

Australian Capital Territory

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2020 (No 1)

Notifiable instrument NI2020–113

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 2020 (No 1)*.

2 Commencement

This instrument commences on 20 March 2020.

3 Determination

I determine that the classes of income and assets set out in Schedule 1 are to be disregarded for the purposes of the Program.

4 Revocation

This instrument revokes Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets) Determination 2019 (No 1) (N12019-504), notified on 8 August 2019.

Rebecca Cross
Commissioner for Social Housing

19 February 2020

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

EXEMPT INCOME
Pensions, benefits, payments and allowances
<ul style="list-style-type: none">• Abstudy – under arrangements broadly equivalent to those applying to the Youth Allowance exemption
<ul style="list-style-type: none">• Bereavement Payment paid as a lump sum following the death of a person’s partner, child or person being cared for; or, other lump sum bereavement payment following the death of a person’s partner Note: Following abolishment of the Bereavement Allowance on 20 March 2020 and the transition to JobSeeker or other type of income support payment, newly bereaved people who have lost their partner will receive a lump sum payment in addition to their fortnightly payment to meet upfront costs such as medical bills and funeral expenses.
<ul style="list-style-type: none">• Carer Allowance and supplement/supplements paid periodically to carer payment and carer allowance recipients
<ul style="list-style-type: none">• Commonwealth Rent Assistance Note: Commonwealth Rent Assistance to be disregarded<ul style="list-style-type: none">• for all purposes of the Public Rental Housing Assistance 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• for all purposes of the Public Rental Housing Assistance Program except assessment of rent rebate entitlement.
<ul style="list-style-type: none">• Disability pensions, disability payments and disability allowances paid under the <i>Veterans’ Entitlements Act 1986</i> (Cth)
<ul style="list-style-type: none">• Double Orphan Pension
<ul style="list-style-type: none">• Energy Supplement Note: The Energy Supplement was previously called the Clean Energy Supplement.
<ul style="list-style-type: none">• Foster care allowance, including kinship carer payment and (where applicable) associated contingency payments
<ul style="list-style-type: none">• Mobility Allowance
<ul style="list-style-type: none">• Multiple Birth Allowance
<ul style="list-style-type: none">• Pension Bonus Scheme Note: A Commonwealth tax-free lump sum payment for people eligible for the Age Pension and who registered for the Scheme before 1 July 2014. The payment is available to Scheme members who delay commencing the Age Pension and continue to work. The Scheme is closed to new members.

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

<ul style="list-style-type: none"> • Pension Supplement <p>Note: The Pension Supplement was a 2009-10 Commonwealth budget initiative. It commenced in September 2009 as a one-off increase in the single rate of pension, and rolled several supplements and allowances—Pharmaceutical Allowance; Utilities Allowance; GST Pension Supplement; and Telephone Allowance—into a single supplement paid fortnightly.</p>
<ul style="list-style-type: none"> • Pensioner Education Supplement
<ul style="list-style-type: none"> • Pharmaceutical Allowance
<ul style="list-style-type: none"> • Telephone Allowance
<ul style="list-style-type: none"> • Veterans’ Supplement (incorporating pharmaceutical allowance and telephone allowance)
<ul style="list-style-type: none"> • 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
<p>Commonwealth family payments system</p>
<ul style="list-style-type: none"> • Family Tax Benefit Part B
<ul style="list-style-type: none"> • Child Care Subsidy and Additional Child Care Subsidy
<p>Family-related lump sum payments announced in the Commonwealth Budget context</p>
<ul style="list-style-type: none"> • One-off lump sum payment per child payable to families eligible for Family Tax Benefit Part A (FTBA)
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Carers’ Bonuses for recipients of Carer Payment and recipients of Carer Allowance, payable as lump sum payments
<p>Work-related allowances</p>
<ul style="list-style-type: none"> • 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)
<p>Other types of payments, assistance, allowances or expenditure</p>
<ul style="list-style-type: none"> • Emergency relief or similar assistance paid by the Commonwealth or a State or Territory
<ul style="list-style-type: none"> • Irregular or short-term assistance (cash or kind) from charitable agencies e.g. Salvation Army, Smith Family
<ul style="list-style-type: none"> • 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

