

1992

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

HOUSING ASSISTANCE ACT 1987

**CREATION OF
HOUSING ASSISTANCE PROGRAM**

No 83 of 1992

EXPLANATORY STATEMENT

**(Circulated by authority of
Terence Connolly MLA
Minister for Housing
and Community Services)**

CREATION OF LOCAL GOVERNMENT AND COMMUNITY HOUSING 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. Section 12 also empowers the Commissioner for Housing to revoke a program.

Such a program, variation or revocation may not be implemented without the approval of the responsible Minister. Following approval, the program or variation is required to be notified 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 accompanying housing assistance program, titled the "Local Government and Community Housing Program" was prepared by the acting Commissioner for Housing, and approved by the Minister for Housing and Community Services.

The program was notified in ACT Gazette No. 100 on 30/6/92

PURPOSE AND CONSEQUENCES

The Local Government and Community Housing Program (LGACHP) is a national program funded under the Commonwealth State Housing Agreement (CSHA) and operates in the ACT and other jurisdictions throughout Australia in accordance with detailed national guidelines made under Part X11 of the Agreement.

The broad national objective of LGACHP is to involve local government and community groups in the provision and management of long term housing for people on low incomes. Detailed objectives are specified at clause 2 of the housing assistance program. Although there is no local government as such in the ACT, the role of the ACT Government encompasses local government type functions.

This housing assistance program has been drafted consistently with the existing national guidelines for LGACHP, with the exception that there is no provision for a local government representative on the "State Advisory Committee" referred to at clause 8. The purpose of the program is to bring the operation of LGACHP in the ACT under the Housing Assistance ACT and therefore under the control of the Commissioner for Housing, in accordance with the functions of the

Commissioner as specified at section 8 of the Housing Assistance Act 1987. The Commissioner is required to perform his or her functions in accordance with any directions given by the responsible Minister.

Prior to gazettal LGACHP operated in the ACT as an administrative measure outside the Housing Assistance Act. This housing assistance program, therefore, merely formalises an existing arrangement rather than creating a new housing program or new policy.

A summary of the housing assistance program follows:

Clauses 1 to 4 specify the name of the program, its objectives, its relationship to the Commonwealth State Housing Agreement and LGACHP national guidelines, definitions and interpretation; and are self explanatory.

Clauses 5 and 6 relate to the funding arrangements.

Clause 7 provides that the form of assistance is to be in accordance with the LGACHP guidelines; that is, by way of grants and/or loans.

Clause 8 specifies the administrative arrangements including the establishment of an Advisory Committee; the development of an annual ACT Plan (outlining priorities, allocation of funds between sectors, strategies for tenant participation, program publicity etc); development of a funding package for consideration by the responsible Territory and Commonwealth Ministers; and arrangements for the announcement of the plan and the funding package.

Clauses 9 and 10 outline the eligibility and allocation arrangements with respect to assistance; basically community groups seeking assistance must be able to demonstrate that:

- the proposed management arrangements for the project include tenant involvement and recognition of tenant rights;
- the project has a viable budget and will house people who meet the eligibility requirements for public housing;
- rents will be set consistently with CSHA principles; and
- capital costs are comparable with those for public housing.

Clause 11 emphasises the need for tenant participation in decision making and management.

Clause 12 deals with the administration of projects, including the need for each funded organisation to enter into an appropriate funding contract.

Clause 13 specifies the arrangements for applying for assistance and is self explanatory.

Clause 14 outlines an organisation's obligations in relation to providing additional information.

Clauses 15 to 17 outline the Commissioner's obligations in relation to the notification of decisions; reporting to the Commonwealth; and maintaining confidentiality of client information; and are self explanatory. Although the program does not currently provide for appeals against decisions, this issue is being addressed as part of a review of the range of decisions which may be appealed under the Housing Trust's 3 stage appeals process, established in accordance with CSHA requirements.