as publicly owned flats consisting of 29 bed sitters and 117 two-bedroom flats.	5.p21
1939	Minister for Interior formally incorporated provision of housing to non-government employees into the housing policy in the ACT.	5.p21
1939	The Commonwealth Department of Social Services, Central Office was established by Administrative Arrangements Order of 2 August 1939. The department split between Canberra and Victoria locales, was responsible for temporary wartime functions such as payments to and re-establishment of disabled members of the Forces who were not eligible for repatriation benefits.	6
1941	Taking over the social services from the Department of Treasury the Department of Social Services begins to function in April as a separate organisation with the appointment of Mr F.H. Rowe as Director-General.	7
1941	Home construction effectively ceased as World War II took over. The construction of government houses in Canberra was halted from 1941 to 1944 leaving Canberra with an estimated shortage of 500 houses through the last part of the war years.	5.p21
1942	The Department of Post-War Construction was established to prepare and coordinate plans for the transition from a wartime to a peace time economy. Its functions included setting up and coordinating the work of Commissions and Committees and to provide facts for the establishment and reconstruction of Commissions including a National Housing Commission.	6
1943	Within the Department of Post-War Construction the Commonwealth Housing Commission was set up and charged by the Commonwealth Government with addressing housing needs nationally (including Canberra) in the immediate post-war period.	5.p25
1943	The Commonwealth Housing Commission investigated and reported on the social aspects of housing including the provision of community services, the adoption of housing plans to town and regional planning location of industry and the like.	8
1943	Sale of government houses had been restricted to existing tenants and was halted in 1945. Sales did not resume until 1950.	5.p36
1944	The Commonwealth Housing Commission ceased operations on 1 December 1944.	8
1945	Initiatives by the Chifley Labor Government resulted in the first Commonwealth-State Housing Agreement (CSHA) to assist both renters and purchasers obtain appropriate accommodation. On average, the Commonwealth provided approximately two-thirds of total funding for the CSHA with the remainder being provided by States and Territories. Funds were allocated for the construction of new dwellings only and 50 per cent of such housing had to go to ex-defence force personnel. The housing was to be for rental only-the Commonwealth provided loan funding and the States were to be responsible for service delivery.	9

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1945	Established on 13 July 1945, the Department of Works and Housing, a directorate of housing formed within the department was responsible for the administration of the Commonwealth-State Housing Agreement, the Commonwealth Housing Authority, and the work performed by the Works and Services Branch of the Department of Interior.	10
1946	A contract was let for the construction of 75 demountable houses and at the same time tenders were invited for a further 300 demountables that were intended to be for married construction workers so Works and Housing, rather than the Department of Interior, had responsibility for allocating tenants to most of them (Interior had access to 10 per cent of the houses for 'letting in urgent cases').	5.p32
1946	Commonwealth Referendum carried to empower the Commonwealth Parliament to make laws with respect to the provision of family and student allowances, pharmaceutical benefits etc.	11
1947	Cabinet approved a 5-7 year construction program to build 3,500 houses in Canberra.	5.p28
1947	Consolidation of the previously separate 'social welfare' Acts(governing each different type of payment) into one single <i>Social Services Act 1947-1972</i> .	11
1950	Allocation policies and practices, the construction program and the system of rent calculations were combined perversely. People occupying senior positions and getting high salaries were living in Canberra houses with low rentals, and young people moving into newly developed areas pay high rentals for cottages with a minimum of conveniences.	5.p39
1950	Following a departmental restructure the Commonwealth Department of Works and Housing was abolished and the administration of the Commonwealth-State Housing Agreement was transferred to the Department of National Development. The Department also inherited the Housing Division responsible for housing and building and construction.	13
1954	The Commonwealth Aged or Disabled Persons Care Act 1954 was introduced. Its main purpose was to encourage and assist the provision of suitable homes for eligible persons, accommodation at which care services may be provided for eligible persons, and the provision of community aged care services to eligible persons.	20
1955	Of the 4,773 government dwellings in Canberra, 3,216 were let to government employees and the remainder let to non-government employees. Government guest-houses and hostels operated by the Department of Interior, housed 1,613 people, and the Department of Works operated two hostels for construction workers, housing 1,307 people.	5.p41
1956	Commonwealth - State Housing Agreement (CSHA) main aim was to encourage home ownership via the provision of low interest loans to home builders and the sale of houses on highly concessional terms. Public rental for low income households who could not afford to buy a home was still important.	9.p3
1957	Interior Minister, Mr Allen Fairhall wrote ' The idea is generally accepted that the Department of the Interior is responsible for housing everybody in Canberra. As universal landlord, the department has not been anxious to increase rents'.	5.p50
1957	On 1 January the Welfare Section/Branch of the Australian Capital Territory was established in the ACT Division of the Commonwealth Department of the Interior.	14
1958	Created by legislation the National Capital Development Commission (NCDC) became responsible for the planning, development and construction of Canberra. This includes the provision of facilities such as schools, public housing, transport works and community buildings. Priorities for the provision of facilities were determined in conjunction with the Commission's client bodies, mainly the Department of Territories, and the ACT Health Authority and ACT Schools Authority and involved a consultation process with the Canberra community.	5.p53
1959	A Housing Branch established within the Commonwealth Department of Interior, was responsible for Canberra housing matters such as management, letting, maintenance of government owned houses and flats, administration of loans schemes and rent control.	15

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1961	The introduction of <i>The Commonwealth Dwellings (Rent) Ordinance 1961</i> created a housing rental rebate scheme. As a result public housing rents in Canberra were increased from that year onwards.	5.p60
1963	Functions from the Commonwealth Department of National Development were transferred to a new Department of Housing established on 17 December. This included administering housing schemes and grants, many with associated statutory bodies, for the construction of houses for pensioners and ex-service men and women.	16
1965	Minister for Housing, Mr Leslie Bury, brought policy proposals to Cabinet nominating 'certain broad objectives' of Commonwealth housing policy and reviewing ACT housing policy against the objectives.	5.p66
1969	Tension between the NCDC (agency responsible for planning, design and construction) and the Housing Branch of the Department of the Interior (agency responsible for management, rental and sale of government housing) continued until the demise of the NCDC and the introduction of self-government for the ACT in 1988/1989.	5.p63
1970	The <i>Commonwealth Handicapped Children (Assistance) Act 1970</i> legislated the means to introduce the development of a new and coordinated system of benefits and welfare services include financial assistance etc to disabled children programs and services.	17
1972	The Commonwealth Department of Interior was abolished on 19 December and its functions were split between nine departments. Administration of the Australian Capital Territory and Jervis Bay went to the Department of the Capital Territory. The Housing Branch functions of the former Department of Interior moved to the Housing Operations Branch, a component of the Housing and Welfare Division within the Department of the Capital Territory. Functions included allocation of government housing within the ACT, housing maintenance, management, loans and sales and administration. The Housing and Welfare Policy Branch within the Division was responsible for housing and welfare policy development and implementation.	18
1972	The Department of Social Services was abolished and the Department of Social Security was established from the amalgamation of the former department and the Health Insurance and Benefits Division of the Department of Health. Functions included national rehabilitation services, assistance for sheltered workshops and handicapped children.	19
1972	Government decided that ministers would no longer be eligible to buy Canberra public houses, but would be offered furnished or unfurnished flats from the normal government housing pool while they remained in the Ministry. The policy eased in 1974 to allow former, as well as serving, ministers access to government housing.	5.p83
1973	Local Member and new Minister for the Capital Territory, Mr Kep Enderby announced in January the end of the sales quota; tenants who were already in government housing on 7 July 1972-the day the sales freeze had been introduced could buy their houses on 5 per cent deposit; those on the list but not in a government house on 7 July could still buy, but would have to use a Commissioner for Housing loan or some other financing with a higher deposit; those not on the list 7 July 1972 would not be able to buy government housing.	5.p70
1973	The Commonwealth Department of Works and Housing was abolished on 30 November and replaced by the Commonwealth Department of Housing and Construction who were responsible for administering the housing function and relevant legislation such as Commonwealth and State Housing Agreement Acts, Housing Agreement Acts and the Housing Assistance Act 1973.	21
1973	Commonwealth-State Housing Agreement established the move towards targeting housing assistance to low income earners and new eligibility requirements were introduced for both rental and home ownership.	9.p3

