

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2011 (No 2)

Notifiable Instrument NI2011-544

made under the

Housing Assistance Act 2007 s 20 (1) Approved housing assistance programs—determinations

1 Name of instrument

This instrument is the Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2011 (No 2).

2 Commencement

This instrument commences on the day after notification.

3 Revocation

Subject to section 20(1), and in accordance with the Housing Assistance Public Rental Housing Assistance Program 2010 ("the Program") I REVOKE the Determination notified on 17 March 2011 (NI2011 - 154).

4 Determination

I DETERMINE that the following classes of income and assets are to be disregarded for the purposes of the Program:

INCOME

Pensions

- Double Orphan Pension;

- Disability Pensions, disability payments and disability allowances paid under the Veterans' Entitlements Act 1986 (being those entitlements paid to veterans that are directly related to injuries or diseases caused or aggravated by eligible war or defence service).

Benefits, Payments and Allowances

- Student Financial Supplement Scheme loan to the extent that the supplement loan plus any Youth Allowance/Austudy/Abstudy grant currently being received exceeds the person's Youth Allowance/Austudy/Abstudy grant entitlement prior to acceptance of the supplement loan;
- Bereavement Payment paid as a lump sum following the death of a person's partner
- Carer Allowance;
- Incentive Allowance;
- Mobility Allowance;
- Multiple Birth Allowance;
- Pharmaceutical Allowance;
- Domiciliary Nursing Care Benefit;
- Foster care allowance, including kinship carer payment and (where applicable) associated contingency payments;
- Work Training Allowance paid by the Commonwealth Rehabilitation Service;
- Large Family Supplement;
- Pensioner Education Supplement;
- Commonwealth Rent Assistance (to be disregarded):
 1. for all purposes of the Program when paid to enable a tenant or other household member to meet any residual rent payment obligation under a private tenancy agreement for a dwelling he or she occupied prior to the tenant being allocated public housing; or (otherwise)
 2. for all purposes of the Program except assessment of rent rebate entitlement;
- Youth Allowance payable at the "single, no children, under 18, or 18 and over, at home" rates to a person (other than an applicant, a tenant, or a domestic partner of a tenant) receiving no other form of income;
- Abstudy – under arrangements broadly equivalent to those applying to the Youth Allowance exemption;
- Lump sum payment under the Commonwealth's Pension Bonus Scheme;
- Seniors' concession allowance.

Commonwealth family payments system

- Family Tax Benefit Part B;
- Child Care Benefit (including Grandparent Child Care Benefit).

Family related lump sum payments announced in the Commonwealth Budget context

- ‘One-off’ lump sum payment of \$600 per child payable in or about June 2004 to families eligible for Family Tax Benefit Part A (FTBA) in the 2003-04 financial year;
- Family Tax Benefit Part A Supplement of \$600 per child (as indexed to CPI) payable at the end of each financial year upon reconciliation of a family’s entitlement to FTBA in the previous financial year;
- Maternity payment (“baby bonus”) of \$3 000 per child (as increased or otherwise varied from time to time) payable from 1 July 2004 (but also including any similar payments made under the previous Maternity Allowance and Baby Bonus schemes);
- Carers' Bonuses of \$1 000 for recipients of Carer Payment and \$600 for recipients of Carer Allowance, payable as lump sum payments in or about June 2004 and June 2005 and in subsequent years (as applicable);
- ‘One-off’ seniors' bonus payment of \$500 payable about June 2007 and in subsequent years (as applicable).

Package of one-off payments for pensioners, seniors, carers and families announced by the Australian Government in October 2008

Package includes:

- payment of \$1 400 to single pensioners and \$2 100 to pensioner couples;
- payment of \$1 000 to recipients of Carer Allowance for each eligible person in their care;
- payment of \$1 000 to families for each eligible child in their care - includes families receiving Family Tax Benefit Part A and families with dependent children who receive youth allowance, abstudy, or a benefit from the Veterans’ children’s education scheme payment.

Note: “pensioners/pensioner couples” include: age pensioners; disability support pensioners; carer payment recipients; wife and widow B pensioners, partner, widow and bereavement allowees; Veterans’ Affairs service pensioners; Veterans’ income support supplement recipients; Veterans’ Affairs gold card holders eligible for seniors’ concession allowance; persons of age pension age who receive parenting payment, special benefit, or austudy; eligible self-funded retirees holding a Commonwealth senior health card (CSHC).

Package of payments announced by the Australian Government in February 2009 as part of its “Nation Building and Jobs Plan”

Amended package comprises:

- one-off cash bonuses of up to \$950 for families, workers, students and others.

Package of payments/allowances announced by the Australian Government in May 2009 in the 2009 -10 Budget context - *these exemptions are effective from 20 September 2009 (or the date of first payment, if earlier)*

- Pensioner supplement (comprising amounts previously paid individually for pharmaceutical allowance; utilities allowance; GST supplement; and telephone allowance);
- Carer supplement/supplements paid periodically to carer payment and carer allowance recipients;
- Seniors' concession allowance as restructured to include telephone allowance;
- Veterans' health care supplement (incorporating pharmaceutical allowance and telephone allowance);
- Amount equivalent to an increase in the single rate of age pension and other equivalent single pensions, payable from 20 September 2009, subject to the following arrangements:
 - this exemption is limited to a maximum amount of \$30 per week; and
 - this exemption expires on 31 October 2011 or such other date as the housing commissioner may determine.

Note: "equivalent single pensions" refers to Commonwealth pensions and payments in respect of which the maximum single rate of payment is increased by \$30 per week on or about 20 September 2009. Such pensions and payments include: age pension; carer payment; bereavement allowance; wife pension; widow B pension; disability support pension; disability support pension – youth (<21) with children; age service pension; invalidity service pension; partner service pension; saved carer service pension; and war widow pension.

