

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to provide for:

- (a) the appointment of a Registrar of Community Housing, and
- (b) the registration of community housing providers, and
- (c) the giving of assistance to registered community housing providers so as to support the provision of housing for people on a very low, low or moderate income.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Housing Act 2001* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Acts set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced.

Schedule 1 Amendment of Housing Act 2001

Schedule 1 [1] inserts definitions of **community housing**, **community housing agreement**, **community housing provider**, **registered community housing**, **registered community housing provider** and **Registrar** into section 3 the *Housing Act 2001* (the **Principal Act**).

Schedule 1 [2]–[4] amend the objects of the Principal Act with respect to community housing.

Schedule 1 [6] permits the Registrar to delegate his or her functions under the Principal Act. **Schedule 1 [5]** clarifies that the Director-General of the Department of Housing may delegate his or her functions under the Principal Act to the Corporation.

Schedule 1 [7] inserts a new Part 9A into the Principal Act dealing with community housing, the registration of organisations as registered community housing providers and the giving of assistance to registered community housing providers so as to support the provision of housing for people on very low, low or moderate incomes. Proposed section 67A provides for the appointment of a Registrar of Community Housing (**the Registrar**) by the Minister for Housing. Proposed section 67B sets out the functions of the Registrar, which include maintaining a register of community housing providers (**the register**) and assessing the suitability of organisations to be registered as community housing providers. Proposed section 67C sets out requirements in relation to the register. Proposed section 67D provides that the Registrar may, on the application of a body corporate that is a community housing provider, register the body corporate. Proposed section 67E sets out the conditions to which registration is subject. Proposed section 67F sets out the steps that may be taken if the Registrar reasonably believes that a registered community housing provider is not complying with the Principal Act or the regulations under that Act. Proposed section 67G provides for the cancellation of registration in certain circumstances. Proposed section 67H provides for a review by the Administrative Decisions Tribunal of a decision of the Registrar to refuse to register, or to cancel the registration of, a body corporate as a registered community housing provider. Other decisions of the Registrar are not subject to appeal or review. Proposed section 67I provides that the New South Wales Land and Housing Corporation may give assistance to registered community housing providers but not to community housing providers that are not registered. Any such assistance may only be provided under a community housing agreement. Proposed section 67J makes provision for the form

and contents of community housing agreements.

Schedule 1 [8] permits the regulations under the Principal Act to prescribe a regulatory code for registered community housing providers, to make provision for fees payable in connection with any application made under the Principal Act, to prescribe what is meant by a very low, low or moderate income for the purposes of the Principal Act and to prescribe terms or conditions that are taken to be included in community housing agreements, including in an existing community housing agreement.

Schedule 1 [9] amends Schedule 3 to the Principal Act to enable the regulations to make provision for matters of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [10] inserts savings, transitional and other provisions that provide for the interim registration of community housing providers that are currently registered with the Office of Community Housing and for the construction of references in any document to any such organisation. The savings and transitional provisions also provide that existing agreements for the provision of assistance to community housing providers are taken to be community housing agreements and that proposed section 67I (1)–(3) will not apply to or in respect of assistance provided to a community housing provider that is not currently registered with the Office of Community Housing if the assistance is provided under an existing agreement within 2 years after the commencement of proposed Part 9A of the Principal Act.

Schedule 2 Amendment of other Acts

Schedule 2 makes consequential amendments to the *Property, Stock and Business Agents Act 2002*, the *Public Sector Employment and Management Act 2002* and the *Residential Tenancies Act 1987*.