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1974	Department of Capital Territory bought 83 private flats in Oaks Estate for use by existing and government tenants. The flats were bought because after the acquisition of the freehold land, some former owners of the land on which the flats were built did not want to retain ownership of the flats under leasehold. The flats were retained by the Government and including general housing stocks. The department became a <i>de facto</i> private landlord.	5.p76
1974	The Commonwealth Homeless Persons Assistance Act 1974 was introduced to assist with food, accommodation and/or social welfare services for a homeless person(who has attained the age of 16 years).	22
1974	The Commonwealth Handicapped Persons Assistance Act 1974 established legislation to provide facilitates for handicapped children, disabled persons and other certain people.	23
1975	In February the Commonwealth Department of Social Security added three new Acts to its administration requirements. These were the <i>Handicapped Persons Assistance Act 1974</i> , <i>Homeless Persons Assistance Act 1974</i> and the <i>Aged and Disabled Persons Homes Act 1954-74</i> .	19
1975	The first publicly owned aged-person units were completed.	5
1975	In December the Department of Housing and Construction was abolished with the its functions transferred to the new Department of Environment, Housing and Community Development. The new department was responsible for administering the housing function and relevant legislation such as <i>Commonwealth and State Housing Agreement Acts</i> , <i>Housing Agreement Acts</i> and the <i>Housing Assistance Act 1973</i> .	24
1976	The Department of Environment, Housing and Community Development restructured into these divisions: <ul style="list-style-type: none"> • Community - responsible for developing and implementing policies on community development and advising on and developing policy on local government in relation to environment, housing and community development matters; • Development - responsible for coordinating the evaluation and review of policies and programs concerned with the environment, housing and community development; and • Housing - responsible for developing, coordinating and implementing Commonwealth policies for housing and administering housing programs other than those specifically administered by other departments or agencies. 	24
1978	Commonwealth-State Housing Agreement (CSHA) further limited housing assistance to those in most need-grants were given for pensioner assistance and others in need. Agreement also saw the expansion in the types of housing provided including the leasing of dwellings, joint ventures, community housing and interest subsidies for those buying a home.	9.p3
1978	The Department of Environment, Housing and Community Development was abolished on December 5 th .	25
1978	The Department of the Capital Territory (est in 1972) was restructured to include the Welfare Branch, Transport and Housing Division whose responsibilities were welfare services and policy, management, letting and maintenance of government owned houses and flats in Canberra and rent control.	26,15
1979	Regeneration begun of prefabricated houses built between 1947 and 1950. The houses were demolished to clear blocks for sale to private enterprise and for construction of government courtyard houses and townhouses.	5.p79
1979	During the late 1970' and early 1980's houses were modified for people with disabilities and the first trial took place of making government houses available to groups.	5.p79
1981	The Department of the Capital Territory undertook a review to examine the changing role of government housing in Canberra and its impact on the housing stock that should be built.	5.p80

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1981	Commonwealth-State Housing Agreement (CSHA), whilst broadly similar to 1978 CHSA this agreement included formal State matching requirements in terms of funding and increasing proportion on Commonwealth funding was earmarked for specific groups. Untied funds States were free to allocate money to rental or home purchase assistance without restriction.	9.p3
1981	In Administrative Arrangement Orders of 23 December the Department of Health's responsibilities involved community health projects including assistance for the disabled.	27
1982	The Department of Housing and Construction was abolished on 7 May 1982. From this defunct department, the Department of Social Security inherited responsibility for welfare housing and the following enactments: <ul style="list-style-type: none"> • Commonwealth and State Housing Agreement Acts • Housing Agreement Acts • Housing Assistance Acts • States Grants(Dwellings for Pensioners) Act 1974 • States grants (Housing) Act 1971. 	19
1982	Taxi subsidy schemes commenced with the Australian Council for the Rehabilitation of Disabled.	49
1982	The Department of the Capital Territory auctioned houses which were considered unsuitable for public housing.	5.P81
1983	Administrative Arrangement Orders of 11 March 1983 transferred the Housing Policy Division and regional staff handling Home Savings grants and Home Deposits Assistance Schemes from the Commonwealth Department of Social Security to the new Department of Housing and Construction. The principal matters dealt with by the Department of Social Security were national social security schemes including assistance to organisations providing services for the aged, disabled and homeless persons. They were responsible for coordinating health, welfare policies and programs. As such, the following legislation was transferred from the DSS to the Department of Housing and Construction: <ul style="list-style-type: none"> • Commonwealth and State Housing Agreement Acts • Housing Agreement Acts • Housing Assistance Acts • States Grants (Dwellings for Pensioners) Act 1974 • States Grants (Housing) Act 1971 	28
1983	Ten years after the introduction of a means test for government housing more than half of the public-housing stock in Canberra was occupied by people in need of subsidised housing.	5.p81
1983	In March, the Department of the Capital Territory was abolished and renamed the Department of Territories and Local Government. The new department was created in preparation for the ACT heading towards self-government, inherited responsibility for the Administration of the ACT from the former department.	29,30
1983	Minister for Territories and Local Government, Mr Tom Uren distributed to the housing -branch staff an edict against evictions from government houses. Rent arrears were up to \$1.2 million when the department won Ministerial approval to resume evictions in October 1985.	5.p84

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1984	<p>The Commonwealth Department of Community Services was established in December. The Prime Minister, the Hon. R.J. Hawke announced (media release) that this would reflect a shift in emphasis to a more rational organisation of the welfare policy area to ensure that the government's programs are delivered in the most effective way. The Prime Minister added:</p> <p><i>The establishment of the Department will enable the Government to concentrate overall policy (coordination of income and community services policies) development in the welfare area in the one department.</i></p> <p>The new department's main responsibilities were:</p> <ul style="list-style-type: none"> • Coordination of income security and community services policies; • Services for the aged, disabled people and children; and • Community support services. <p>A range of functions were inherited by the new department. This included:</p> <p><i>Dept of Social Security</i> – Office of Aged Care, Office of Child Care, Office of the Disabled;</p> <p><i>Depart of Health</i> – Policy Coordination Office (formerly the Social Welfare Policy Secretariat) and responsibility for assistance to the disabled;</p> <p>The following legislation was transferred to the new department.</p> <ul style="list-style-type: none"> • <i>Aged or Disabled Persons Home Act 1954</i> • <i>Aged or Disabled Persons Hostels Act 1972</i> • <i>Child Care Act 1972</i> • <i>Handicapped Persons Assistance Act 1974</i> • <i>Homeless Persons Assistance Act 1974.</i> • <i>Special Welfare Commission (Repeal) Act 1976</i> • <i>States Grants (Home Care) Act 1969</i> <p>The Department of Social Security retained income security policies and programs development.</p>	31 27
1984	The new Department of Community Services inherited community health projects including assistance for the disabled functions from the Department of Health.	31
1984	On 13 December the Commonwealth Department of Territories and Local Government was renamed the Department of Territories.	33
1985	The Commonwealth Department of Territories inherited the ACT Health Authority from the Commonwealth Department of Health.	ibid
1985	The Commonwealth Home and Community Care Act 1985 established legislation to develop a comprehensive range of integrated home and community care services for frail or at risk aged persons and younger disabled persons in order to facilitate the maintenance of those persons in their own homes; and to provide moneys, on a coordinated basis, to assist in the provision of those services.	34
1985	In July the Department of Community Services became responsible for the <i>Supported Accommodation Assistance Act 1985</i> .	32
1986	On 3 April the Minister for Territories, Gordon Scholes, as a response to the Report on Welfare Services and Policies in the ACT, announced the establishment of the Community Services Council. The Council formally linked government and non-government sectors in the planning and provision of welfare services in the ACT.	50
1986	The Commonwealth Grants Commission's Second Report of Financing the ACT was released. Service delivery in welfare and corrective services in the ACT was compared with Sydney and Melbourne.	52
1987	The Department of Community Services was abolished and its functions transferred to the Department Community Services and Health.	32

