

# Regulatory Framework



# Contents

1. About the National Regulatory System for Community Housing	2
2. Purpose of this document	3
3. Legislation	3
4. National Regulatory Code	4
5. National Register	4
6. Regulation of Community Housing Providers	5
7. Risk based regulation	6
8. Eligibility criteria	7
9. Separation between regulation and policy/funding	8
10. Registration	9
11. Ongoing compliance assessment	11
12. Information sharing	12
13. Enforcement action	13
14. Reviews and appeals	13
15. Sector engagement	14
Glossary	15

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# 1. About the National Regulatory System for Community Housing



Community housing providers are organisations that deliver social or affordable housing and associated services to people on very low, low or moderate incomes. These services are covered by the social and affordable housing policies of government housing (policy/funding) agencies<sup>1</sup>.

The key objectives of the NRSCH are to:

- provide a consistent regulatory environment to support the growth and development of the community housing sector
- pave the way for future housing product development
- reduce the regulatory burden on housing providers working across jurisdictions
- provide a level playing field for providers seeking to enter new jurisdictions.

A suite of Operational Guidelines guides the overall operation of the NRSCH in accordance with the National Law.

The scope of a Registrar's functions under the NRSCH is limited to regulatory activities. State and territory housing agencies, depending on the arrangements in each jurisdiction, will continue to have responsibility for policy and funding decisions.

The National Regulatory System for Community Housing (NRSCH) is a regulatory system designed to contribute to a well governed and managed community housing sector, and provide a platform for the ongoing development and viability of the community housing sector across Australia.

<sup>1</sup> Policy and funding agencies are usually, but not always, the housing agency in the particular jurisdiction. For the purposes of this document, the term 'housing agency' will be used, but it is acknowledged that this will include policy and funding agencies for those jurisdictions where relevant.

# 2. Purpose of this document

The Regulatory Framework details how Registrars will deliver their functions under the National Regulatory System for Community Housing (NRSCH).

This document is broad in scope. It complements and is consistent with other NRSCH publications, which should be read and applied in conjunction with this framework. In particular:

- **The Charter** - sets out the overarching vision, objectives, regulatory principles, and philosophy of the NRSCH
- **Evidence Guidelines** –sets out the performance outcomes and requirements that must be met by providers registered under the NRSCH
- **Tier Guidelines** –interprets sections of the Community Housing Providers National Law (the 'National Law') concerning the National Register and the allocation of the tier of registration of a provider
- **Enforcement Guidelines** – explains the process by which Registrars are appointed and their powers of enforcement under the National Law.

Detailed guidance on other, specific aspects within the NRSCH is also contained in other operational guidance notes, and policies.

All of these documents are available on the NRSCH website at: [www.nrsch.gov.au](http://www.nrsch.gov.au).

# 3. Legislation

The NRSCH has been introduced through an applied law scheme, which involves each participating jurisdiction adopting or mirroring the National Law.

In August 2012, the NSW Parliament, as the 'host' jurisdiction, enacted the National Law when it passed the Community Housing Providers (Adoption of National Law) Act 2012. This legislation commenced on 1 January 2014.

The Regulatory Framework details how Registrars will deliver their functions

## 4. National Regulatory Code

The National Law includes the National Regulatory Code, which sets out the performance outcomes and requirements that must be met by registered community housing providers.

The performance outcomes under the National Regulatory Code are:

1. **Tenant and housing services** - the community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients
2. **Housing assets** - the community housing provider manages its community housing assets in a manner that ensures suitable properties are available at present and in the future
3. **Community engagement** - the community housing provider works in partnership with relevant organisations to promote community housing and to contribute to socially inclusive communities
4. **Governance** - the community housing provider is well-governed to support the aims and intended outcomes of its business
5. **Probity** - the community housing provider maintains high standards of probity relating to the business of the provider
6. **Management** - the community housing provider manages its resources to achieve the intended outcomes of its business in a cost effective manner
7. **Financial viability** - the community housing provider is financially viable at all times.

