

# Housing Assistance Public Rental Housing Assistance Program 2006 (No 1)

## Disallowable instrument DI2006-90

made under the

*Housing Assistance Act, 1987, s 12 (1) (Housing Assistance Programs)*

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## EXPLANATORY STATEMENT

Housing Assistance Programs are the policy framework for the provision of public housing.

In 1989 the Commissioner for Housing made a program called the Public Rental Housing Assistance Program (PRHAP), which has been amended from time to time. In July 2005, PRHAP was re-written to meet modern drafting standards and to provide a complete version of PRHAP for notification on the register, and some minor revisions were made in December 2005.

These amendments provides some more substantive changes designed to ensure that Housing is provided for those most in need, and to facilitate a new needs based priority categories, as well as to limit eligibility to persons resident in the ACT.

As the Legislation Register does not permit consolidations of Statutory Instruments to be placed on it, a fresh Program has been prepared to enable a complete document to be available on the Register.

The Amendments are:

Clause	change
3	Object clause to highlight the needs based approach to Housing
5 – definitions	ACT Average weekly earnings varied to Australian Average Weekly earnings (AAWE)
	Higher Educations provider – redundant definition removed
	“priority category” changed to “needs category”
9(1)(c)	Removes eligibility based on employment or education in the ACT and inserts eligibility requirement of six months residence.
9(1)(g)-(i)	Includes new Income limits based on AAWE
9A	Former clause 16 – moved next to “Eligibility” for clarity
10(5)	Makes it clear that any change in circumstances from registration to allocation needs to be advised to HACT immediately.
Former	Provision to remove person from register if absent from ACT for a

12(1) & (2)	month – provision removed as subordinate to general provision to remove applicants who are no longer eligible
Former 12(7) now 12(1)	General requirement to remove ineligible applicants from the register
Former 12(5) now 12(2)	Power to remove applicant from Register upon failure to supply requested information under cl 25(2)
Former 12(4) now 12(3)	Re-written to permit reinstatement on register for applicants removed under 12(1) or (2) and removes requirement to replace on equivalent position on register.
Former 12(6)	Clauses related to applicant's losing eligibility due to loss of employment in the ACT – now redundant.
13(3)	Clause added permitting the commissioner to determine that applicants will not be allocated chronologically from particular needs categories
13(4)	Varies the Out of turn discretion to “extreme circumstances” at the Commissioner's discretion
13(5)	Provides discretion to allocate a dwelling to the existing tenants or occupants in the event of a breakdown of tenancy.
13(9)	Amended to remove requirement to replace on equivalent place on the register and to make this clause apply to all situations of removal from the list on the basis on non-acceptance or refusal of an offer
13(10)	Removed different treatment for applicants removed from the list for refusing an offer as opposed to not accepting one
Former 14(1)	Deleted reference that unnecessarily limits land on which assistance can be provided. This will allow schemes such as Private Rental leasing to be brought under PRHAP.
14(2)	Addition of “reasonable” needs as a consideration for allocation of properties.
Former 16	Moved to new clause 9A.
19(4)(b)	Amended to clarify that a rent reduction takes effect at the start of the next rent period.
20	Extends the power to grant rebates to lawful occupants as well as tenants.
24(1)(c)	Adds additional grounds of transfer of enabling more efficient management of public housing stock, which will include transfers to an area of lesser demand.
27	Amended to remove right to appeal, in relation to exercise of discretion in relation to eligibility or Out of Turn or the transitional provision (cl 32(2))
28(4) – (7)	Appeal provisions amended to allow a two tier review process, and to build in discretion to accept appeals out of time
Former 29	Former cumbersome out of time appeal provisions deleted
32	New transitional provision that ensures that prior applicants are dealt with under this program. This will dispose of any issues of accrued rights and provides an extended power to allocate people during the first three months operation of the Program
33	Repeals previous PRHAP