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1987	The Commonwealth <i>Disability Services Act 1986</i> came into operation on 5 June and replaced the <i>Handicapped Persons Assistance Act 1974</i> , and of Part VIII of the Social Security Act 1947, setting out a new approach to services for people with a disability. It was based on the recommendations of the Handicapped Programs Review which the Commonwealth had initiated in 1983.	35
1987	On 24 July the Commonwealth Department of Community Services and Health was created from the merger of the former Department's of Health and Community Services and also had responsibility for housing legislation from the Department of Housing and Construction abolished on 24 July 1987. The new department's functions included: <ul style="list-style-type: none"> • Services for the aged, people with disabilities and families with children; • Community support services; and • Housing assistance. The new Department of Community Services and Health administered the following legislation: <ul style="list-style-type: none"> • <i>Commonwealth and State Housing Agreement Acts</i>; • <i>Disability Services Act 1986</i>; • <i>Disability Services (Transitional Provisions and Consequential Amendments) Act 1986</i>; • <i>Handicapped Persons Assistance Act 1974</i>; • <i>Homeless Persons Assistance Act 1974</i>; • <i>Housing Agreements Acts</i>; • <i>Housing Assistance Acts</i>; and • <i>Supported Accommodation Assistance Act 1985</i>. The Central Office was responsible for regional offices in each state and the mainland territories.	32,36
1987	On 24 July the Commonwealth Department of Housing and Construction was abolished. Legislation encompassing Housing Agreements Acts and Housing assistance Schemes Legislation passed on to the Commonwealth Department of Community Services and Health.	32
1987	The Commonwealth Housing Assistance Ordinance 1987 No 64 was introduced. As a result, the administration of public housing in the ACT was placed under the control of the Commissioner for Housing as head of a new agency, the ACT Housing Trust.	51
1987	A Memorandum of Understanding was drawn up between the ACT Housing Trust and the National Capital Development Commission (NCDC) to enable the Trust to have a real say in the construction of the stock of public housing and gain control of its construction program. This remained in place until the NCDC was wound up with the introduction of self-government in 1989.	5,p86
1987	On 24 July the Commonwealth Department of Territories was abolished and its functions including the ACT Health Authority were transferred to the newly established ACT Administration Central Office within the Commonwealth Department of Arts, Sports, the Environment, Tourism and Territories.	33,33,37,38
1987	On 24 July the Commonwealth Department of Housing and Construction, Central Office (est March 1983) was abolished and a new Department of Housing and Construction reconstituted to provide a focus for policies affecting the housing and building industries and housing assistance programs. Responsibility for housing agreement acts and housing assistance schemes passed to the Commonwealth Department of Community Services and Health (est 24 July 1987).	28
1987	In September the functions of the Department of Community Services and Health were restructured into the following divisions: <ul style="list-style-type: none"> • Community Programs; • Housing Services; and • Disability Programs. 	36

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1988	ACT Housing set about refocusing its stock of dwellings to meet the need of its clients. Through refurbishing suitable houses and flats (including sensitive upgrading of houses with heritage value), consolidating sites and redeveloping at high densities, introducing dual occupancy to some larger detached housing sites, selling high-value house/land parcels it was able to raise funds for buying more suitable houses, and joint-venture development. The trend of focused sales, purchases, redevelopment and refurbishment has continued.	5.p88
1989	From its founding in 1913 until 1989, the Commonwealth Government administered the Australian Capital Territory (ACT). On May 11 1989 ACT self-government came into effect. As a consequence, inactive records that were created by Commonwealth Government administration of the ACT and thus in the custody of the National Archives of Australia (NAA), were transferred to the ownership of the ACT Government.	37
1989	The <i>Australian Capital Territory (Self-Government) Act 1988 (Cwlth)</i> , converted certain Commonwealth Ordinance's into ACT enactments. This allowed the Territory's Parliament (Legislative Assembly) to amend and repeal the laws. The Commonwealth Housing Assistance Ordinance 1987 No 64 was converted into the Housing Assistance Act 1987 which legislated transferred the powers and functions to the ACT Commissioner for Housing.	36
1989	On 21 April the ACT Government Commissioner for Housing, ACT Housing Trust, Ken Horsham submitted the first ACT Housing Trust 1987-88 Annual Report to the Minister for Arts and Territories, Clyde Holding MP, Parliament House, Canberra. The Trust was responsible for providing a range of government housing related assistance to ACT residents in accordance with the principles of the Commonwealth-State housing Agreement; and plays a central role in the development of housing policy and market analysis. Highlights of the year included: <ul style="list-style-type: none"> • Alignment of public housing with the Commonwealth-State Housing Agreement from 1 July 1987; and • Commencement of the new Housing Assistance Ordinance 1987 and opening of the Housing Assistance Fund Trust Account. 	51
1989	On 11 May, the ACT Government ACT Office of City Management was created with the introduction of ACT self government. The Office was largely responsible for Government Services, Transport and Works, Natural and Cultural Resources, ACT Housing Trust, Transport, Urban Fire Services, Tourism and Planning, Resource Management	54
1989	In December, a change in ACT Government separated Territory Health and Community Welfare Services the latter part becoming part of a ACT Government new Housing and Community Services Bureau who reported to the Minister for Housing and Community Services. The general aim of the Bureau was to provide and facilitate the delivery of housing and community services to individuals, facilities and the community. It consisted of ACT Housing Trust, Family Services, Community Programs, Disability Services and Corrective Services.	38,39
1989	A review of public housing policies by first ACT Government brought initiatives in youth housing and funding for further aged-persons units and a range of measures to assist the needy in the private rental market.	5.p88
1989	The ACT Government Department of Urban Services was created on 14 December under revised administrative arrangements. The organisation comprised largely elements of the former Office of City Management which was established in 1987 as part of the reorganisation of the ACT Administration. Changes to the administrative arrangements and the program structure resulted in the transfer of the ACT Housing Trust to the Housing and Community Services Bureau	54

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1990	On 4 July the Housing and Community Services Bureau (est on 14 Dec 1989) was subsumed into the new ACT Government Department of Justice and Community Services. The Bureau remained a discrete administrative unit but reported to the Attorney-General and the Minister for Housing and Community Services through the Department of Justice and Community Services.	39
1990	ACT Housing and the ACT Department of Health joined forces to trial provision of public housing for a group of severely handicapped young men. In mid 1990's the refurbishment program included modifying hundreds of dwellings a year for people with disabilities.	5.p88
1991	The ACT Department of Community Services and Health (est 24 July 1987) was re-named the Department of Health, Housing and Community Services. The department inherited all the functions and divisions from the previous department and also gained the residential part of the construction industry from the former Department of Industry, Technology and Commerce, Central Office (est 13 Dec 1984).	36
1991	On 9 December the Commissioner for Housing R.D. Templar, submitted the ACT Housing Trust's Annual Report 1990-91 to Terry Connolly, Minister for Housing and Community Services. Highlights for the year included: <ul style="list-style-type: none"> • More emphasis place on clients with special needs, through the introduction of a consolidated Community Housing Program; • Trust entering into the first of a series of joint ventures with the private sector; and • A review of public housing standards and the completion of the Trust's first post-occupancy evaluation. 	55
1992	A new focus for the policy, development, administration and funding of disability services in the ACT following the signing of the Commonwealth State Disability Agreement (CSDA). The new focus has an origin that goes back over 10 years to the International Year of the Disabled, since 1981. With the joint signing of the CSDA in June 1992 and the transfer of administrative responsibility for funding of a range of services, the ACT Government had sole responsibility for the approval, administration, evaluation and funding of: <ul style="list-style-type: none"> • Accommodation support (included Attendant Care Scheme, Residential Services); • Respite Care; • Recreation; • Independent Living Skills, Training and Community Access Services; and • Information Services. 	53
1993	The Housing and Community Services Bureau (est 14 Dec 1989) reported to the Attorney-General and the Minister for Housing and Community Services through the Department of Justice and Community Services. The Bureau consisted of four program units as at 31 August 1993. This included: <ul style="list-style-type: none"> • ACT Housing Trust-provided housing assistance to ACT residents; and • Community Programs Branch-administered grant funding to community groups and disability policy and planning. The <i>Housing Assistance Act 1987</i> and the <i>Disability Services Act 1991</i> were administered by the Bureau.	39
1993	The Department of Health, Housing and Community Services (est 7 June 1991) was abolished and all its functions were transferred to the new ACT Government Department of Health, Housing, Local Government and Community Services that was created on 24 March 1991.	40
1993	On 23 December, the Department of Health, Housing, Local Government and Community Services was renamed the Department of Human Services and Health. All matters and legislation was inherited by the new department from the former department.	41

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1993	Administrative Arrangement changes for 1993/94 transferred the Housing and Community Services Bureau (est 14 Dec 1989) from the Attorney-General's Department to the Department of Urban Services.	56
1994	The ACT Government Department of Housing and Regional Development was created and the new department gained housing and local government functions from the Department of Human Services and Health. Legislation transferred included: <ul style="list-style-type: none"> • <i>Commonwealth and State Housing Agreements Acts</i>; • <i>Housing Agreements Acts</i>; • <i>Housing Assistance Act</i>; • <i>Supported Accommodation Assistance Act</i>; and • <i>Homeless Persons Assistance Act 1974</i>. On 6 June 1991 the Department' name was amended to read Housing and Urban Development instead of Housing and Regional Development.	42
1994	A range of joint ventures with the private sector produced mixed development of public and private housing.	5
1994	On 25 August Mr J.A. Turner Secretary of the ACT Government Housing and Community Services Bureau submitted to David Lamont, Minister for Housing and Community Services, the Bureau's 1993-94 Annual Report. Highlights for the year included: <ul style="list-style-type: none"> • Review of housing, plans for the restructuring of disability services; • Combining housing and disability resources to foster new models; and • Expanding the community housing sector. 	56
1996	Commonwealth-State Housing Agreement introduced with an emphasis on housing outcomes for individual as apposed to building up the stock of public housing. Another emphasis was on improving accountability for the housing assistance provided including the setting of targets and the measurements of outcomes.	9.p4
1996	In July the ACT Government Department of Health and Community Care restructured along 'purchaser/provider' lines and ACT Community Care was established. The separated roles of purchaser' of services and of 'provider' of services had been identified in order that a degree of competition can drive quality and efficiency. The purchaser was the Minister for Health and Community Care, through ACT Department of Health and Community Care. With the establishment of ACT Community Care a Disability Program was developed to further the principles contained in Schedule 1 of the <i>ACT Disability Services Act 1991</i> .	58,59
1996	ACT Community Care disability program services catered for people with disabilities to both adults and children. It included: <ul style="list-style-type: none"> • Multidisciplinary services • Accommodation support service • Centre-based respite service • Independent living centre • Community access/linkage services 	57
1996	On 11 March the ACT Government Department of Housing and Regional Development (est 25 March 1994) was abolished and the new Department of Social Security (est 11 March 1996) took over responsibility for welfare housing from the Department of Housing and Urban Development. Legislation inherited from the former department included the Commonwealth and State Housing Agreements Acts, and Housing Assistance Act. The new department also inherited records of the Housing and Special Payments Division of the old Department.	19