## 5. National Register

The NRSCH establishes the National Register, a public record of all registered community housing providers nationwide.

The Register is divided into three parts, known as 'tiers': Tier 1, Tier 2 and Tier 3. The tiers reflect differences in the nature, scale and scope of different providers' community housing operations. Each tier has a different level of regulatory oversight and engagement.

The Registrars for each participating jurisdiction jointly maintain the National Register.

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## 6. Regulation of community housing providers

The aim of the NRSCH is a well governed, effectively managed and viable community housing sector that meets the housing needs of tenants and provides assurance for government and investors.

Regulation holds registered community housing providers accountable for complying with the National Law. The governing body and management of each registered community housing provider is responsible for ensuring the provider delivers community housing in compliance with the National Law.

The NRSCH encourages the sector to take a proactive approach to managing the delivery of community housing in accordance with the National Law. The governing bodies of registered community housing providers are responsible for ensuring their own good governance, quality tenancy and asset management, and financial viability.

Each registered community housing provider will be assigned a Primary Registrar. Generally, this will be the Registrar in the primary jurisdiction in which the community housing provider conducts, or intends to conduct, the majority of its community housing activity.

The Primary Registrar of a provider:

- registers the provider and can cancel its registration in certain circumstances
- monitors and enforces the provider's compliance with the National Law
- investigates complaints about the provider's compliance with the National Law
- records and makes publicly available certain information about the provider
- provides information and advice to the relevant Minister and housing (policy/funding) agency (see section 12).

The Primary Registrar expects that each registered community housing provider will undertake regular evidence based self-assessment of performance against the National Law (including the National Regulatory Code), using audit and peer review where appropriate.

The aim of each registered community housing provider should be for the periodic assessment of compliance to result in confirmation of good performance conforming to the requirements of the National Law.

The Primary Registrar will also regulate a provider's compliance with the National Law (see section 11). Typically, Registrars operate separately from the funding and service provision roles performed by the relevant housing agency, and make independent regulatory decisions in accordance with their functions under the National Law (see section 9).

## 7. Risk based regulation

The NRSCH is designed to identify, monitor and respond to risks that have serious consequences for tenants, funders and investors, community housing assets and the reputation of the sector.

A proportionate regulatory approach is needed with different levels of regulatory engagement for providers with different risk profiles. The Primary Registrar will work from the principle of setting the minimum requirements necessary to appropriately manage risk.

The greatest regulatory focus and scrutiny will be on providers assessed to have the greatest risk due to the scale and scope of their activities, and where the realisation of the risks would translate into significant impact for tenants, assets and sector reputation.

For this reason, Primary Registrars categorise community housing providers into different tiers of registration according to the scale and scope of their activities, and apply different levels of regulatory oversight and engagement to each tier. The registration tier is the first level of risk profiling.

The second level of risk profiling involves the Primary Registrar examining performance and assessment data and information to assess the actual risks associated with the Provider's capacity and compliance with the National Law.

The Primary Registrar makes this assessment in the context of the provider's business, with an understanding of the provider's scale and scope, operating environment, business plan and outcomes, and history in the delivery of community housing. The Registrar will also take into account trends in performance, as well as other relevant factors.

This engagement will be regularly reviewed in light of changing business focus, complexity and performance. However, a standard level of engagement and ongoing compliance assessment will always be undertaken even when a provider is deemed to be very low risk (see section 11).

When the Primary Registrar assesses risk, the Registrar focuses on the provider's community housing activities. This assessment will not always be the same as the provider's own assessment of risk.

More information about tiers, their requirements and the allocation process is available on the NRSCH website.

## 8. Eligibility criteria

Each tier of registration under the NRSCH has eligibility requirements that a provider must address in order to become registered.

These tier-specific requirements are as follows.

