

1996

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

HOUSING ASSISTANCE ACT 1987

VARIATION TO

RENT RELIEF PROGRAM

No 210 OF 1996

EXPLANATORY STATEMENT

**(Circulated by authority of
Bill Stefaniak MLA
Minister for Housing)**

VARIATION TO RENT RELIEF 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 variation to a program.

A program or variation may not be implemented without the approval of the responsible Minister. Following approval, the program or variation is required to be notified in the Gazette and laid before the Legislative Assembly, in accordance with Section 6 of the Subordinate Laws Act 1989.

BACKGROUND

The Rent Relief Program is a housing assistance program operating under the Housing Assistance Act 1987. The Program was published in ACT Gazette No 26 on 15 November 1989 and varied from time to time, as specified at clause 1 of the Instrument. This program is required to operate in accordance with the principles of the Commonwealth State Housing Agreement.

The variation was prepared by the delegate of the Commissioner for Housing, approved by the Minister for Housing, and notified in ACT Gazette No. on .

The Rent Relief Program and the Public Rental Housing Assistance Program are complementary forms of housing assistance. Applicants eligible for rent relief are those registered on the waiting list for public rental housing, who are renting privately as an interim measure while they await the allocation of a public dwelling.

PURPOSE AND CONSEQUENCES

The purpose of this variation is to give effect to government policy to better target the limited assistance available to eligible persons through the program and to better reflect current policy and operational requirements.

SPECIFIC CHANGES

Following are details of changes to the Rent Relief Program as specified in the Instrument.

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

Clause 2 (a) varies the definition of "independent person" in sub-clause 3 (1) of the program. This amendment effectively reduces to \$100 the income threshold which attracts a rental contribution for independent persons. This brings the definition into line with the equivalent definition in the Public Rental Housing Assistance Program.

Clause 2 (b) varies subclause 3 (1) of the program by including a definition of "student" and is self explanatory.

Clause 3 amends the eligibility criteria specified at subclause 5 (1) of the program by omitting paragraph (p) relating to applicants occupying institutional type accommodation for students, and substituting a new requirement that an applicant must not be a (full-time) student. This reflects government policy to better target assistance through this program to people most in need. Students in genuine hardship who can demonstrate that they have no other viable housing options will have access to the priority housing arrangements under the public rental program.

Clause 4 varies clause 10 of the program by including at subclause 10 (3A) rent assistance provided under the Austudy Regulations as a form of assistance that reduces the level of assistance otherwise payable to an applicant under this program. The other forms of assistance of this type that reduce assistance otherwise payable are rent assistance paid under the Social Security and Veterans Entitlements Acts. The same addition is made to subclause 10 (5), which defines "the applicant's (rent) contribution", to ensure that Austudy rent assistance is not double-counted.

Clause 5 varies clause 12 of the program by effectively omitting the eligibility criterion now specified at paragraph (p), relating to the exclusion of students, from the range of eligibility criteria which the Commissioner for Housing may disregard in the event of applicant hardship. As indicated at clause 3 above, students in hardship may seek priority assistance under the Public Rental Housing Assistance Program.

Clauses 6, 7, 8, and 9 put in place transitional arrangements aimed at preserving for limited periods eligibility under the program for rent subsidy for existing student beneficiaries. This will assist them to meet existing rent obligations and provide them with an opportunity, if necessary, to seek alternative accommodation, while still being subsidised under the program. Eligibility is preserved until 31 December 1996 or, where applicable, until the end of a fixed term tenancy, whichever date falls later.