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1996	<p>On 11 March 1996 the ACT Government Department of Human Services and Health (est 23 Dec 1993) was abolished and replaced by the new Department of Health and Family Services. The new department was responsible for providing services for the aged, people with disabilities, families with children, and community support services. Legislation administered by the new department included:</p> <ul style="list-style-type: none"> • <i>Disability Services Act 1986</i>; • <i>Disability Services (Transitional Provisions and Consequential Amendments)Act 1986</i>; • <i>Hearing Services Act 1991</i>; • <i>National Health Act 1991</i>; and • <i>Supported Accommodation Assistance Act 1974</i>. 	43
1998	Around 19.1per cent of the ACT population was receiving benefits.	5.p94
1999	Multidisciplinary services for school children with a disability were transferred to the ACT Government of Education, Community Services and Recreation.	96
1999	Commonwealth-State Housing Agreement introduced focuses on helping families and individuals who cannot be adequately housed in the private market. It strengthens accountability and reporting mechanisms and assistance should be based on need as opposed to the earlier notion of security of tenure.	9.p14
1999	The ACT Department of Education, Community Services and Recreation changed its name to the Department of Education and Community Services.	97
2000	The ACT Government Department of Health, Housing and Community Care gained responsibilities for Housing (from the Department of Urban Services)	44. p3-6
2000	<p>On 8 September , the Chief Executive of the ACT Government Department of Health and Community Care submitted the Department's 1999-2000 Annual Report to Michael Moore the Minister for Health and Community Care. Highlights of the year included:</p> <ul style="list-style-type: none"> • Extra funds from Commonwealth Aged and Home and Community Care Program (HACC) to purchases additional services for frail older people, people with disabilities and their careers; • The ACT Disability Advisory Council was established in November to provide an important avenue for more effective consultation with the disability sector; and • Additional funds allocated to provide more disability support services to increase community access for people with disabilities. 	62
2001	ACT Government Department of Health and Community Care expanded to include responsibilities for Housing, Family Services and Corrections. As a consequence the department restructured to include both ACT Housing (the provider of public housing services) and Housing Policy and Planning (the purchaser of Housing Services) within its structure. ACT Housing was absorbed as a branch of the Department and Housing Policy and Planning and was transferred to what was then re-named the Community Health and Housing Group.	45.p2,5
2001	In response to the Review of Therapy Services for School Students with a Disability, the ACT Government announced its intention to create a new service, which brought together the Child Health and Development Service (CHADS) and the multidisciplinary services provided by Disability ACT.	1.p3

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2002	<p>On 1 July the ACT Government Department of Disability, Housing and Community Services was established by Administrative Arrangements 2002 (No 2) (repealed) (NI2002-400) on 20 December 2002 effective from 23 December 2002. The Department brought together responsibilities for</p> <ul style="list-style-type: none"> • Public housing (from ACT Housing); • Housing policy and planning (from the Department of Urban Services); • Disability services (from ACT Community Care); • Disability policy and planning (from the then Department of Health and Community Care); and • Community services and facilities, child health and development services (from the then Department of Education, Youth and Family Services) 	79
2002	<p>With the establishment of the Department of Disability, Housing and Community Services, the former purchaser-provider model in disability services and housing services, brought together four areas drawn from different agencies into two: Disability ACT and ACT Housing.</p>	1.p4
2003	<p>On July 1, a new Community Development group was established comprising Community Services, Housing Policy and Planning and ACT Housing Business Management. The group is responsible for building greater links between homelessness and social housing services, as well as between housing asset managers and community housing providers.</p>	1.p4
2003	<p>On July 1 the Child Health and Development Service (CHADS) was combined with the multi-disciplinary team of Disability ACT, to become Therapy ACT. The new agency is responsible for providing a range of therapy services for clients from birth to 65 years of age.</p>	1.p5

3 LEGAL AND REGULATORY FRAMEWORK

3.1 ESTABLISHMENT OF THE ORGANISATION

Description	Source No.
<p>On 19 June 2002, the Chief Minister, Mr Jon Stanhope MLA, announced the Government's Response to the Report of the ACT Health Review and the organisational and governance issues raised in the Report of the Board of Inquiry into Disability Services. From this announcement, the Department of Disability, Housing and Community Services was established on 1 July 2002, with a mandate to better coordinate and integrate the development of policy and the delivery of a range of human services in the ACT.</p> <p>The Department provides the following services:</p> <ul style="list-style-type: none"> • Public housing and related support and community linkages services; • Individual support services for people with a disability • Funding for community, supported and Aboriginal and Torres Strait Islander housing services; • Therapy services for people with developmental delays and disabilities; • Funding to other government and commercial agencies for concessions in relation to rates, motor vehicle registration, electricity, water, public transport and spectacles; • Funding for homelessness, community development and disability support services; • Policy advice and development services to government in relation to community services, disability, housing, concessions, therapy and homelessness issues; and • A working environment in which every staff member is encouraged to perform to the best of their ability. 	1

3.2 LEGISLATION ADMINISTERED BY THE ORGANISATION

Acts	Source No.
<p><i>Disability Services Act 1991 No 98</i></p> <p>Provides guidance in relation to the principles against which funding proposals for disability services in the ACT should be assessed. The Act specifies that the Minister should not approve grants for organisations to provide disability services unless he is satisfied that they meet the human rights principles and the program and service requirements outlined in Schedules 1 and 2 of the Act, respectively.</p>	44
<p><i>Housing Assistance Act 1987 No 36</i></p> <p>Provides for the administration of the ACT Government's provision of housing assistance in the Territory and the legislative framework for the provision of public housing to individual tenants and community organisations.</p> <p>The legislation is structured around the Commissioner for Housing (a position held by the Chief Executive of the department) and allows the position to administer programs and funding arrangements for the delivery of housing assistance in relation to public rental housing, home ownership, income related assistance to home owners and tenants, and any other provision for housing assistance and services that the Minister may approve.</p> <p>The system of public housing in the Territory is conducted via programs established under the Act, approved by the Minister and tabled, as Disallowable Instruments, in the ACT Legislative Assembly. Two changes were made to programs established under the Act, and one program was re-established during 2002-2003. These changes include:</p>	47

<ul style="list-style-type: none"> • Public Rental Housing Assistance Program Amendment 2002 (No.1) Amendment tabled in the ACT Legislative Assembly on 10 December 2002. It restores security of tenure for public housing tenants, which was removed by the previous Government. • Public Rental Housing Assistance Program Amendment 2003 (No.1) Amendment was tabled in the ACT Legislative Assembly on 19 June 2002. It promotes greater equity in the Program, by allowing the Commissioner for Housing to undertake certain powers in relation to changes to the Applicant List and provide early assistance in circumstances involving urgent or critical need. A number of minor definitional and procedural amendments were also made. • Rental Bonds Housing Assistance Program 2003 (No.1) The re-establishment of this Program was tabled in the ACT Legislative Assembly on 26 June 2003. It restores rental bond assistance for low to moderate income earners to access housing in the private rental market, which was removed by the previous Government. Arising from concerns expressed by the Auditor-General in 1996, a number of enhancements have been made to the Program, including changes to the repayments system and improving administrative efficiency. 	
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3.3 LEGISLATION AFFECTING THE ROLE AND OPERATIONS OF THE ORGANISATION