### Tier 1

A Registrar may only place an entity in registration Tier 1 if the entity:

- is incorporated as either a company limited by shares or a company limited by guarantee under the *Corporations Act 2001* (the 'Corporations Act')
- demonstrates that if it has affiliated entity arrangements it maintains control over activities and decisions that impact on its compliance with the National Law
- demonstrates it meets the evidence requirements for a Tier 1 provider, as specified in the Evidence Guidelines.

### Tier 2

A Registrar may only place a community housing provider in registration Tier 2 if the entity:

- is a body corporate created through state/territory or Australian government legislation, which are:
  - companies limited by shares under the Corporations Act
  - companies limited by guarantee under the Corporations Act
  - corporations incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*
  - cooperatives or incorporated associations under state/territory legislation
  - other bodies corporate created through other state/territory or national legislation (e.g. a trust which legislation declares to be a body corporate).

- demonstrates that if it has affiliated entity arrangements it maintains control over activities and decisions that impact on its compliance with the National Law
- demonstrates it meets the evidence requirements for a Tier 2 provider.

### Tier 3

A Registrar may only place a community housing provider in registration Tier 3 if the entity:

- is a body corporate created through state/territory or Australian government legislation, which are:
  - companies limited by shares under the Corporations Act
  - companies limited by guarantee under the Corporations Act
  - corporations incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)*
  - cooperatives or incorporated associations under state/territory legislation
  - other bodies corporate created through other state/territory or national legislation (e.g. a trust which legislation deems to be a body corporate).
- demonstrates that if it has affiliated entity arrangements it maintains control over activities and decisions that impact on its compliance with the National Law
- demonstrates it meets the evidence requirements for a Tier 3 provider.

Further information about tiers and the eligibility requirements can be found in the Tier Guidelines on the NRSCH website.

### Multi-jurisdictional providers

Participating jurisdictions have agreed that registered providers that operate in more than one jurisdiction will be regulated by and only communicate directly with their Primary Registrar. This includes all matters from application to wind-up, as well as issues regarding the provision of community housing in other, secondary jurisdictions.

All applications, documentation and evidence will be submitted to the Primary Registrar, ensuring that all compliance and reporting activities will only need to be completed once by each provider, regardless of how many jurisdictions they operate in.

Information shared between multi-jurisdictional providers and their Primary Registrars will be consistent with the rules of information sharing between single-jurisdiction providers and Primary Registrars (see section 12).

Primary Registrars may need to share some of a provider's information with other Registrars or the relevant housing agencies of other jurisdictions in which they operate, particularly with regard to regulation and compliance matters. It is the responsibility of each Primary Registrar to share information appropriately and in accordance with the National Law and in accordance with agreed protocols for information sharing (see section 12).

This streamlined process will significantly reduce the reporting burden for community housing providers operating in more than one jurisdiction.

Information shared between multi-jurisdictional providers and their Primary Registrars will be consistent



## 9. Separation between regulation and policy/funding

The Charter limits the scope of a Registrar's functions under the NRSCH to regulatory activities. State and territory housing agencies, depending on the arrangements in each jurisdiction, have responsibility for policy and funding activities and decisions.

To give effect to this, participating jurisdictions have agreed that jurisdictional arrangements will be consistent with the following nationally agreed principles:

- there is to be transparency in jurisdictional arrangements for the separation of regulatory decisions and policy/funding decisions
- Registrars will make regulatory decisions in their own right in performing their statutory function
- housing agencies will not instruct or seek to influence regulatory decisions
- exchange of information between Registrars and housing agencies will occur through the arrangements outlined in section 12 relating to information sharing.

Jurisdictions will have in place arrangements that demonstrate a clear separation of processes with regards to regulatory decisions and policy and funding decisions. These should include but are not limited to:

- terms of appointment of the Registrar
- structural arrangements that ensure Registrar decisions are not subject to the approval of a senior officer in the housing agency.

## 10. Registration

### Registration Requirements

An entity that provides or intends to provide community housing can apply to the appropriate Primary Registrar for registration as a community housing provider in a particular tier.

The Primary Registrar will use the eligibility requirements in the Tier Guidelines and the Evidence Guidelines when making a decision about registration and appropriate tier of registration.

