

1995

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

HOUSING ASSISTANCE ACT 1987

NO. 101 OF 1995

**VARIATION TO
PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM**

No of 1995

EXPLANATORY STATEMENT

**(Circulated by authority of
Bill Stefaniak MLA
Minister for Housing)**

VARIATION TO PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM

AUTHORITY

Section 12 of the Housing Assistance Act 1987 empowers the Commissioner for Housing to prepare in the form of an instrument in writing a housing assistance program or variation to a program.

A program or variation may not be implemented without the approval of the responsible Minister. Following approval, the program or variation is required to be published in the Gazette and laid before the Legislative Assembly, in accordance with Section 6 of the Subordinate Laws Act 1989, where it may be disallowed.

BACKGROUND

The Public Rental Housing Assistance Program is a housing assistance program operating under the Housing Assistance Act 1987. The Program was published in ACT Gazette No 20 on 4 October 1989 and has been subsequently varied as specified at clause 1 of the Instrument. This program is funded, or eligible for funding, under the Commonwealth State Housing Agreement (CSHA) and is required to operate in accordance with the principles of that Agreement.

The variation was prepared by the Commissioner for Housing, approved by the Minister for Housing, and published in ACT Gazette No. on .

The object of the Public Rental Housing Assistance Program is to provide rental housing to eligible people in the ACT who are unable to afford or obtain adequate and appropriate housing on the private market.

PURPOSE AND CONSEQUENCES

The purpose of this program variation is to introduce greater breadth and precision into the definition of income. This is to ensure that moneys and entitlements from all sources are taken into account in assessing a person's eligibility for assistance, with the exception of those forms of income which are specifically excluded.

The variation also gives effect to the decision taken in the 1994-95 ACT Budget context to increase the rent contribution attributable to adult boarders living in ACT Housing properties.

SPECIFIC CHANGES

Following are details of changes to the program as specified in the Instrument.

VARIATION TO THE PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM

Clause 1 provides details of the program being varied, including previous variations, and is self explanatory.

Clause 2 varies subclause 4 (1) of the program by omitting the previous definition of income and substituting a broader and more precise definition. The aim of this new definition is to ensure that moneys and entitlements from all sources are taken into account in determining a person's eligibility for assistance. A number of forms of payments or benefits are specifically excluded by the definition. In addition, the definition provides a general discretion to exempt other payments. This provides the necessary operational flexibility to exclude income such as new forms of allowances or benefits that become available from time to time as a result of government initiatives and which are not intended to be assessed as income for the purpose of determining eligibility for housing assistance or other government benefits.

Clause 3 inserts new provisions in the program, providing the Commissioner with a discretion:

- (a) to deem that income is received where a source of income, such as a pension or benefit to which the person is entitled, is reasonably available to the person but is not accessed;
- (b) to deem that regular weekly income has been received where the person receives a lump sum payment to cover loss of income over a particular period; or
- (c) to deem that a self-employed person has received an amount equivalent to the award wage or other standard relating to his or her trade or calling as if he or she was working under an employment contract in that trade or calling.

The purpose of these provisions is to ensure that both the actual and potential financial resources of a person to provide for, or contribute to the cost of, his or her housing can be fully taken into account, where this is equitable, reasonable and appropriate.

A person who is dissatisfied with the way in which any of these 'deeming' discretions is exercised in relation to an application for assistance may apply to the Administrative Appeals Tribunal for a review of the Commissioner's decision.

Clause 4 amends the program to provide for increases in the contribution rate attributable to adult boarders living in the household. The increases apply only to independent persons 21 years of age and older who receive an income of not less than the equivalent of the single adult unemployment benefit. From July 1995, the contribution rate attributable to these people rises from 10% to 16% of base income, not including dependent child payments, which continue to be assessed at 10%. From July 1996, the contribution rate will rise to the full rates applicable to tenants.