Work related allowances

- Work allowances that are reimbursements for expenses incurred on the job, such as those paid for travelling, tools and clothing (includes 'work for the dole' allowance).

Other types of payments, assistance, allowances or expenditure

- Emergency relief or similar assistance paid by the Commonwealth or a State or Territory;
- Irregular or short term assistance (cash or kind) from charitable agencies e.g. Salvation Army, Smith Family;
- Rent or board received by a tenant from another member of the tenant's household while the tenant is in occupation of his or her public rental housing;
- Insurance policy or similar payments for loss or damage to property or for personal injury, except for payments relating to compensation for loss of income;
- A hospital, medical, dental or pharmaceutical benefit;
- Child maintenance payments made in cash, or by cash equivalent payment methods such as cheque or EFT, by a non-custodial parent, where substantiating documentation is provided (this exemption relates only to the payer);

- Income received by a person in the “household” during a period he or she undertakes in a residential facility:
 - rehabilitation treatment for mental health, alcohol or other drugs of dependence, or gambling addiction; or
 - respite care - provided that (for each form of treatment or service);
- the person is required to make a payment towards the cost of board, lodging or other services associated with the treatment or service; and
- the treatment or service is provided under a program funded by a government agency, accredited or otherwise recognised by a relevant government authority or Courts, or approved by the Commissioner for Social Housing;
 - for this exemption, a period of respite care of 3 days or more but not exceeding 7 days shall be treated as one week; the exemption for respite care is limited to 28 days in any financial year;
- Income received on or after 1 May 1996 by a person in the household (the Person) other than the tenant who:
 - is receiving full time care from the tenant who is an immediate family relation of the Person; and
 - is in receipt of Commonwealth full disability support pension or, if in receipt of Commonwealth age or equivalent pension, demonstrates they would be eligible for full disability support pension as an alternative to the pension received; but where the Person is also receiving Commonwealth Rent Assistance, this exemption operates only to the extent that results in the assessed rent contribution relating to the Person’s income equalling the amount of Commonwealth Rent Assistance being received;
- Components of Commonwealth income support payments (pensions, benefits, allowances) separately identified as compensation for the Goods and Services Tax (GST) in accordance with the New Tax System introduced on 1 July 2000;
- Government concessions such as land rates remission, public transport concessions and telephone allowance;
- Capital gains realised;
- Compensation payment made by the Commonwealth Government to eligible recipients in recognition of the hardship experienced by former Australian prisoners of Japan during World War 2. (Payment of \$25 000 for this purpose announced by the Minister for Veterans’ Affairs in June 2001);
- Payments received under the Smith Family Learning for Life Tertiary Scholarship Program and similar scholarship schemes where there is a requirement that scholarship funding is used solely to meet costs related to the course of study for which the scholarship is approved and may not be used for general living expenses;
- “One-off” ex-gratia lump sum payments made to eligible participants in the F-111 Deseal/Reseal programs (agreement reached between the Minister for Veterans’ Affairs and the Minister for Disability Housing and Community Services by letter dated 19 December 2005);
- Compensation payment of \$25 000 made by the Commonwealth Government to eligible recipients in respect of former World War 2 prisoners of war and civilian detainees/internees in Europe.

- Prisoner of War Recognition Supplement of \$500 per fortnight announced in the 2011-2012 Federal Budget payable to surviving prisoners of war from Japan, Europe and Korea.

ASSETS

- Clothing;
- Ordinary personal effects;
- Ordinary household equipment;
- Tools of trade, plant and equipment, professional instruments and reference books necessary for earning income;
- One motor vehicle (per applicant or applicant group as the case may be);
- Assets that cannot be readily realised; for example, superannuation rollover funds and lifetime annuities;
- Compensation payment made by the Commonwealth Government to eligible recipients in recognition of the hardship experienced by former Australian prisoners of Japan during World War 2. The payment is to be disregarded only to the extent that the amount is maintained as a cash asset at the time eligibility is determined. (Special payment of \$25 000 for this purpose announced by the Minister for Veterans' Affairs in June 2001);
- "One-off" ex-gratia lump sum payments made to eligible participants in the F-111 Deseal/Reseal programs (agreement reached between the Minister for Veterans' Affairs and the Minister for Disability Housing and Community Services by letter dated 19 December 2005). The payment is to be disregarded only to the extent that the amount is maintained as a cash asset at the time eligibility is determined;
- Lump sum payment under the Commonwealth's Pension Bonus Scheme, only to the extent that the amount is maintained as a cash asset at the time eligibility is determined;
- Any component for income lost or foregone included in a lump sum payment for compensation or otherwise where that component is assessed as income for eligibility purposes, only to the extent that the amount is maintained as a cash asset at the time eligibility is determined;
- Insurance policy or similar lump sum payments for loss or damage to property or for personal injury, only to the extent that the amount is maintained as a cash asset at the time eligibility is determined;
- One-off lump sum payments, cash bonuses or similar special purpose payments announced in the Commonwealth Budget or related context that have been exempted as income for the purposes of the Program, only to the extent that the relevant amount is maintained as a cash asset at the time eligibility is determined;
- Compensation payment of \$25 000 made by the Commonwealth Government to eligible recipients in respect of former World War 2 prisoners of war and civilian detainees/internees in Europe, only to the extent that the amount is maintained as a cash asset at the time eligibility is determined.

Dated this 16th day of September 2011

Martin Hehir
Commissioner for Social Housing