

# **Public Rental Housing Assistance Program Amendment 2003 (No 2)**

**Disallowable instrument DI2003—320**

made under the

**Housing Assistance Act 1987, s 12**

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I amend the Public Rental Housing Assistance Program as follows.

## **Interpretation**

1. In this instrument, "Program" means the Public Rental Housing Assistance Program published in Australian Capital Territory Gazette No. 20 of 1989, dated 4 October 1989 as amended by the following instruments:
  - (a) No. 1 of 1989 - notified in Australian Capital Territory Gazette No. 28 of 1989 dated 29 November 1989;
  - (b) No. 6 of 1990 - notified in Australian Capital Territory Special Gazette No. S39 of 1990 dated 29 June 1990;
  - (c) No. 152 of 1992 - notified in Australian Capital Territory Special Gazette No. 171 of 1992 dated 1 October 1992;
  - (d) No. 3 of 1993 - notified in Australian Capital Territory Gazette No. 3 of 1993 dated 20 January 1993;
  - (e) No. 135 of 1993 - notified in Australian Capital Territory Special Gazette No. S205 of 1993 dated 1 October 1993;
  - (f) No. 141 of 1993 - notified in Australian Capital Territory Special Gazette No. S205 of 1993 dated 1 October 1993;
  - (g) No. 18 of 1995 - notified in Australian Capital Territory Special Gazette No. S31 of 1995 dated 31 January 1995;
  - (h) No. 101 of 1995 - notified in Australian Capital Territory Special Gazette No. S179 of 1995 dated 14 July 1995;

- (i) No. 76 of 1996 - notified in Australian Capital Territory Special Gazette No. S107 of 1996 dated 31 May 1996;
- (j) No. 155 of 1998 - notified in Australian Capital Territory Special Gazette No. S174 of 1998 dated 1 July 1998;
- (k) No. 229 of 2000 – notified in Australian Capital Territory Special Gazette No. S34 of 2000 dated 30 June 2000;
- (l) No. 376 of 2000 – notified in Australian Capital Territory Special Gazette No. S73 of 2000 dated 21 December 2000;
- (m) the notification in Australian Capital Territory Gazette No. 17 of 2001 dated 26 April 2001;
- (n) DI2002-214 notified in the ACT legislation register on 6 December 2002; and
- (o) DI2003-121 notified in the ACT legislation register on 18 June 2003.

## **Definitions**

### **2. Clause 4(1) of the Program is amended by:**

- (a) adding the following definition:

““higher education provider” means a university or non-university higher education provider established, recognised or approved under the *Tertiary Accreditation and Registration Act 2003*,” and
- (b) in the definition of “income”:
  - (i) in paragraph (c), adding “but” after the semi-colon;
  - (ii) adding the following as paragraph (d):

“excludes any amount expended by the applicant for a purpose determined by the Commissioner,”; and
  - (iii) in the last paragraph, omitting “income of a kind” and substituting “income, or income of a kind,”.

### **Eligibility for assistance**

3. Clause 5(3) of the Program is amended by omitting paragraphs (a) and (b) and substituting:

- “(a) each of the applicants is lawfully present in Australia;
- (aa) each applicant’s presence in Australia is not subject to any time limit imposed by law;
- (b) at least one of the applicants is:
  - (i) resident in the Australian Capital Territory;
  - (ii) employed in the Australian Capital Territory; or
  - (iii) enrolled to study in the Australian Capital Territory:
    - (A) at a high school or secondary college; or
    - (B) a course of study of not less than 1 academic year in duration at a higher education provider;”

4. Clause 5 of the Program is amended by adding the following as clause 5(3A):

“The Commissioner may determine that certain time limits imposed by law are not relevant time limits for the purposes of clause 5(3)(aa) of the Program.”

### **Rent Rebate**

5. Clause 17(4) of the Program is amended by omitting “\$20” and substituting “\$5”.
6. The Program is amended by adding after clause 17:

#### **“Tenancy Commencement Rebate**

- 17A. (1) Despite clause 17(4), the Commissioner will, on entering into a tenancy agreement with a tenant pursuant to clause 15(1) of the Program, grant a rebate to the tenant equivalent to the initial rent.
- (2) For the purposes of this clause 17A:
- (a) “initial rent” means the amount of rent payable by the tenant under a tenancy agreement entered into by the tenant pursuant to clause 15(1) of the Program, from the commencement of the

tenancy agreement until the end of the second rental charge period; and

- (b) “rental charge period” has the meaning as the same expression or any equivalent expression in the tenancy agreement entered into by the tenant pursuant to clause 15(1) of this Program.
- (3) This clause 17A does not apply to a tenancy agreement entered into by a tenant pursuant to a transfer to alternative housing under clause 18 of the Program.”

Sandra Lambert  
Commissioner for Housing

10 December 2003

I approve the amendments to the Public Rental Housing Assistance Program made by the Commissioner for Housing by this instrument.

Bill Wood  
Minister for Disability, Housing and Community Services

10 December 2003