The Primary Registrar will register the entity if it is satisfied that:

- the provider will comply with the National Law (including the National Regulatory Code)
- the provider will comply with any conditions of registration
- approval is appropriate in the circumstances.

All providers, at the time of applying for registration under the NRSCH must meet the, Conditions of Registration as per section 15 (2) of the National Law (see Conditions of Registration below).

### Registration process

The Registration Return Guide (available on the NRSCH website) sets out information about the registration process.

There are two parts to registration:

#### 1. Eligibility and Tier Form

A provider submits an Eligibility and Tier Form (ETF) to the Primary Registrar. The Registrar uses this to confirm whether the organisation is eligible to apply for registration as a community housing provider and to make a determination of the provider's provisional tier.

#### 2. Application for Registration

A provider who is assessed as eligible for registration will be sent an Application for Registration (AFR) and supporting documentation. These documents are appropriate to the provider's provisional tier and are designed to allow the Registrar to collect the evidence necessary to determine whether the provider has the capacity to comply with the performance requirements and outcomes of the National Regulatory Code.

By assessing the information and detailed documentation provided, the Primary Registrar will make a full assessment of the provider's eligibility and, if appropriate, the tier in which the provider will be registered.

The Tier Guidelines and the Evidence Guidelines contain detailed information on the eligibility requirements for each tier (see section 8), and the evidence required.

In normal circumstances, the application process will be completed in three months.

### Conditions of registration

All community housing providers registered under the NRSCH must comply with the conditions of registration set out in section 15 of the National Law<sup>2</sup>. Specific information on three of these conditions of registration is listed below:

#### Asset List

Under clause 15 (2) (i) of the National Law, all registered providers must keep and maintain a list of their community housing assets in a form approved by the Primary Registrar and make this list available upon request to Registrars. This document will be referred to as the Asset List.

The Asset List will contain all of assets defined as "community housing assets" in section 4 of the National Law as follows:

- a) land vested in the provider by or under the community housing legislation of a participating jurisdiction, or
- b) land acquired by the provider wholly or partly with funding provided by a housing agency of a participating jurisdiction, or
- c) land vested in the provider on which a housing agency of a participating jurisdiction has constructed housing or made other improvements, or
- d) funds provided to the provider by a housing agency of a participating jurisdiction for the purposes of community housing, or
- e) any other asset of the provider that is of a class of assets declared by the community housing legislation of a participating jurisdiction as community housing assets for the purposes of the National Law.

The requirements of each jurisdiction as to what assets must be recorded on the Asset List will be consolidated and made publicly available to community housing providers.

<sup>2</sup> Section 15 of the Community Housing Provider National Law.

**registered community housing provider** have the meanings given to them in the *Community Housing Provider National Law* and each other provision in the constitution dealing with winding up must be expressed to be subject to the wind-up clause. or,

- b) A clause in the constitution that uses suitable alternative wording, where the provider can demonstrate that the alternative wording is legally consistent with the requirements of clause 15 (2) (c) of the National Law.

It is the responsibility of those providers who choose to implement the second option of wording that is legally consistent with the National Law, to ensure that they seek appropriate and sound legal advice. This will be provided to the Primary Registrar to demonstrate that the alternative wording is appropriate and compliant with the condition of registration.

The Primary Registrar will examine the evidence and reach a final decision, which may or may not concur with the legal advice sought by the provider.

#### **Notification of adverse changes**

Section 15 (2) (h) of the National Law requires providers to notify their Primary Registrar of any change in their affairs that may have an adverse impact on their compliance with community housing legislation (adverse change).

An adverse change is any serious incident or event that may have an adverse impact on the provider's compliance with the National Law, including the performance requirements in the National Regulatory Code. Notifying the Primary Registrar of adverse changes is a corporate responsibility of the provider.

Notification must be made before, or no later than 72 hours after, the adverse change. It is a matter of judgement for the provider as to what changes should be notified to its Primary Registrar.

