



AUSTRALIAN CAPITAL TERRITORY

Housing Assistance (Amendment) Act 1996

No. 27 of 1996

An Act to amend the *Housing Assistance Act 1987*

[Notified in ACT Gazette S130: 1 July 1996]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Housing Assistance (Amendment) Act 1996*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) Section 11 commences on the day on which the *Financial Management Act 1996* commences.

(3) The remaining provisions commence on 1 July 1996.

Principal Act

3. In this Act, “Principal Act” means the *Housing Assistance Act 1987*.¹

Interpretation

4. Section 3 of the Principal Act is amended—

(a) by omitting the definition of “the Housing Agreement”; and

(b) by inserting the following definition:

“ ‘Housing Agreement’ means an agreement described in section 11A as varied from time to time;”.

Insertion

5. After section 3 of the Principal Act the following section is inserted in Part I:

Objects

“3A. (1) The objects of this Act are—

- (a) to maximise the opportunities for everyone in the Territory to have access to housing which is affordable, secure and appropriate to their needs;
- (b) to facilitate the provision of housing assistance for those in most need;
- (c) to maximise value for money in the provision of housing assistance;
- (d) to promote a choice of forms of assistance and providers of assistance for persons eligible for assistance;
- (e) to facilitate the provision of rental housing which—
 - (i) has adequate amenity, is of an adequate size and is appropriately located in relation to employment opportunities and necessary services and facilities; and
 - (ii) is coordinated with any support services (provided under other laws) required by consumers of housing assistance to live in the community;
- (f) to facilitate the provision of an adequate supply of affordable home finance for persons in receipt of low and moderate incomes;
- (g) to promote the development of flexible and innovative financial arrangements to facilitate access to home ownership for persons in receipt of low and moderate incomes;
- (h) to promote the growth of a community housing sector as a viable alternative to public and private rental and home ownership; and
- (i) to promote the establishment of appropriate mechanisms and forums to allow input to housing policy by consumers, and potential consumers, of housing assistance and by representative non-government agencies involved in housing policy and provision;

and this Act shall be construed accordingly.

“(2) In the administration of this Act regard shall be had to the objects of this Act to the maximum extent practicable with available resources.”.

Insertion

6. After Part II of the Principal Act the following Part is inserted:

PART IIA—HOUSING AGREEMENT

Housing Agreement or variations

“11A. Where 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—

- (a) the Minister shall lay the agreement or variation before the Legislative Assembly within 15 sitting days of the making of the agreement; and
- (b) the Commissioner shall cause to be published in the *Gazette* notice of the making of the agreement or variation together with—
 - (i) a statement about the commencement of the agreement or variation pursuant to section 11B; and
 - (ii) a statement indicating where and when the Housing Agreement is available for inspection.

Commencement

“11B. A provision of the Housing Agreement, or of a variation to the Housing Agreement, comes into effect—

- (a) if the Housing Agreement or variation specifies a date of commencement for that provision, or for the whole Housing Agreement or variation—on that date, or on the date of publication in the *Gazette* of the relevant notice under paragraph 11A (b), whichever is later; or
- (b) in any other case—on the date of publication in the *Gazette* of the relevant notice under paragraph 11A (b).

Public access

“11C. The Commissioner shall ensure that the Housing Agreement is available for public inspection free of charge.”.

Rent charge under housing assistance program

7. Section 15 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsections:

“(1) The amount of rent to be charged in relation to rental housing assistance under a housing assistance program shall be an amount equivalent to market rent.

“(1A) A reference in subsection (1) to market rent, in relation to a property at a particular time, shall be read as a reference to the rent which would be payable if the property were then let by a willing landlord to a willing tenant—

- (a) who had dealt with each other at arm’s length; and
- (b) each of whom had acted knowledgeably, prudently and without compulsion.”;
- (b) by omitting from subsection (2) “a rate or” and substituting “the”; and
- (c) by omitting from subsection (3) “a rate or” and substituting “an”.

Unleased land

8. Section 16 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and substituting “Executive”;
- (b) by omitting from subsection (2) “on behalf of the Commonwealth”;
- (c) by inserting after subsection (2) the following subsection:

“(2A) The Commissioner may exercise any power under the *Recovery of 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.”; and
- (d) by omitting from subsection (4) “Commonwealth” and substituting “Executive”.

Transfer of land subject to tenancy agreement

9. Section 17 of the Principal Act is amended—

- (a) by omitting from subsections (1) and (2) “Minister” and substituting “Executive”; and
- (b) by omitting subsection (5).

Insertion

10. Before section 18 of the Principal Act the following section is inserted in Part IV:

Persons under 18

“17A. Where a person under the age of 18 years enters into an agreement with the Commissioner for a lease to occupy premises, the agreement shall have effect as if that person had attained the age of 18 years.”.

Substitution

11. Section 18 of the Principal Act is repealed and the following section substituted:

Financial arrangements

“18. All moneys receivable or payable by the Commissioner for the purposes of this Act (including money receivable under a Housing Agreement) shall be paid into or out of (as the case requires) an appropriate account opened under section 33 or 34 of the *Financial Management Act 1996*.”.

Repeal

12. Section 19 of the Principal Act is repealed.

Repeal

13. Schedule 1 to the Principal Act is repealed.

Transitional—Housing Agreement

14. Notwithstanding anything else in this Act, until such time as the Territory enters into a Housing Agreement within the meaning of the Principal Act as amended by this Act, the Housing Agreement shall be the Housing Agreement within the meaning of the Principal Act as in force immediately before the commencement of section 4.

NOTE

Principal Act

1. Reprinted as at 28 February 1995. See also Act No. 25, 1995.

[Presentation speech made in Assembly on 23 May 1996]