

Housing Assistance Rental Bonds Housing Assistance Program (Meaning of income) Operation Guideline 2012 (No 1)

Notifiable Instrument NI2012- 262

made under the

Housing Assistance Act 2007 s21(1) Approved housing assistance programs—housing operation guidelines

1 **Name of instrument**

This instrument is the *Housing Assistance Rental Bonds Housing Assistance Program (Meaning of income) Operation Guideline 2012 (No 1)*.

2 **Commencement**

This instrument commences on the day after notification.

3 **Revocation**

I REVOKE housing operation guideline N12008 – 185 notified on 22 May 2008.

4 **Operation Guideline**

In accordance with section 21(1) of the *Housing Assistance Act 2007* I issue this housing operation guideline for the *Housing Assistance Rental Bonds Housing Assistance Program 2010* ("the Program").

Purpose

To outline how income is to be treated for all purposes of the Program, including lump sum payments, deemed income, and exempt income and payments.

Scope of clause 11

1. The definition of income at clause 11 is applicable for all purposes of the program, including the assessment of threshold eligibility at the date of application and reassessment.

Relevant provision of the Program

Clause 11 – Meaning of income

2. Clause 11 specifies the meaning of income in considerable detail. In general the program requires that all personal earnings and any other amounts a person has earned, derived, received or become entitled to, should be taken into account for assessing income.

Exempt income

3. Income does not include income that the housing commissioner determines is not income for the program or payments for a purpose determined by the housing commissioner for the program. From time to time the housing commissioner makes a Determination exempting various forms of income in accordance with clause 11(2) of the program..

Deeming

4. Subclause 11(3) empowers the housing commissioner to take into account (deem) income that a person could have obtained had the person taken reasonable action available to them. For example, if a person was entitled to Newstart allowance but decided not to apply for it they could be deemed to be receiving Newstart Allowance for the purpose of assessment.

Self-employed

5. A similar arrangement applies to self-employed persons whose income is stated to be less than a relevant pension or benefit such as Newstart Allowance. In that case they may be deemed to be receiving an amount equivalent to Newstart in accordance with clause 11(3)(c).

Gross income to be used

6. Gross income is used for assessment purposes rather than net income. Gross income is not affected by salary packaging arrangements. Where a person enters into a salary packaging arrangement resulting in an entitlement being foregone or “sacrificed” and this has been deducted from their gross income on the documentation provided, the amount must be added back on to derive total gross income.

Gross income means income before the deduction of tax.

Family tax benefits

7. In relation to payments under the Commonwealth family payment system, family tax benefit part B and childcare benefit have been exempted. In assessing payments for family tax benefit part A, the full amount of the benefit must be taken into account for threshold eligibility purposes.

General provisions

Further information

8. If the applicant provides additional information which may further establish their need to be considered as an eligible applicant, the application can be reassessed.

False or misleading information

9. Under the Program an applicant is not eligible for assistance if the application is false or misleading in any material way or if an applicant has arranged his or her financial affairs to obtain assistance under the Program.

Review

10. A decision in relation to:
 - (a) an application for rental bond assistance; or
 - (b) revoking or amending a decision mentioned in paragraph (a)

is a reviewable decision in terms of clause 15 of the Program.

11. *Any reference to "Housing ACT" in an operation guideline is a reference to Housing ACT being a section of the Community Services Directorate representing the housing commissioner.*

Dated this 16th day of May 2012

Natalie Howson
Commissioner for Social Housing