Where a provider is uncertain about whether an incident or event is notifiable as an adverse change, the provider should contact their Primary Registrar to discuss the matter. If a provider does not have the opportunity to discuss the matter with the Registrar, the provider should disclose it as a potential

#### **The 'wind-up clause'**

Clause 15 (2) (c) of the National Law states that:

"The provider must have provision in its constitution for all its remaining community housing assets in a participating jurisdiction on its winding up to be transferred to another registered community housing provider or to a housing agency in the jurisdiction in which the asset is located"

This condition must be met before an organisation can be registered under the National Law.

For the purposes of implementing this clause, the term 'constitution' will be those documents by which the provider is formed and governed. This provision within a provider's constitution must be included in one of the two following formats:

- a) A clause in the constitution which states that, "All remaining community housing assets in a participating jurisdiction on winding up will be transferred to another registered community housing provider or to a housing agency in the jurisdiction in which the asset is located". For the purposes of this clause, the terms **community housing asset**, **Housing Agency**, **participating jurisdiction** and

## 11. Ongoing compliance assessment

adverse change. This requirement forms part of a provider's ongoing compliance responsibilities.

The Primary Registrar is responsible for both promoting a culture of compliance and detecting and addressing non-compliance at the earliest opportunity in order to protect the integrity of the community housing sector.

The Primary Registrar will proactively engage with providers on an ongoing basis to foster compliance. This engagement will be risk-based to ensure the effective and efficient use of resources. Primary Registrars will use common risk profiling methods to assess the risk of non-compliance in the future and for ongoing compliance assessment.

In addition to proactive engagement with the sector to foster compliance, all registered community housing providers must periodically demonstrate that they are achieving relevant performance requirements under the National Regulatory Code, and otherwise complying with the National Law.

#### **Standard periodic compliance assessment**

All community housing providers must complete a Compliance Return on a regular periodic basis, and submit it to their Primary Registrar. Tier 1 and Tier 2 providers must complete a Compliance Return every year. Tier 3 providers must complete a Compliance Return every 2 years.

This forms part of a periodic assessment that seeks to ensure ongoing compliance with the National Regulatory Code and constitutes the minimum level of oversight that will be applied.

The Primary Registrar may also seek input from other relevant parties, such as the housing agency for the relevant jurisdiction or other Registrars in the case of a multi-jurisdictional provider (see section 7).

The Primary Registrar uses the information in the compliance return and in the supporting documents to prepare a compliance assessment report. This report sets out its determinations on tier and compliance, findings on performance and the reasons for the determination.

The provider receives a draft for comment before the final compliance assessment report is issued.

Where necessary, the Primary Registrar will provide guidance to the provider as to the types of action that the provider should take to improve performance and bring the provider to compliance.

#### **Triggered compliance assessment**

In addition to standard periodic assessment, certain events or the outcome from the last assessment and risk profiling process may trigger additional compliance assessments outside of the standard cycle.

Ongoing risk profiling will be used to analyse a provider's level of risk in addition to the standard compliance assessments. A higher risk profile may result in triggered compliance assessments to address the issues raised. The complete resolution of the issues should result in a reduction in the risk profile. This would allow the provider's compliance regime to return to the standard periodic compliance assessment cycle appropriate to their tier of registration.

Triggered compliance assessments will be proportionate to the risk that triggers them. Registrars will limit the scope of additional assessment activities to the minimum additional engagement needed to understand the nature and extent of the risk, the impact it has or will have on the provider's community housing business, and to provide assurance that it has been appropriately mitigated.

Additional assessments may be limited to requesting additional information on a particular risk, or may extend to a wider compliance assessment.

## 12. Information sharing

All participating jurisdictions have agreed to a process that will allow Registrars and housing agencies to manage, and where permitted, share information gathered through the NRSCH.

