

2002

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

HOUSING ASSISTANCE ACT 1987

AMENDMENT OF PUBLIC RENTAL HOUSING ASSISTANCE PROGRAM

DISALLOWABLE INSTRUMENT DI2002 - 214

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 an instrument in writing 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 laid before 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 varied 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 variation to the program was prepared by the Commissioner for Housing, approved by the Minister for Disability, Housing and Community Services and notified in the Legislation Register on 6 December 2002.

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

PURPOSE AND CONSEQUENCES

The purpose of this variation is to give effect to the Government's policy commitment to restore security of tenure to public tenants. Through this amendment the Government seeks to remove the processes put in place by the previous government in January 2001 that subjected new tenants to periodic eligibility reviews that could have led to the termination of their tenancies.

SPECIFIC CHANGES

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

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

Clause 2 amends the Program by omitting clause 11 which provided for the periodic review of a tenant's eligibility and authorised the Commissioner for Housing to take action to terminate a tenancy where the tenant was no longer eligible for continuing assistance.

Clause 3 amends the Program by omitting clause 12 which provided for the periodic review of a tenant's entitlement to remain in the dwelling provided as assistance under the Program and to transfer the tenant to alternative accommodation where the requirements of clause 18(6) of the Program applied.

Clause 4 amends the Program by omitting clause 13 which specified classes of tenancies that were exempted from the review processes provided for in clauses 11 and 12.

Clause 5 amends the Program by omitting words that are now redundant.

Clause 6 amends the Program by omitting now redundant clauses 18(6) and 18(7) which specified the circumstances in which a tenant could be transferred to alternative accommodation pursuant to clauses 12 and 13.

Clause 7 amends the Program by omitting a now redundant provision arising from the removal of the provision relating to eligibility reviews.

Clause 8 amends the Program by varying clause 21(5) to accommodate the removal of clause 18(6). The substance of the provision otherwise remains unchanged.

Clause 9 specifies the transitional arrangements in relation to relevant provisions of the program amended by the Instrument and is self-explanatory.