

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2019 (No 1)

Notifiable Instrument NI2019-504

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 2019 (No 1).

2 Commencement

This instrument commences on the day after notification.

3 Revocation

I revoke the Determination notified on 18 December 2012 (NI2012 - 644).

4 Determination

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

INCOME

Pensions, Benefits, Payments and Allowances

- Disability Pensions, disability payments and disability allowances paid under the Veterans' Entitlements Act;

- Bereavement Payment paid as a lump sum following the death of a person's partner;
- Carer Allowance and supplement/supplements paid periodically to carer payment and carer allowance recipients;
- Mobility Allowance;
- Multiple Birth Allowance;
- Pharmaceutical Allowance;
- Telephone allowance;
- Double Orphan Pension;
- Foster care allowance, including kinship carer payment and (where applicable) associated contingency payments;
- Lump sum payment under the Commonwealth's Pension Bonus Scheme;
- Seniors / Pensioner supplement (comprising amounts previously paid individually for pharmaceutical allowance; utilities allowance; GST supplement; and telephone allowance);
- Veterans' health care supplement (incorporating pharmaceutical allowance and telephone allowance);
- 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; and
- Clean Energy Advance Lump Sum Payment and Clean Energy Supplement.

Commonwealth family payments system

- Family Tax Benefit Part B; and
- Child Care Subsidy and Additional Child Care Subsidy.

Family related lump sum payments announced in the Commonwealth Budget context

- 'One-off' lump sum payment per child payable to families eligible for Family Tax Benefit Part A (FTBA);
- Family Tax Benefit Part A Supplement per child (as indexed to CPI) payable at the end of each financial year upon reconciliation of a family's entitlement to FTBA;
- Carers' Bonuses for recipients of Carer Payment and recipients of Carer Allowance, payable as lump sum payments; and
- 'One-off' seniors' bonus payment.

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

Package includes:

- payment to single pensioners and pensioner couples;
- payment to recipients of Carer Allowance for each eligible person in their care; and
- payment 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.

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 (subject to clause 25 of the Public Rental Housing Assistance Program);
- Government concessions such as land rates remission, public transport concessions and telephone allowance;
- Capital gains realised;
- 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;

- 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);
- 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;
- "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; and
- Payment made under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

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; and
- The following one-off or lump-sum payments made to eligible recipients, 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;
 - 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;
 - Insurance policy or similar lump sum payments for loss or damage to property or for personal injury;
 - Lump sum payment under the Commonwealth's Pension Bonus Scheme;

- 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 (special payment of \$25 000 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);
- 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; and
- Payment made under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

Date: 31 July 2019

Rebecca Cross
Commissioner for Social Housing