Description	Source No.
Disability Discrimination Act 1992 Act No 135 ✓ An Act relating to discrimination on the ground of disability	63
Occupational Health and Safety Act 1989 No 18 ✓ An Act to promote and improve standards of occupational health, safety and welfare, and for related purposes	64
Evidence Act 1971 No 4 ✓ An Act relating to evidence	65
Executive Documents Release Act 2001. No 53 ✓ An Act to require the publication of certain executive documents	66
Financial Management Act 1996 No 22 ✓ An Act to provide for the financial management of the government of the Territory, to provide for the scrutiny of that management by the Legislative Assembly, to specify financial reporting requirements for the government of the Territory, and for related purposes	67
Freedom of Information Act 1989 No 46 ✓ An act to give members of the public rights of access to official documents of the Territory.	68
Government Contractual Debt (Interest) Act 1994 No 107 ✓ An act relating to interest accruing on debts arising under certain contracts entered into by the Territory and Territory authorities	68
Health Records (Privacy and Access) Act 1997 No 125 ✓ An Act to provide for the privacy and integrity of, and access to, personal health information, and for related purposes	70
Privacy Act 1998 (Cwlth) ✓ An act to make provision to protect the privacy of individuals, and for related purposes	71
Public Interest Disclosure Act 1994 No 108 ✓ An Act to encourage the disclosure of conduct adverse to the public interest in the public sector, and for related purposes	72
Public Sector Management Act 1994 No 37 ✓ An Act to regulate the administration of the public sector of the Territory, and for related purposes	73
Recovery of Lands Act 1929 No 1 ✓ An Act to provide for the recovery of possession of lands on the determination of leases	74
Residential Tenancies Act 1997 No 84 ✓ An Act relating to residential tenancies	75

Government Procurement Act 2001 No 28 ✓ An Act about the procurement of goods, services and works by the Territory and Territory entities, and for other purposes	76
ACT Territory Records Act 2002 No 18 ✓ An Act about Territory records, and for other purposes including records management requirements of ACT department's, agencies and Territory Owned Corporations.	77

3.4 AGREEMENTS WITH OTHER JURISDICTIONS

Disability - Commonwealth/State/Territory Disability Agreement (CSTDA)	Source No.
Under the Commonwealth/State/Territory Disability Agreement, the ACT is responsible for administering accommodation support and other support services such as day activity programs and respite care.	46.p6
Housing -Indigenous Trilateral Housing Agreement This agreement was made in 2002 between the Commonwealth of Australia, represented by the Minister for Family and Community Services (the 'Commonwealth') and the Australian Capital Territory Government, a body politic established under section 7 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (C'th), represented by the Minister for Urban Services (the 'ACT Government') and the Aboriginal and Torres Strait Islander Commission, a body corporate established under section 6 of the <i>Aboriginal and Torres Strait Islander Commission Act 1989</i> (C'th), represented by its Chairman and the Chairperson of the Queanbeyan Regional Council (the 'Regional Council').	46.p7
Housing - Commonwealth State Housing Agreement Bilateral Agreement The Commonwealth State Housing Agreement is an agreement, authorised under the Housing Assistance Act 1996, between the Commonwealth and the Australian Capital Territories. The 2003 CSHA is the primary vehicle by which the Commonwealth and ACT Governments provide social housing assistance. Both Governments will provide a total of approximately \$136.4 million over the period 2003 to 2008 to achieve the objectives and outcomes set out in this Bilateral Agreement	46.p7
Housing - Commonwealth State Housing Multilateral Agreement The Commonwealth State Housing Agreement is a five year agreement from July 2003, authorised under the Housing Assistance Act 1996, between the Commonwealth, and other State and Territory jurisdictions. It outlines nationally agreed principles in the Multilateral Agreement and provides funding for housing assistance in the ACT.	46.p6
Housing - National Housing Data Agreements This Agreement provides a framework for collecting information to enhance our understanding of how housing contributes to the achievement of whole of government outcomes, departmental outcomes and research agenda and priorities in each jurisdiction.	46.p7
Community Support Services - Supported Accommodation Assistance Program (SAAP) Memorandum of Understanding Under the Supported Accommodation Assistance Program (SAAP) Memorandum of Understanding, funded services aim to provide transitional supported accommodation and a range of related supported services to people who are homeless or at risk of homelessness.	46.p7
Community Services - National Community Services Information Agreement The Agreement provides for the establishment of the national infrastructure and decision-making processes needed to integrate and coordinate the development of consistent national community services information	46.p7
Ownership Agreement 2002-2003 The Ownership Agreement establishes the Government's ownership interest in the Department of Disability, Housing and Community Services. It sets out guidelines and performance requirements to ensure the Government receives the best possible return from the resources employed by the Department. This Agreement is between the Treasurer and the Chief Executive of the Department of Disability, Housing and Community Services with respect to the Government's ownership interest in the Department. It has been prepared in consultation with the Minister for Disability, Housing and Community Services so far as determining the revenue to be received from the Minister for the purchase from the Department of services in 2002-03.	1

3.5 STANDARDS IMPOSED ON THE ORGANISATION

<p>National disability standards for the provision of certain services and programs By accepting funds from the Commonwealth Department of Family & Community Services for ACT Government disability services, the department is required to comply with Commonwealth standards as outlined in the Disability Services Act 1986, sect 54.</p>	78
<p>Territory records management standards. All ACT Government agencies are required to comply with five standards for records management as outlined in the ACT Territory Records Act 2002. The standards include:</p> <ol style="list-style-type: none"> 1. Records Management Programs 2. Appraisal 3. Records Description and Control 4. Access to Territory records 5. Recordkeeping and Outsourced Government Business 	77

4. BUSINESS CONTEXT

4.1 STRUCTURE AND FUNCTIONS OF THE ORGANISATION

Office –Holder responsible for the department Sandra Lambert Chief Executive		
Business units	Business activity	Source No.
Disability ACT <ul style="list-style-type: none"> <i>Disability Policy, Planning & Services</i> 	<ul style="list-style-type: none"> Disability Policy& Planning Responsible for establishing and implementing ACT government policy framework for disability services, developing and managing relationships with other government departments, agencies, non-government organisations and members of the disabled community. Forming strategic alliances with key stakeholders in the ACT and building the capacity and capability of the disability community sector. Also responsible for administering the ACT Taxi Subsidy scheme. Individual Support Services Responsible for providing high quality community based, consumer focused disability services through the provision of government funds to government organisations accommodation support, community access, community support, respite care and wellbeing needs of people with moderate to severe disabilities. Sector Development Support Services Responsible for providing high quality community based, consumer focused disability services through the provision of government funds to non-government service providers to meet the accommodation support, community access, community support, respite care and wellbeing needs of people with moderate to severe disabilities. 	1
Housing and Community Services ACT <ul style="list-style-type: none"> <i>Community Development</i> 	<ul style="list-style-type: none"> Housing Policy & Planning Responsible for the provision and management of public and community housing tenancies housing policy advice and administration of Commonwealth - State Housing Agreement. Community Services Responsible for the provision of support and resources for a variety of community development activities, transitional accommodation and related services; administration of territorial funding for a range of concessions and benefits to a low income earners. Foster early intervention practices in service providers to ensure sustainable tenancies and a transition to independent living for those who are homeless. 	1
Housing and Community Services ACT <ul style="list-style-type: none"> <i>Housing ACT</i> 	<ul style="list-style-type: none"> Tenancy Support & Management Responsible for the provision and management of public housing properties and tenancies. 	1

Therapy ACT	Responsible for providing a multidisciplinary therapy and support services to people with disabilities and developmental delays from birth to 65 years of age, including assistance with physical, intellectual, communication and other functional difficulties. Therapy and support services are available for physiotherapy, occupational therapy, speech pathology, social work and psychology.	1
Organisational Support Services <ul style="list-style-type: none"> Strategic Policy and Organisational Services 	Responsible for the provision of organisational support services to the department, as well as the provision of whole of department strategic policy, governance and media/communications advice to the Senior Executive and the Minister. On a day to day basis, the group is responsible for human resources, industrial relations, training, ministerial, cabinet and assembly matters, freedom of information, public interest disclosure, privacy and government accountability and reporting matters.	1
Organisational Support Services <ul style="list-style-type: none"> Strategic and Organisational Finance 	Responsible for the provision of financial management, advice and support services to the Department, Senior Executives and the Office of the Minister. The group undertakes day-to-day financial management, inter-governmental financial relations, asset redevelopment opportunities, departmental and community facility management, as well as whole of department budget development and organisational performance reporting.	1

4.2 MAJOR STAKEHOLDERS

Description	Nature of Interests	Source No.
ACT Legislative Assembly	The ACT Legislative Assembly performs the state and municipal functions for the ACT. The Minister of the Department reports to the Chief Minister who then has reporting responsibility to the Legislative Assembly.	60
Chief Minister	In the ACT the Chief Minister fulfils the role of both State Premier and Mayor. The Chief Minister allocates responsibility for the departmental functions to the Minister of Disability, Housing and Community Services	61
Minister of Disability, Housing and Community Services	<p>Minister for Disability, Housing & Community Services Mr Bill Wood - Member for Brindabella, became Minister for the newly created Department of Disability, Housing and Community Services, reporting to the Chief Minister. He has ultimate portfolio responsibility for administering and reviewing the Department's operations in public and, in the ACT Legislative Assembly.</p> <p>The Minister has initiated a reform agenda for the department including steps to implement a 4 year systematic strategy to improve the coordination and delivery of services to people with disabilities in the ACT.</p>	1
ACT Auditor-General	The Auditor-General is responsible, through the public's elected representatives in the Legislative Assembly, to the ACT public for the audit of all ACT public sector agencies.	80

