

HOUSING ASSISTANCE ACT 1987

VARIATION TO PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM

NO. 18 OF 1995

This Instrument of Variation is published in accordance with section 6 of the Subordinate Laws Act 1989.

Under section 12 of the Housing Assistance Act 1987, I make a variation to the Public Rental Housing Assistance Program as follows:

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 - published in Australian Capital Territory Gazette No. 28 of 1989 dated 29 November 1989;
 - (b) No. 6 of 1990 - published in Australian Capital Territory Special Gazette No. S39 of 1990 dated 29 June 1990;
 - (c) No. 152 of 1992 - published in Australian Capital Territory Gazette No. 171 of 1992 dated 1 October 1992;
 - (d) No. 135 of 1993 - published in Australian Capital Territory Special Gazette No. S205 of 1993 dated 1 October 1993; and
 - (e) No. 141 of 1993 - published in Australian Capital Territory Special Gazette No. S205 of 1993 dated 1 October 1993
2. Clause 4 of the Program is varied:
 - (a) by omitting the definitions of "officer", "prescribed authority" and "the Fund" from subclause (1);
 - (b) by adding at the end of paragraph (2)(b) the following:

" , or such other period as the Commissioner considers appropriate in the circumstances of the application;" and
 - (c) by adding at the end of subclause (2) the following:

"provided that the Commissioner may disregard the amount specified in either paragraph (a) or paragraph (b) of this

subclause if the Commissioner considers it appropriate to do so in the circumstances of the application."

3. The following provisions are inserted in the Program after subclause 5(5):

"(6) For the purpose of paragraph 5(3)(d), the Commissioner may disregard any property in which the Applicant has an interest if:

(a) the Commissioner considers that it is not reasonable for the Applicant to reside in that property having regard to:

- (i) the nature or location of that property;
- (ii) the nature of the interest which the Applicant has in that property;
- (iii) a restraining order, protection order or other order of a similar kind which affects the Applicant's ability to reside in that property; or

(iv) any pending or anticipated action under the Family Law Act 1975 as a result of which that property may become the subject of an order under that Act; and

(b) the Commissioner is satisfied that the Applicant has made or is making reasonable efforts to dispose of the Applicant's interest in that property.

(7) The Commissioner has a discretion to refuse to grant assistance to an applicant if:

(a) the application for assistance submitted by the Applicant is false or misleading in any material respect; or

(b) the Applicant has changed his or her income or arranged his or her financial affairs by or as a result of any artificial or contrived scheme or arrangement for the purpose of (or which includes the purpose of) or which has the effect of:

(i) qualifying for assistance under this Program or any government or welfare assistance of any kind (whether State, Territory or Commonwealth); and/or

(ii) obtaining a taxation benefit or other advantage."

4. Paragraph 8(6)(a) of the Program is varied by omitting "for" (second occurring) and substituting ", excess water charges, maintenance costs or any other monies due relating to a".
5. Clause 14 of the Program is omitted and the following is substituted:
 "14 The Commissioner may disregard the criteria specified in subclause 5(3), other than paragraph 5(3)(c), for the purpose of determining that an Applicant is eligible for assistance under this Program if the Applicant is suffering severe hardship which cannot be alleviated by any other means."
6. Subclause 16(7) of the Program is omitted.
7. Subclause 17(2) of the Program is varied by omitting "if" and substituting "of the amount by which".
8. The variation effected by the preceding clause is made solely for the avoidance of doubt and shall not be taken to vary the meaning of the Program.
9. Clause 25 of the Program and the relevant clause heading is omitted and the following is substituted:

"Secrecy

25. The Commissioner shall not disclose information obtained in connection with this Program other than:
 - (a) in the performance of its duties or functions under this Program;
 - (b) in accordance with the Freedom of Information Act 1989;
 - (c) in accordance with the Privacy Act 1988 (Commonwealth); or
 - (d) where the person who is the subject of the information consents to its release."

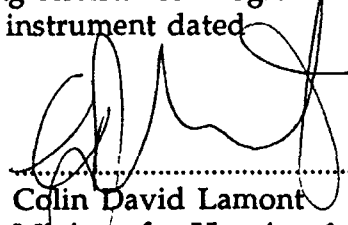
Date: 10th January 1995

Suzanne M Birtles
 Suzanne Margaret Birtles
 Acting Commissioner for Housing

APPROVAL

Under section 12 of the Housing Assistance Act 1987, I approve the variation to the Public Rental Housing Assistance Program made by the Acting Commissioner for Housing by instrument dated _____ 1995.

Date: 2/1/95


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Colin David Lamont
Minister for Housing &
Community Services