

2007

**LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

HOUSING ASSISTANCE BILL 2006

SUPPLEMENTARY EXPLANATORY STATEMENT

**Circulated by authority of
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Minister for Housing**

SUPPLEMENTARY EXPLANATORY STATEMENT

This supplementary explanatory statement relates to the amendments to be moved by the Minister for Housing to the *Housing Assistance Bill 2006* (the Bill), as introduced into the ACT Legislative Assembly.

Overview of the Bill

The purpose of the Bill is to replace the *Housing Assistance Act 1987* (the old Act) with new legislation, which provides a more contemporary legislative framework for the provision of housing assistance in the ACT. The legislation is focussed on building a better system, which more clearly defines the powers and limitations of the Commissioner for Social Housing. The title of the Commissioner has been changed in order to accurately reflect the position's role in relation to both the public and community housing sectors.

The Bill provides power for the Commissioner to seek information from the people receiving housing assistance, and require that information to be provided. This will ensure that the ability to effectively provide ongoing assistance and manage the housing system as a whole is enhanced. The legislation includes new provisions for the protection of the personal information of entities receiving housing assistance. As the largest single landlord in the Territory, the ACT Government has a particular responsibility to ensure that the personal details of its tenants are not inappropriately released into the public arena or misused in any way which may adversely affect their lives.

Overview of the Amendments

The amendments to the Bill, to be moved by the Minister for Housing, address issues raised by the Standing Committee on Legal Affairs (performing its function as the Scrutiny of Bills and Subordinate Legislation Committee) as outlined in its Scrutiny Report No.37, dated 12 February 2007. This report included comments on the interaction between the Bill and the *Australian Capital Territory (Self-Government) Act 1988* (Cth), in particular paragraph 23(1)(a). The Committee suggested that certain transitional aspects of the Bill (in clauses 101-103) may impact on the property rights of tenants, and may therefore impinge on that section of the Act.

In order to clarify these issues, the following amendments seek to put beyond any doubt that in the transitional arrangements between the two Acts, it is not intended that the rights or liabilities of those people who had existing rights or liabilities under the old Act be unduly affected.

Revenue/Cost Implications

The legislation will be implemented within existing financial resources.

Notes on Amendments

Amendment 1 **Clause 101(3)**

This amendment substitutes a new clause at 101(3), the effect of which is, subject to the new Act, to continue the rights or liabilities of those who had them under the old Act (the *Housing Assistance Act 1987*), as if they were under an approved housing assistance program made under the new Act.

Amendment 2 **Clause 101(4)**

This amendment removes clause 101(4), which included references to latter transitional provisions, which may have limited the application of the section.

Amendment 3 **Proposed new clause 102(2A)**

This amendment inserts a new clause which specifically ensures that a declaration made by the Commissioner for Social Housing in relation to the transition between old and new housing assistance programs, must not reduce a right or increase a liability continued under section 101(3).

Amendment 4 **Clause 103(1)(c)**

This amendment substitutes a new paragraph which seeks to clarify the application of this sub-section, to apply to things declared by the Commissioner as ‘corresponding’ things under section 102.

Amendment 5 **Proposed new clause 103(3A)**

This amendment inserts a new clause which clarifies, for the purposes of Administrative Appeals Tribunal decisions regarding this section, that the decisions must not reduce a right or increase a liability continued under section 101(3).