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ACT Department of Treasury	The Department of Treasury is responsible for managing the Territory's financial affairs for the benefit of the ACT community. Annual financial statements etc are required to be submitted to the Treasury by the department.	84
Residential Tenancies Tribunal	Located in the ACT Department of Justice and Community Safety, the Tribunal is responsible for resolving ACT public housing and community tenancy issues and disputes.	82
Discrimination Tribunal	Located in the ACT Department of Justice and Community Safety, the Tribunal is responsible for handling complaints which are declined or cannot be settled by conciliation between the parties .	83
ACT Ombudsman	People with complaints about ACT Government departments, agencies and Territory Owned Corporations can contact the Commonwealth Ombudsman who is also the ACT Ombudsman,	86
ACT Procurement Board	Responsible for implementing legislative requirements for the procurement of goods, services and construction works in the ACT by entities of the ACT Government.	85
ACT Community and Health Services Complaints Commissioner	Responsible for handling complaints about ACT Government services provided to the aged, people with a disability and their carers, and consumers of any health service in the ACT.	87
Committees of the ACT Legislative Assembly	The Committees report on issues affecting the department's functions, clients, programs and service delivery.	81
ACT Courts (Coroners, Magistrate, Supreme)	<p>Responsible for hearing appeals and making determinations about a range of matters. The department is required to provide evidence to the courts for consideration of certain matters.</p> <p>The ACT Supreme Court is a superior court of record and is the highest court of the ACT. It has both original and appellate jurisdictions and it determines appeals from the Magistrate and ACT Tribunal Appeals from the Supreme Court lie to the Federal Court of Australia.</p> <p>The ACT Magistrates Court adjudicates in civil debt and damages disputes in both the Small Claims Court and the Magistrates Court. It also determine breaches of the criminal law within jurisdictional limits and provides administrative support of a range of Tribunals.</p>	88
Office of the Community Advocate	Has a range of statutory functions and powers with respect to children, young people and adults with an illness, or impaired decision making ability, who require protection from abuse, exploitation or neglect.	89
Clients	The Department has relationships with different groups of people in the ACT Community. This includes people with disabilities; developmental delays; in public housing; who are at risk; who experience financial or material disadvantage; who receive concessions and community services and who are tenants or users of community facilities. These clients are sometimes supported by family members, or carers and community advocacy or support organisations.	1

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Service Providers	The Department also has a relationship with community organisations (which includes those that support individuals) with which the department shares responsibility, in partnership, for the delivery of services	1
Commonwealth Department of Family and Community Services (FaCS)	Responsible for a broad range of social welfare policy and programs affecting Australian society and the living standards of Australian families, communities and individuals. The department is required to comply with certain standards outlined in the Commonwealth <i>Disability Services Act 1986</i> and the Commonwealth and State Housing Agreements both administered by FaCS	90
Centrelink	Responsible for delivering income support entitlements, payments, and services etc on behalf of FaCS under a Business Partnership Agreement. Centrelink is authorised to deduct rental payments etc from social welfare entitlements on behalf of the department's clients.	91
Aboriginal & Torres Strait Islander Services (ATSIS)	ATSIS is the national policymaking and service delivery agency for Australia's Indigenous Peoples. They liaise and advise the department on the relevant policy, program and housing matters for Indigenous Peoples, particularly in the ACT.	92
Australian Institute for Health & Welfare (AIHW)	AIHW is Australia's national agency for health and welfare statistics and information. They provide statistical information that governments and the community can use to promote discussion and make decisions on health, housing and community services. The Department is required to provide statistical data to AIHW regarding housing and welfare services.	93
Australian Council of Social Services (ACOSS)	ACOSS comments and produces surveys on the state of Australia's welfare sector. It also liaises with community welfare agencies in order to gauge areas of Australia that require welfare assistance.	94
Commonwealth Grants Commission	Is an advisory body that responds to terms of reference. The Commission does not have powers to initiate and pursue inquiries on its own authority. Main references to date have sought advice on per capita relativities for distributing, among States and Territories, the pool of general revenue assistance made available by the Commonwealth. The Commission provides formal reports to the Commonwealth Government and the relativities recommended in those reports are considered at the annual Treasurer's Conference. On behalf of the ACT Government, the Treasurer is involved in negotiations with the Commonwealth about the content of grants.	95

4.3 AREAS OF THE ORGANISATION'S OPERATIONS THAT ARE SUBJECT TO A HIGH LEVEL OF LITIGATION

Description The Commissioner for Housing (Chief Executive of the Department), is capable, in the corporate name of the commissioner of suing and being sued.	Business activity Acquiring, holding and disposal of real and personal property for public housing in the ACT.	Source No. 47
The Department conducts a range of business activities with clients and service providers and as such could face litigation in a number of areas.	These could include contractual disputes, tenancy disputes, merits/judicial review of decisions etc. Certain business areas such as Public Housing, Disability and Community Services within the department have interactions with Federal, State and Territory Courts and Tribunals.	1

4.4 LEGISLATED RECORDKEEPING REQUIREMENTS

Name of Agency: Department of Disability, Housing & Community Services

Source Number: 35

Source name	<i>Disability Services Act 1991</i> (An Act relating to persons with disabilities). Provides guidance in relation to the principles against which funding proposals for disability services in the ACT should be assessed. The Act specifies that the Minister should not approve grants for organisations to provide disability services unless he is satisfied that they meet the human rights principles and the program and service requirements outlined in Schedules 1 and 2 of the Act, respectively.
Reference number	98 of 1991
Source hyperlink	www.legislation.act.gov.au/a/1991-98/current/pdf/1991-98.pdf
Start dates	24 December 1991 (s1, s2) 24 June 1992 remainder
End date	Not applicable
Legislation that supersedes repealed legislation	Not applicable
Date legislation came into operation	24 December 1991
Influence on the establishment of the agency	Not applicable (Act is not enabling legislation)
Functions of the agency specified by the Act	Section 3 (a) to enable people with disabilities to receive services necessary to enable them to achieve their maximum potential as members of the community; and (b) to enable people with disabilities to receive services that- (i) further their integration into the community and complement services available generally to people in the community ; and (ii) enable them to achieve a better quality of life including increased independence, employment opportunities and integration in the community; and (iii) are provided in ways that promote in the community a positive image of people with disabilities and enhance their self-esteem; and (c) to ensure that the quality of life achieved by people with disabilities as the result of the services provided for them is taken into account in the granting of financial assistance for the provision of those services; and (d) to encourage innovation in the provision of services for people with disabilities; and (e) to provide a system to administer funding in respect of people with

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	disabilities that is flexible and responsive to the needs and aspirations of those people.
Responsibilities of other parties	<p>A person or organisation may not receive a grant unless the person or organisation enters into an agreement with the Minister in writing regarding the terms and conditions on which the grant is to be made.(section 7 (1).</p> <p>The reference in subsection (1) to an agreement between the Minister and an organisation includes, in the case of an unincorporated association, an agreement between the Minister and a person on behalf on the organisation. (section 7 (2)</p> <p>An agreement referred to in subsection (1) is subject to the condition that the grantee shall comply with any guidelines referred to in section10 (1) (b) that are applicable to the grantee. (section 7 (4).</p>
Responsibilities for the administration of the Act	<p><i>Financial assistance for providers of services.</i></p> <p>The Minister:</p> <ul style="list-style-type: none"> may approve grants of financial assistance to a provider of services; or a person with a disability; or a researcher; subject to the prospective grantee entering into an agreement with the Minister (section 6 (1) (a)(b)(c); shall not approve a grant unless satisfied that the grant would further principles set out in schedule 1 and comply with any guidelines referred to in section 10(1) (a), and that the programs and services funded by the grant would comply with the requirements set out in schedule 2 (section 6 (2) (a) (b). <p><i>Review of effectiveness of grants.</i></p> <p>The Minister:</p> <ul style="list-style-type: none"> at intervals not exceeding 5 years, shall review the extent to which a grantee has fulfilled the terms and conditions of grants received by the grantee, and the objectives specified in the terms and conditions of a grant have been achieved. (section 8 (a) (b). <p><i>Approval of activities.</i></p> <ul style="list-style-type: none"> The Minister may, in writing, approve an activity for section 4, definition of research and development activity, paragraph (h) (section 9 (1). An approval is a disallowable instrument and must be notified, and presented to the Legislative Assembly, under the <i>Legislation Act 2001</i>. (section 9 (2). <p><i>Guidelines..</i></p> <ul style="list-style-type: none"> The Minister may, in writing, issue guidelines, not consistent with the Act relating to the making of grants or the detailed application and implications of the principles set out in schedule 1 and the requirements set out in schedule 2.(section 10 (1) (a) (b). Without limiting subsection(1), guidelines may make provision in relation to the terms and conditions on which a grant should be

