

# Housing Assistance (Affordable and Community Housing Providers) Intervention Guideline 2009 (No 1)

Disallowable instrument DI2009–217

made under the

*Housing Assistance Act 2007, s 25S (Affordable and community housing providers- intervention)*

---

## EXPLANATORY STATEMENT

An ACT regulatory framework for not for profit housing providers was introduced through amendment to the *Housing Assistance Act 2007* (the Act). The regulatory powers are vested in the Commissioner for Social Housing (the Housing Commissioner) as established in the Act. The amendment to the *Housing Assistance Act 2007* commenced on 2 March 2009.

The framework empowers the Housing Commissioner to register, monitor the activities of, intervene in the activities of and de-register housing providers.

The *Housing Assistance Act 2007* (the Act) states that the Housing Commissioner must determine guidelines (the *intervention guidelines*) for intervening in the business of a registered housing provider. The determination is a Disallowable Instrument.

Following is a description of the process for intervention:

Clause	Provision
1 and 2	Name of instrument and commencement date specified.
3	Object of the guideline specified, including that the Housing Commissioner's intervention powers are considered to be powers of last resort.
4	Specifies definitions relating to the guideline.
5	Specifies the grounds for intervention.
6	States that the Housing Commissioner may consult with a provider and, in certain circumstances, may request that the provider remedy a cause for intervention without proceeding to a formal intervention.
7	Describes the relevant matters that the Housing Commissioner may consider in deciding whether there are grounds to intervene.

8	Specifies that the housing commissioner must give written notice of an intention to intervene. The housing commissioner must consider all representations made within the time stated in the notice and will consider whether alternative courses of action are available.
9	<p>Specifies the types of intervention that the Housing Commissioner may use as:</p> <ul style="list-style-type: none"> <li>(a) appoint people to the board of the housing provider;</li> <li>(b) appoint an administrator to control and direct the operation of the housing provider; and</li> <li>(c) appoint an administrator to wind up the housing provider and distribute its assets.</li> </ul> <p>Clause 9 also specifies how the interventions may be implemented.</p>
10	Specifies that the Housing Commissioner may give written notice seeking information in order to reach a decision regarding whether to intervene and/or the type of intervention.
11	Specifies the circumstances in which the Housing Commissioner may de-register a housing provider, by notice in writing, and that such a notice is a notifiable instrument.
12	Specifies that a decision to intervene in the business of a housing provider under section 25S is a reviewable decision.