

Housing Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 63

made under the

Housing Act 2003

General Outline

Short title

Housing Amendment Regulation (No. 1) 2015

Authorising law

Sections 101 and 156 of the *Housing Act 2003*

Policy objectives and the reasons for them

The National Regulatory System for Community Housing (NRSCH) is a national system of registration, monitoring, and regulation of non-government community housing providers. Through the terms of an Inter-Government Agreement, the NRSCH replaces or modifies previous state and territory approaches to registration, creating a single register and consistent arrangements for jurisdiction registrars to cooperatively manage the regulation of providers on a national basis.

The NRSCH commenced in Queensland on 1 January 2014 with registration occurring over an 18 month transitional period (1 January 2014 to 30 June 2015). The NRSCH is enacted through Part 4A of the *Housing Act 2003* (the Act) which mirrors the National Law, made by New South Wales. The performance requirements for both nationally registered (non-government organisations) and state registered (local governments) providers are contained in the National Regulatory Code, which is a Schedule to the Act.

Previously registered community housing providers who want to continue delivering services must obtain registration as a condition of funding. Alternatively, providers who choose not to become registered may exit from funding arrangements in accordance with the Act. The transitional provisions under the Act apply to providers that were immediately before the commencement (i.e. 1 January 2014), registered under the *Housing Act 2003* and providing a relevant housing service. New entrants may apply for registration at any time.

The transitional period is defined under section 156 of the Act as the period starting on the commencement of section 156 (i.e. 1 January 2014); and ending on the prescribed day; or if a day is not prescribed, the day that is 18 months after the commencement (i.e. 30 June 2015).

The purpose of the *Housing Amendment Regulation (No. 1) 2015* (the Amendment Regulation) is to prescribe a date for the end of the transitional period for the NRSCH to allow more time for providers to obtain registration or manage exits from current funding arrangements with the Department of Housing and Public Works (the department).

Extending the transitional period would extend:

- the date by which a provider must transfer relevant assets under s159(2) and 162(2) of the Act;
- the period of the provider's transitional registration under the previous registration provisions in the Act under s158(2)(a) of the Act;
- the period during which existing assistance agreements would continue to be effective under s158(2)(b) of the Act; and
- the period during which the provider may be an exempt provider under section 59A of the *Housing Regulation 2003*.

This extension of time will help achieve the best possible outcomes for tenants and underpin the future delivery of social housing in Queensland.

Achievement of policy objectives

The Amendment Regulation prescribes the day for the end of the transitional period for:

- non-government providers and non-indigenous local governments by two years (to 30 June 2017); and
- Indigenous local governments as defined under the *Local Government Act 2009* and prescribed Indigenous Community Housing Organisations by four years (to 30 June 2019).

The Amendment Regulation will provide additional time for the department to:

- effectively manage the administrative process to support providers to register or exit the system;
- work with providers and local governments to determine the best possible path forward for tenants, local service provision and the treatment of social housing assets in the event of an exit; and
- ensure the policy intent of the NRSCH is fully realised – that is for social housing services to be delivered by capable, registered providers, operating as part of a viable industry - working with government and other partners to deliver high quality and responsive services to Queensland households and communities.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objects of the Act, that is, to improve the access of Queenslanders to safe, secure, appropriate, and affordable housing; and to help build sustainable communities. The amendment is required to allow more time for the department and providers to obtain registration and manage exits from the system to achieve the best possible outcomes for tenants and the overall social housing system.

Benefits and costs of implementation

No additional costs will be incurred in the implementation of the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

No public consultation occurred on this amendment as it is machinery in nature. However, providers that attended a “Community Housing Providers for Queensland” event on 14 May 2015 were advised that the department was investigating the possibility of extensions to the NRSCH transition period. Community housing providers will be formally notified of the Amendment Regulation.

Other states and territories participating in the NRSCH were consulted on the possibility of an extension of the transitional period for Queensland providers; and advised this would not adversely impact on the management of the provider transition in their jurisdictions.

Notes on provisions

Clause 1 provides that the short title of the regulation is *Housing Amendment Regulation (No.1) 2015*.

Clause 2 provides that the regulation being amended is the *Housing Regulation 2003*.

Clause 3 creates a new section to prescribe the end of the transitional period as defined under section 156 of the Act for an accommodation provider and a relevant entity.

Clause 4 amends section 59A(3)(g) to prescribe the day a person or entity stops being an exempt provider under this section.

Clause 5 amends Schedule 5 Dictionary to define an indigenous local government and a relevant entity.