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	<p>made or the manner of calculating grants or the timing of payments. (section 10 (2) (a) (b) (c).</p> <ul style="list-style-type: none"> • A guideline shall be of a general nature and shall not be limited to apply only to a particular person or body. (section 10 (3). • A guideline is a disallowable instrument.(section 10 (4).
Other effects on the operation of the agency	<p><i>Requirements to be complied with in relation to the design and implementation of programs and services relating to people with disabilities.(schedule 2)</i></p> <ol style="list-style-type: none"> 1 Services should have as their focus the achievement of a better quality of life for people with disabilities, such as increased independence, education and employment opportunities and integration into the community. 2 Services should contribute to ensuring that the conditions of everyday life of people with disabilities are the same as, or as close as possible to, the conditions of everyday life enjoyed in the general community. 3 Services should be provided as part of local coordinated service systems and be integrated with services generally available to members of the community where possible. 4 Services should be tailored to meet the individual needs and goals of people with disabilities. 5 Programs and services should be designed and administered so as to meet the needs of people with disabilities who may experience additional disadvantage as a result of their sex, ethnic origin, physical isolation or Aboriginality. 6 Programs and services should be designed and administered so as to promote recognition of the competence of, and enhance the image of, people with disabilities. 7 Programs and services should be designed and administered so as to promote the participation of people with disabilities in the life of the local community through maximum physical and social integration in that community. 8 Programs and services should be designed and administered so as to ensure that no single organisation providing services exercises control over all or most aspects of the life of a person with disabilities. 9 Organisations providing services, whether those services are provided specifically to people with disabilities or generally to the community, should make available information from that the quality of their services can be judged. 10 Programs and services should be designed and administered so as to provide opportunities for people with disabilities to reach goals and enjoy lifestyles that are valued by the community

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	<p>generally and are appropriate to their age.</p> <p>11 Services should be designed and administered so as to ensure that people with disabilities have access to advocacy support where necessary to ensure adequate participation in decision making about the services they receive.</p> <p>12 Programs and services should be designed and administered so as to ensure that appropriate avenues exist for people with disabilities to raise and have resolved any grievances about services.</p> <p>13 Services should be designed and administered so as to provide people with disabilities with, and encourage them to make use of, avenues for continuing participation in the planning and operation of services that they receive. In particular, programs and services provided to people with disabilities by the Territory and organisations should provide opportunities for consultation in relation to the development of major policy and program changes.</p> <p>14 Programs and services should be designed and administered so as to respect the rights of people with disabilities to privacy and confidentiality.</p>
Business activity	Approve grants of financial assistance, administer financial assistance services, develop & implement policies & procedures, develop & evaluate programs, Plan service delivery, Review funding services.
Functions	Community services (for disabled people)
Recordkeeping requirements	<p>Section 6(1) enables the Minister to approve grants of financial assistance to a provider of services, a person with a disability or a researcher subject to the prospective grantee entering into an agreement with the Minister.</p> <p><i>An agreement and supporting documentation between the Minister and service provider would need to be made and kept as records.</i></p> <p>Section 8 enables the Minister to review the effectiveness of grants for financial assistance.</p> <p><i>A record(s) detailing the findings of the review should be made and kept</i></p> <p>Section 9 (1) requires that the Minister approve in writing a research and development activity with respect to:</p> <ul style="list-style-type: none"> • the provision of services for people with disabilities; or • an investigation of the need for services for people with disabilities; or • an investigation of the effects of providing services to people with disabilities; or • planning for provision of services for people with disabilities; or • the development of proposals for the provision of services for people with disabilities; or • the initiation of services with disabilities; or • the development or implementation of training programs for people
<i>Creation and retention</i>	
<i>Creation and retention</i>	

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Creation and retention	<p>engaged in the provision of services; or</p> <ul style="list-style-type: none"> the families of, and other people who provide care for or assistance to, people with disabilities; or any other activities. <p><i>A record(s) detailing approval by the Minister of research and development activities provided by a service provider should be made and kept.</i></p>
Creation and retention	<p>Section 10 (1) enables the Minister to, in writing , issue guidelines, not inconsistent with the Act relating to the making of grants or the detailed application and implications of the principles set out in schedule 1 and the requirements set out in schedule 2 of the Act.</p> <p><i>Guidelines not inconsistent with the Act should be made and kept.</i></p> <p>Schedule 2 (14) requires programs to be designed and administered so as to respect the rights of people with disabilities to privacy and confidentiality.</p>
Access	<p><i>Access provisions to records regarding the administration of programs for people with disabilities should comply with the Privacy Act 1998.</i></p>
Notes	<p>Republication No 3 Republication date 4 April 2002 Last amendment made by Act 2001 No 44 Amendments incorporated to 12 September 2001</p>

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Name of Agency: Department of Disability, Housing & Community Services

Source Number: 47

Source name	<p><i>Housing Assistance Act 1987 No 36 (Republication No 6)</i></p> <p>An Act to make provision with respect to housing assistance, and for related purposes.</p> <p>The principal act provides for the administration of the ACT Government's provision of housing assistance in the Territory and the legislative framework for the provision of public housing to individual tenants and community organisations.</p> <p>The legislation is structured around the Commissioner for Housing (a position held by the Chief Executive of the department) and allows the position to administer programs and funding arrangements for the delivery of housing assistance in relation to public rental housing, home ownership, income related assistance to home owners and tenants, and any other provision for housing assistance and services that the Minister may approve.</p> <p>The system of public housing in the Territory is conducted via programs established under the Act, approved by the Minister and tabled, as Disallowable Instruments, in the ACT Legislative Assembly. Two changes were made to programs established under the Act, and one program was re-established during 2002-2003. These changes include:</p> <ul style="list-style-type: none"> • <i>Public Rental Housing Assistance Program Amendment 2002 (No.1)</i> Amendment tabled in the ACT Legislative Assembly on 10 December 2002. It restores security of tenure for public housing tenants, which was removed by the previous Government. • <i>Public Rental Housing Assistance Program Amendment 2003 (No.1)</i> Amendment was tabled in the ACT Legislative Assembly on 19 June 2002. It promotes greater equity in the Program, by allowing the Commissioner for Housing to undertake certain powers in relation to changes to the Applicant List and provide early assistance in circumstances involving urgent or critical need. A number of minor definitional and procedural amendments were also made. • <i>Rental Bonds Housing Assistance Program 2003 (No.1)</i> The re-establishment of this Program was tabled in the ACT Legislative Assembly on 26 June 2003. It restores rental bond assistance for low to moderate income earners to access housing in the private rental market, which was removed by the previous Government. Arising from concerns expressed by the Auditor-General in 1996, a number of enhancements have been made to the Program, including changes to the repayments system and improving administrative efficiency..
Reference number	No 36 of 1987
Source hyperlink	www.legislation.act.gov.au/a/1987-36/current/pdf/1987-36.pdf
Start dates	11 May 1989
End date	Not applicable

Legislation that supersedes repealed legislation	Housing Assistance Act 1987 was originally a Commonwealth ordinance - the Housing Assistance Ordinance 1987 No 64 (Cwlth). The <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth), s34 (4) converted the ordinance in force in the ACT into ACT enactments. This allowed the Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).
Date legislation came into operation	11 May 1989
Influence on the establishment of the agency	Part 2 establishes the position of the Commissioner for Housing and makes arrangements for the agency's Chief Executive to create and maintain an office in the public service the duties of which include exercising the functions and powers of the commissioner.
Functions of the agency specified by the Act	<p>Part 2, section 8 establishes the functions of commissioner</p> <p>(1) to administer, on behalf of the Territory, programs and funding arrangements for the delivery of housing assistance in the ACT in relation to:</p> <ul style="list-style-type: none"> (a) public rental housing; and (b) public ownership; and (c) income-related assistance to home owners and tenants; and (d) any other provision for housing assistance and services relating to housing assistance that the Minister may from time to time approve. <p>(2) to exercise his or her functions in accordance with any directions given by the Minister.</p>
Responsibilities of other parties	<p>Part 2A, section 11A housing agreement or variations if the Territory enters into or varies, an agreement with the Commonwealth in relation to the granting of financial assistance to the Territory for housing assistance:</p> <p>The Minister shall present the agreement of variation to the Legislative Assembly within 15 sitting days of the making of the agreement.</p>
Responsibilities for the administration of the Act	<p>Section 9 outlines the powers of commissioner/chief executive:</p> <p>(1) to do all things that are necessary or convenient to be done for or in connection with the exercise of the commissioner's functions and, in particular, without limiting the foregoing:</p> <ul style="list-style-type: none"> (a) to hold land on lease from the Commonwealth, whether the lease is granted to the commissioner to directly or is transferred to the commissioner by the previous holder of the lease; and (b) to acquire, control, manage and dispose of land; and (c) to purchase and sell housing; and (d) subject to any law in force in the ACT, to construct, maintain,