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

<ul style="list-style-type: none">• 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
<ul style="list-style-type: none">• A hospital, medical, dental or pharmaceutical benefit
<ul style="list-style-type: none">• 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)
<ul style="list-style-type: none">• Income received by a person in the “household” during a period he or she undertakes in a residential facility:<ul style="list-style-type: none">– rehabilitation treatment for mental health, alcohol or other drugs of dependence, or gambling addiction, or– respite careprovided that for each form of treatment or service:<ul style="list-style-type: none">– 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.<p>Note: 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.</p>
<ul style="list-style-type: none">• Income received by a person in the household (the “Person”) other than the tenant who is:<ul style="list-style-type: none">– receiving full time care from the tenant who is an immediate family relation of the Person, and– 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.<p>Note: 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).</p>
<ul style="list-style-type: none">• Government concessions such as land rates remission, public transport concessions and telephone allowance
<ul style="list-style-type: none">• Capital gains realised

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

<ul style="list-style-type: none">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
<ul style="list-style-type: none">One-off <i>ex gratia</i> lump sum payments made to eligible participants in the F-111 Deseal/Reseal programs Note: Agreement reached between the Minister for Veterans' Affairs and the Minister for Disability Housing and Community Services by letter dated 19 December 2005.
<ul style="list-style-type: none">Prisoner of war <i>ex gratia</i> lump sum payment of \$25 000 made by the Commonwealth Government to eligible recipients in recognition of the hardship experienced by former Australian prisoners of Japan during World War 2
<ul style="list-style-type: none">Prisoner of war <i>ex gratia</i> lump sum 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
<ul style="list-style-type: none">Prisoner of war <i>ex gratia</i> lump sum payment of \$25 000 made by the Commonwealth Government to eligible recipients in respect of the Korean War
<ul style="list-style-type: none">Prisoner of War Recognition Supplement Note: Payment of \$500 per fortnight announced in the 2011-2012 Federal Budget payable to surviving prisoners of war from Japan, Europe and Korea.
<ul style="list-style-type: none">National Disability Insurance Scheme (NDIS) support packages and any return on a person's NDIS amounts that the person earns, derives or receives Note: This follows the <i>Social Security Act 1991</i> (Cth) which excludes these payments and earnings for the purposes of the Act (s.8).
<ul style="list-style-type: none">National Redress Scheme payment Note: Payment made under the <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> (Cth).
<ul style="list-style-type: none">Victims of crime financial assistance, recognition or other payment
<ul style="list-style-type: none">Victims of terrorist attack financial assistance, recognition or payment

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

EXEMPT ASSETS
<ul style="list-style-type: none"> • Clothing
<ul style="list-style-type: none"> • Ordinary personal effects
<ul style="list-style-type: none"> • Ordinary household equipment
<ul style="list-style-type: none"> • Tools of trade, plant and equipment, professional instruments and reference books necessary for earning income
<ul style="list-style-type: none"> • One motor vehicle (per applicant or applicant group as the case may be)
<ul style="list-style-type: none"> • Assets that cannot be readily realised; for example, superannuation rollover funds and lifetime annuities
One-off or lump-sum payments maintained as a cash asset
<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> – 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 – Pension Bonus Scheme <p style="margin-left: 40px;">Note: A Commonwealth tax-free lump sum payment for people eligible for the Age Pension and who registered for the Scheme before 1 July 2014. The payment is available to Scheme members who delay commencing the Age Pension and continue to work. The Scheme is closed to new members.</p> – Prisoner of war <i>ex gratia</i> lump sum payment of \$25 000 made by the Commonwealth Government to eligible recipients in recognition of the hardship experienced by former Australian prisoners of Japan during World War 2 – Prisoner of war <i>ex gratia</i> lump sum payment of \$25 000 made by the Commonwealth Government to eligible recipients in respect of the Korean War – Prisoner of war <i>ex gratia</i> lump sum 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 – One-off <i>ex gratia</i> lump sum payments made to eligible participants in the F-111 Deseal/Reseal programs

Schedule 1:

Housing Assistance Public Rental Housing Assistance Program (Exempt Income and Assets)
Determination 2020 (No 1) made under the *Housing Assistance Act 2007*

- National Redress Scheme payment
- Victims of crime financial assistance, recognition or other payment
- Victims of terrorist attack financial assistance, recognition or payment