Registrars will enter into an Operating Agreement with the housing agencies in their jurisdiction. Such agreements will be consistent with the following list of high level principles that will be applied to all information sharing in accordance with the National Law:

1. A consistent approach to information sharing between Registrars and housing agencies will be adopted across all participating jurisdictions
2. Information shared between Registrars and housing agencies will uphold the principle of maintaining separation between funding and regulation
3. Housing agencies will only request and Registrars will only share information about individual community housing providers that is either publicly available, provided with the consent of the provider or falls within the threshold of a reportable incident as specified in the sections below.

### Information sharing under the National Law

The National Law requires Registrars to provide the relevant housing agencies with the following information:

- registration and regulation of registered entities and any other matter under community housing legislation
- issuance of a Notice of Intent to Cancel Registration
- information regarding providers whose Application for Registration has been approved on the National Register, which is publicly available including:
  - Conditions to which the registration is subject
  - Copy of any binding instructions.

### Additional information sharing

Participating jurisdictions have also agreed the following:

1. Registrars will not share any commercial-in-confidence or Board-in-confidence material without the consent of the provider
2. Registrars will encourage providers to submit information directly to the housing agency about any incident or finding that could have a serious negative impact on tenants, community housing assets or the reputation of community housing. Where a provider chooses not to submit this information, the Registrar may notify the housing agency about such an incident and provide appropriate supporting information
3. Registrars and housing agencies will inform each other when any significant details about a provider are changed
4. Housing agencies will inform Registrars of significant changes to policy and legislation
5. Housing agencies will provide Primary Registrars with a schedule of any significant resource allocations to individual providers
6. Housing agencies will provide Primary Registrars, upon request, with validation about basic information about a provider's property numbers in which the housing agency has an interest, programs under agreement, recurrent funding and maintenance responsibilities.

Registrars and housing agencies will inform each other when any significant details about a provider are changed

## 13. Enforcement action

Under the National Law, Registrars have a range of enforcement powers to ensure that tenants and community housing assets are appropriately protected if a provider does not comply with its obligations under the National Law.

Generally, a Primary Registrar will prefer a staged and escalated approach enforcement. If the matter is not serious or urgent, the Primary Registrar will endeavour to work cooperatively with the provider.

Before taking enforcement action, the Primary Registrar will consider a full range of interests, including the interests of tenants, the provider, secured creditors and government housing agencies (where appropriate).

The Primary Registrar will take enforcement action if non-compliance is significant and requires more than regulatory engagement to ensure compliance is achieved.

Registrars' enforcement powers are:

- issuing a Notice of Non-Compliance
- giving Binding Instructions
- issuing a Notice of Intent to Cancel Registration
- appointing a statutory manager
- cancellation of registration.

In exercising these powers under the National Law, a Registrar will comply with the Enforcement Guidelines (available on the NRSCH website). The purpose of the Guidelines is to ensure:

- national consistency in the use of enforcement powers under the National Law
- the use of enforcement powers is consistent with the principles of good regulation.

## 14. Reviews and appeals

### Internal review

In undertaking their work, Registrars and their delegates will exercise discretion and make decisions. Good public administration requires the proper use of discretionary powers that affect the rights and interests of individuals and organisations. Accepted good practice allows for the review of decisions of public officials.

While some decisions trigger a specific right to external review under the National Law and jurisdiction-specific Acts, Registrars will also provide an option of internal review on all administrative decisions.

Internal review involves an affected person or organisation applying to the Registrar to have the decision reviewed by an officer not substantially involved in the original decision. The request for an internal review must be made within 28 calendar days after the day the affected person received the original decision.

The Registrar will appoint an internal review officer, who will be an individual who was not substantially involved in the original decision-making. The internal review officer will consider all original documents and the original decision and any additional information in relation to the original decision.

At the end of the review, the officer may:

- affirm the decision
- vary the decision, or
- set aside the decision and make a decision in substitution for the decision that is set aside.



