

**2003**

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

**HOUSING ASSISTANCE ACT 1987**

**PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM  
AMENDMENT 2003 (No 2)**

**DISALLOWABLE INSTRUMENT No DI2003 – 320**

**EXPLANATORY STATEMENT**

**(Circulated by authority of  
Bill Wood MLA  
Minister for Disability Housing and Community Services)**

## **AMENDMENT OF 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 a disallowable instrument a housing assistance program or an amendment of a program.

A program or amendment may not be implemented without the approval of the responsible Minister. Following approval, the program or amendment is required to be notified in the Legislation Register and presented to the Legislative Assembly, in accordance with the Legislation Act 2001.

### **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 amended from time to time, as specified at clause 1 of the instrument. The program is required to operate in accordance with the principles of the Commonwealth State Housing Agreement.

This program amendment was prepared by the Commissioner for Housing, approved by the Minister for Disability, Housing and Community Services and notified in the Legislation Register on .

The Public Rental Housing Assistance Program provides rental housing to eligible persons in the ACT who are otherwise unable to afford or obtain adequate and appropriate housing. Public housing is provided at concessional rents to people on low incomes.

### **PURPOSE AND CONSEQUENCES**

The purpose of this amendment is to give effect to recent Government announcements about increasing the assistance available under the Program to people in need. Broadly this Amendment will:

- enable the Commissioner to grant additional rent concessions to tenants or other occupants of public housing who go into residential rehabilitation or respite care;
- remove the requirement for new public housing tenants to pay initial rent;
- make additional provision to assist disadvantaged groups such as Temporary Protection Visa holders who have time-limited Australian residence status when seeking assistance; and
- reduce the minimum rent for rent rebate purposes from \$20 to \$5.

### **SPECIFIC CHANGES**

Following is a more detailed explanation of changes to the Program as specified in the instrument.

Clause 1 provides details of the program being amended, including previous amendments, and is self-explanatory.

Clause 2 amends clause 4(1) of the Program by adding definitions of “higher education provider” and amending the existing definition of “income” to permit income expended for a particular purpose (such as residential rehabilitation) to be excluded from assessment for the purposes of the Program. The definition of “income” that may be exempted has also been slightly broadened.

Clause 3 amends clause 5(3) of the Program by omitting existing paragraphs (a) and (b) and substituting new paragraphs in order to permit the Commissioner to ease the eligibility criteria for disadvantaged groups such as Temporary Protection Visa holders and for applicants who are enrolled to study at an ACT education institution but are not living or working in the ACT. These outcomes are achieved through the above amendment to clause 5(3) coupled with the creation of new clause 5(3A) empowering the Commissioner to determine that certain time limits imposed by law in relation to Australian residence status are not relevant time limits for the purpose of eligibility under the Program.

Clause 4 amends clause 5 of the Program by adding new clause 5(3A) as indicated above.

Clause 5 amends clause 17(4) of the Program by omitting the previous minimum rent payable of \$20 a week and substituting \$5.

Clause 6 amends the Program by adding new clause 17A enabling the Commissioner to grant a person entering a public housing tenancy for the first time a special rebate to cover the full amount of the initial rent payable under the tenancy.