

2003

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

HOUSING ASSISTANCE ACT 1987

**RENTAL BONDS HOUSING ASSISTANCE PROGRAM
AMENDMENT 2003 (No 1)**

DISALLOWABLE INSTRUMENT No DI2003 - 321

EXPLANATORY STATEMENT

**(Circulated by authority of
Bill Wood MLA
Minister for Disability Housing and Community Services)**

RENTAL BONDS HOUSING ASSISTANCE PROGRAM AMENDMENT

AUTHORITY

Section 12 of the Housing Assistance Act 1987 empowers the Commissioner for Housing to prepare in the form of a disallowable instrument 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 presented to the Legislative Assembly, in accordance with the Legislation Act 2001.

BACKGROUND

The Rental Bonds Housing Assistance Program was tabled in the Legislative Assembly on 19 August 2003 and commenced operating on 1 July 2003. The rental bonds scheme that previously operated in the ACT for many years was withdrawn by the previous Government in January 2001 as part of its housing reform package.

Through this new Program this Government has restored this form of assistance. The Program assists people on modest incomes with the financial capacity to sustain a private tenancy to access private rental housing as one option to meet their medium to longer-term housing needs. Action to re-establish rental bonds assistance is consistent with the recommendations of the former Select Committee on Public Housing and the Affordable Housing Task Force and was an election commitment of this Government.

On 23 September 2003 Ms Tucker MLA tabled a notice of motion to amend this new Program. Ms Tucker subsequently withdrew her proposed amendment as a result of discussions between her and the Government that led to an accommodation being reached. This Amendment reflects the agreement reached with Ms Tucker.

This program is a housing assistance program prepared under section 12 of the Housing Assistance Act 1987. The program is required to operate in accordance with the principles of the Commonwealth State Housing Agreement. This Amendment was prepared by the Commissioner for Housing, approved by the Minister for Disability, Housing and Community Services and notified in the Legislation Register on .

PURPOSE AND CONSEQUENCES

This amendment is being undertaken in conjunction with simultaneous amendments to the Public Rental Housing Assistance Program with which the Rental Bonds Housing Assistance Program shares eligibility criteria. Broadly this Amendment will:

- increase the qualifying income criteria for single person and larger households modestly above the criteria for public housing in order to broaden the target group of the Program;
- make additional provision to assist disadvantaged groups such as Temporary Protection Visa holders who have time-limited Australian residence status when they seek bond assistance;

- ease the ACT residence criteria to include people who are enrolled to study at an ACT educational institution in addition to those who live or work in the ACT; and
- increase the time limits within which an applicant may seek a review of a decision under the Program or provide additional information.

SPECIFIC PROVISIONS

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

Clause 1 specifies the title of the program and is self-explanatory.

Clause 2 effectively varies clause 6(1)(a) of the Program by largely preserving, on the one hand, the ‘eligibility’ link with the Public Rental Housing Assistance Program and, on the other hand, by departing from this link marginally in relation to the income eligibility criteria.

The latter Program is being amended in order to ease the criteria for members of disadvantaged groups such as Temporary Protection Visa holders and for applicants who are enrolled to study at an ACT educational institution but are not living or working in the ACT. These outcomes are being achieved through an amendment to clause 5(3) of the Public Rental Housing Assistance Program together with the creation of new clause 5(3A) empowering the Commissioner to determine that certain time limits imposed by law in relation to Australian residence status are not relevant time limits for the purpose of eligibility under the Program.

The changes to the income criteria of the Rental Bonds Housing Assistance Program are being achieved through an amendment to clause 6(1)(a) providing for the income criteria to be increased from 60% of ACT Average Weekly Earnings (ACTAWE) to 80% of ACTAWE for single person households and from 100% to 110% of ACTAWE for larger households.

Clause 3 amends clause 8(2) of the Program by increasing from 7 to 28 days the normal period within which an applicant may provide further information requested by the Commissioner for Housing in connection with his or her application. This period may be increased at the Commissioner’s discretion.

Clause 4 amends clause 12(2) of the Program by increasing from 7 to 28 days the period to be shown on a notice of decision within which an applicant may request a review of a decision on his or her application.

Clause 5 amends clause 13(1) of the Program by increasing from 7 to 28 days the normal period within which an applicant may request a review of a decision on his or her application. This period may be increased at the Commissioner’s discretion.