	<p>renovate and demolish buildings situated on land held by the commissioner; and</p> <p>(e) to enter into an arrangement with any person for the construction, maintenance, renovation or demolition of housing on land held by the commissioner; and</p> <p>(f) to enter into a contract with any person; and</p> <p>(g) to do any of the following:</p> <p>(i) to participate in the formation of a company and to acquire an interest in a company;</p> <p>(ii) to enter into, and participate in, a joint venture; and</p> <p>(h) to enter into a tenancy agreement in relation to any dwelling on land held by the commissioner and to exercise any power given to the commissioner by any such agreement; and</p> <p>(i) to advance money for the purpose of assisting a person -</p> <p>(i) to purchase a dwelling; or</p> <p>(ii) to refinance the purchase of a dwelling; or</p> <p>(iii) to erect or modify a dwelling; or</p> <p>(iv) to refinance the erection or modification of a dwelling; or</p> <p>(v) to purchase land for the purpose of erecting a dwelling; and</p> <p>(j) to enter into an agreement to secure money advanced as referred to in paragraph (i) and to exercise any power given to the commissioner by any such agreement.</p> <p>(2) Nothing in subsection (1) shall be read as giving the commissioner a power to enter into a contract of employment</p> <p>(3) The commissioner shall not, except with the written approval of the Minister, exercise a power referred to in subsection (1) (f) involving the payment or receipt of an amount exceeding \$1 500.000.</p> <p>(4) The commissioner shall not exercise a power referred to in subsection(1) (g) except with the approval of the Minister given in writing after consultation between that Minister and the Treasurer.</p> <p>(5) In subsection (1), a reference to land held by the commissioner includes a reference to land placed under the control of, or held under lease by, the commissioner in accordance with section 16 and to land deemed to be owned, controlled or held by the commissioner under section 24 (1).</p> <p>Section 10 (1) enables the commissioner to either generally or as otherwise provided by the instrument of delegation, in writing delegate to a public servant any of the commissioner's powers under this Act, other than this power of delegation.</p>
Other effects on the operation of the	<p>Part 4 section 17A (18), states that all money receivable or payable by the commissioner for the Act (including money receivable under a</p>

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agency	housing agreement) shall be paid into or out of an appropriate account opened under the <i>Financial Management Act 1996, section 33 or 34.</i>
Business activity	Design and develop housing assistance programs, administer programs and funding arrangements for the delivery of housing assistance in relation to public rental housing, home ownership, income related assistance to home owners and tenants, develop and implement policy and procedures, prepare funding and housing agreements, prepare reports and submissions, review rents charged under a housing assistance program, and handle rent payments.
Functions	Housing Tenancy Management
Recordkeeping requirements	Section 9 Powers of commissioner (1) (e) requires the commissioner <ul style="list-style-type: none"> • (e) to enter into an arrangement with any person (body, cooperative, group or other organisation whether incorporated or not) for the construction, maintenance, renovation or demolition of housing on land held by the commissioner. <p><i>Creation and retention</i> The arrangements with any person should be documented and kept as records.</p> <ul style="list-style-type: none"> • (f) to enter into a contract with any person. <p><i>Creation and retention</i> Contracts and contract variations should be made and kept as records.</p> <ul style="list-style-type: none"> • (h) to enter into a tenancy agreement in relation to any dwelling on land held by the commissioner and to exercise any power given to the commissioner by any such agreement. <p><i>Creation and retention</i> Agreements and agreement variations should be made and kept as records.</p> <ul style="list-style-type: none"> • (j) to enter into an agreement to secure money advanced as referred to in paragraph (i) and to exercise any power given to the commissioner by any such agreement. <p><i>Creation and retention</i> Agreements and agreement variations should be made and kept as records.</p> <p>Section 10 Delegation requires that the commissioner may, either generally or as otherwise provide by the instrument of delegation, in writing delegate to a public servant any of the commissioner's powers under this Act, other than this power of delegation.</p> <p><i>Creation and retention</i> Delegations that authorise an action to a public servant should be made and kept as records.</p> <p>Housing Agreement^{11A} (1) If the Territory enters into, or varies, an agreement with the Commonwealth in relation to the granting of financial assistance to the Territory for housing assistance -</p> <ul style="list-style-type: none"> • (a) the Minister is required to present the agreement or variation to the Legislative Assembly within 15 sitting days of the making of the agreement • (b) the commissioner is required to prepare a notice of the making of the agreement together with - <ul style="list-style-type: none"> (i) a statement about the commencement of the agreement or

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<p><i>Creation and retention</i></p> <p><i>Access provisions</i></p>	<p>variation under section 11B; and</p> <ul style="list-style-type: none"> (ii) a statement indicating where and when the housing agreement is available for inspection. . <p><i>Agreements and/or variations; notices and statements should be made and kept as records.</i></p>
<p><i>Creation and retention</i></p>	<p>Part 2A section 11C Public Access requires the commissioner to ensure that the housing agreement is available for public inspection free of charge.</p> <p><i>Public access to housing agreements must be consistent with the principles of the Freedom of Information Act 1989.</i></p> <p>Part 3 Housing Assistance section 12 Housing assistance programs</p> <p>(1) For this Act, the commissioner may, in writing, prepare a housing assistance program. Note Power given under an act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see <i>Legislation Act 2001, s 46 (1)</i>).</p> <p>(2) A program may provide for -</p> <p>(the commissioner to determine, in writing, fees payable under the program</p> <p>(5) The Minister may, in writing, approve a program or an amendment or a revocation of a program.</p> <p>(7) An approval or amendment of a program -</p> <p>(a) must be endorsed on, or have with it, the program to which the approval or amendment relates</p> <p>(b) may state any requirements, conditions or directions to which the approval or amendment is subject.</p>
<p><i>Creation and retention</i></p>	<p><i>Records about housing assistance programs that are developed, designed and administered and amended should be made and kept.</i></p> <p>Section 16 Unleased land</p>
<p><i>Creation and retention</i></p>	<p>(1) the Executive may, in writing, place unleased land under the control of the commissioner.</p> <p><i>Records should be made and kept of unleased land that is placed under the control of the commissioner.</i></p> <p>(2) If unleased land is placed under the control of the commissioner, the commissioner is empowered, subject to this section, to manage the land and may -</p> <p>(c) make arrangements for the grant to another person of a lease of, or licence to occupy, that land</p>
<p><i>Creation and retention</i></p>	<p><i>Records should be made and kept of arrangements between the commission and another person to grant a lease of, or a licence to occupy unleased land.</i></p> <p>(3) The commissioner may exercise any power under the <i>Recovery of</i></p>

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Creation and retention	<p><i>Lands Act 1929 in relation to land placed under his or her control that the Territory may exercise under that Act on behalf of the Commonwealth.</i></p> <p><i>(4) A lease or licence shall not be granted by any person in relation to unleased land under the control of the commissioner under subsection (except with the written consent of the commissioner.</i></p> <p><i>Consents given by the commissioner for a person to occupy unleased land should be documented and kept as records.</i></p>
Creation and retention	<p><i>(5) If unleased land that has been placed under the control of the commissioner under subsection (1) is no longer required by the commissioner for this Act, the commissioner may, by writing under the official seal of the commissioner, surrender the control of the land to the planning and land authority.</i></p> <p><i>The processes involved in the surrender of control of unleased land to the planning and land authority should be documented and kept as records</i></p>
Creation and retention	<p><i>Section 17 Transfer of land subject to tenancy agreement</i></p> <p><i>(1) If rental housing is provided by the Territory on unleased land, the Executive is empowered, subject to subsection (2), to place that land, by writing, under the control of the commissioner.</i></p> <p><i>The processes involved in placing unleased land(that has rental housing on it), to the commissioner are to be documented and kept as records.</i></p>
Creation and retention	<p><i>Part 4 section 20</i></p> <p><i>If the Minister requests the commissioner at any time to provide to the Minister information about any matter relating to the commissioner's operations, the commissioner shall comply with the request.</i></p> <p><i>Any matters provided to the Minister about the commissioner's operations are to be documented and kept as records.</i></p>
Notes	<p>Housing Assistance Act 1987 Republication No 6 Effective : 1 July 2003 Republication date: 1 July 2003 Last amendment made by A2002-56</p>

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