

Housing Assistance (Affordable and Community Housing Providers) Registration Determination 2009 (No 1)

Disallowable instrument DI2009–214

made under the

Housing Assistance Act 2007, s 25A (Affordable and community housing providers- registration)

1 Name of instrument

This instrument is the *Housing Assistance (Affordable and Community Housing Providers) Registration Determination 2009 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Object of Determination

The object of this determination is to provide a registration process for the registration of affordable and community housing providers in the Territory.

4 Interpretation

In this instrument;

‘**eligible entity**’ means an entity that satisfies the criteria in section 25F or 25G of the *Housing Assistance Act 2007*, as the case may be; and

‘**The Act**’ means the *Housing Assistance Act 2007*.

Note 1 The Act contains definitions that apply to this determination including definitions of the following terms:

- affordable housing;
- community housing;
- company limited by guarantee;
- company limited by shares;
- housing;
- housing commissioner;

- housing provider;
- incorporated association; and
- information.

5 Application for registration

- (1) Entities seeking registration under the Act will be required to make an application to the housing commissioner. The application must:
 - (a) be made on an approved form; and
 - (b) specify the tier under which registration is being sought; and
 - (c) nominate a contact officer for the purposes of assessing an application; and
 - (d) include all documentation required to demonstrate compliance with the relevant eligibility criteria under which it is seeking registration.
- (2) Following receipt of a valid application the housing commissioner will:
 - (a) provide written notice to the entity to confirm that an application has been received; and
 - (b) undertake an initial assessment of the information submitted by the applicant entity.
- (3) The housing commissioner may:
 - (a) request any other information considered by the commissioner to be reasonably required in order to assess an application for registration; and/or
 - (b) request a meeting or site visit as part of the assessment of an application for registration (This request will be made to the nominated contact officer. Arrangements for an on-site visit will be made in advance and in consultation with the applicant); and/or
 - (c) request to meet with representatives of the entity, including members from the board, senior employees and general employees of the entity. This request will be made to the nominated contact officer.

6 Affordable housing providers - eligibility criteria

An entity is eligible to be registered as an affordable housing provider if the entity satisfies the requirements set out in section 25F of the Act .

7 Community housing providers - eligibility criteria

An entity is eligible to be registered as a community housing provider if the entity satisfies the criteria in section 25G of the Act.

8 Affordable housing providers – risk assessment

- (1) In addition to the criteria set out in section 25 F (1) (a) – (d), for registration as an affordable housing provider, an entity will also need to demonstrate to the housing commissioner that it is operating within an acceptable level of risk as set out in section 25F (1) (e). This will require the entity to provide the housing commissioner with a Risk Management Plan in relation to each of the areas identified under section 25F (2) (a)-(f) in accordance with Australian Standard AS/NZS 4360:2004 (or such standard as may replace it).
- (2) Following receipt of the Risk Management Plan from the entity the housing commissioner will:
 - (a) review the entity’s Risk Management Plan; and
 - (b) provide an interim assessment to the entity as to the commissioner’s view as to whether or not, based on the plan and other information provided, the entity’s operations are sound for the purposes of registration as an affordable housing provider; or confirm that the entity meets the eligibility requirements. (This is separate to the initial assessment referred to in clause 5 (2) (b) above).
- (3) If the housing commissioner is not satisfied that an entity meets the eligibility requirements, the housing commissioner may request a meeting with the entity and will give the entity the opportunity to supply additional information within a timeframe specified by the commissioner to address any outstanding matters.
- (4) Once all outstanding information has been provided the housing commissioner will make a final assessment. An entity is operating within an acceptable level of risk for the purpose of meeting the registration requirements if the housing commissioner is satisfied that the entity’s risk management systems are sound in relation to the areas identified under section 25F (2) (a)-(f).

9 Community housing providers – satisfying the standards

- (1) Section 25I of the Housing Assistance Act 2007 outlines standards (the standards) for community housing providers as set out in the Disallowable Instrument made under that provision.
- (2) The entity will be required to provide the housing commissioner with evidence demonstrating compliance with the standards.
- (3) The housing commissioner will assess the quality of evidence in relation to each of the standards and provide an interim assessment to the entity as to the commissioner’s view as to whether or not, based on the evidence and other information provided, the entity meets the standards and other eligibility

requirements. (This is separate to the initial assessment referred to in clause 5 (2) (b) above).

- (4) If the housing commissioner is not satisfied that an entity meets the eligibility requirements, the housing commissioner may request a meeting with the entity and will give the entity the opportunity to supply additional information within a timeframe specified by the commissioner to address any outstanding matters.
- (5) Once all outstanding information has been provided the housing commissioner will make a final assessment.

10 Notification of Registration

- (1) If the housing commissioner decides to register an entity as an affordable or community housing provider the commissioner must prepare a written notice of the decision in accordance with section 25A (6) of the Act.
- (2) Registration as a community or affordable housing provider may be subject to conditions as set out in section 25A (2) of the Act.

11 ACT Civil and Administrative Tribunal (ACAT) Review

A decision to refuse to register an entity as a housing provider is a reviewable decision under section 31A of the Act.

Martin Hehir
Commissioner for Social Housing
30 September 2009