

2008

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

HOUSING ASSISTANCE REGULATION 2008
SL2008-7

EXPLANATORY STATEMENT

Circulated by authority of
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**AUSTRALIAN CAPITAL TERRITORY
HOUSING ASSISTANCE REGULATION 2008
EXPLANATORY STATEMENT**

Overview

The Housing Assistance Regulation is made under Section 40 of the *Housing Assistance Act 2007* (the Act).

The Act establishes a contemporary legislative framework for the provision of housing assistance in the ACT.

The regulation is intended to clarify that the Commissioner for Social Housing assumed the rights, obligations, assets and liabilities of the Commissioner for Housing, as established under the *Housing Assistance Act 1987*.

Notes on Regulations

Section 1 – Name of Regulation – names the regulation as the *Housing Assistance Regulation 2008*.

Section 2 – Commencement – provides that the regulation commences on the day after its notification.

Section 3 – Modification of Act – amends section 101 so that a right or asset vested in the Housing Commissioner under the *Housing Assistance Act 1987* is vested in the Commissioner for Social Housing, established under the *Housing Assistance Act 2007*.

It also provides that if the Commissioner for Housing was under a liability or obligation, the liability or obligation attaches to the Commissioner for Social Housing.

Section 3 expires on 10 November 2008.

Section 4 – Modification of Act – inserts new section 102A which provides that where an Act, an instrument made under an Act or a document makes a reference to the Commissioner for Housing, that reference is taken to be a reference to the Commissioner for Social Housing.

Section 4 expires on 10 November 2008.

Section 5 – Modification of Act – inserts new section 103A which applies to an application having been made to the Supreme Court or Magistrates Court and the Commissioner for Housing having been made a party to the proceeding which had not ended before section 103A commenced. In that circumstance the Commissioner for Housing is substituted by the Commissioner for Social Housing.

Section 88 of the *Legislation Act* applies to this section.

Section 5 expires on 10 November 2008.

Section 6 – Expiry – provides that the regulation expires on 10 November 2008.