## 15. Sector engagement

### Appeals

The National Law provides for the external review of certain decisions made by the Primary Registrar including:

1. A decision to vary the category of registration of a provider
2. A decision to refuse an application for registration, or to refuse an application to vary the provider's registration
3. A decision to impose or revoke an additional standard condition of registration
4. A decision to cancel the registration of a registered provider.
5. A decision to refuse an application by a registered provider to cancel the provider's registration
6. A decision to issue Binding Instructions to a registered provider
7. A decision to appoint a statutory manager to a registered provider.

Once the Primary Registrar provides the entity with written notice of one of these types of decisions, the entity has 14 days to appeal to the relevant Appeal Tribunal (or any longer period which applies in the relevant jurisdiction).

Registrars will ensure an appeals management process is in place, consistent with the principles of natural justice. Successful appeals of decisions made by the Registrar are to be published as part of the registration information.

Each Registrar's ongoing effectiveness as a regulator depends on sound relationships with stakeholders.

It is crucial that the Registrar engages with them cooperatively to provide an effective regulatory environment that has the trust and support of tenants, providers and investors.

While the Primary Registrar's most direct relationships are with community housing providers, Registrars have a number of mechanisms in place to ensure they understand all stakeholders' needs.

Each Registrar will have mechanisms in place to consult and engage with stakeholders on regulatory approach and sector engagement. This may include sector engagement activities that are coordinated nationally where required

## Glossary

### Appeal Tribunal

The tribunal specified as the Appeal Tribunal in the community housing legislation of the relevant jurisdiction

### Binding Instructions

Written instructions given by a Primary Registrar to a provider to rectify the Provider's non-compliance

### Community housing

Housing for people on a very low, low or moderate income or for people with additional needs that is delivered by non-government organisations.

### Community housing asset

- a) land vested in the provider by or under the community housing legislation of a participating jurisdiction, or
- b) land acquired by the provider wholly or partly with funding provided by a Housing Agency of a participating jurisdiction, or
- c) land vested in the provider on which a Housing Agency of a participating jurisdiction has constructed housing or made other improvements, or
- d) funds provided to the provider by a Housing Agency of a participating jurisdiction for the purposes of community housing, or
- e) any other asset of the provider that is of a class of assets declared by the community housing legislation of a participating jurisdiction as community housing assets for the purposes of the National Law.

### Community housing legislation

The National Law as applied in or adopted by a jurisdiction, together with any other legislation declared to be community housing legislation by the law of that jurisdiction.

### Community housing provider

An organisation that provides community housing.

### Enforcement Guidelines

Guidelines setting out the enforcement actions available to Registrars under the National Law if they reasonably believe that a provider is not complying with the community housing legislation of a participating jurisdiction.

### Evidence Guidelines

Guidelines that describe the performance indicators and evidence sources for the assessment of providers against the National Regulatory Code in respect of Tier 1, 2 and 3 providers

### Housing Agency

A Commonwealth, State or Territory government department or agency with responsibility for policy and funding decisions relating to community and other housing

### Inter-Government Agreement (IGA)

A joint ministerial agreement, signed by relevant Ministers which commits governments to proceeding with the National Regulatory System for Community Housing and outlines the basis for its establishment and operation.

### National Law

The state and territory based legislation through which the NRSCH is being introduced. The National Law is enacted in the host jurisdiction, New South Wales, and either applied or adopted by participating jurisdictions.

### National Register

A single national database with the details of all registered community housing providers that is made publicly available.

### National Regulatory Code

The performance requirements that registered housing providers must meet and comply with in providing community housing.

### National Regulatory Council (NRC)

An independent advisory committee to be appointed by housing Ministers as an independent advisory committee to oversee the operation of the NRSCH with Secretariat support.

#### **National Regulatory System for Community Housing (NRSCH)**

A national system of registration, monitoring and regulation of community housing providers to encourage the development, viability and quality of community housing to promote confidence in the good governance of registered community housing providers so as to:

- facilitate greater investment in the sector
- make it easier for community housing providers to operate in more than one participating jurisdiction, and
- identify appropriate entities to which government funding for community housing might be provided under other legislation or policies of a jurisdiction.

#### **Operational Guidelines**

The suite of guidelines that governs the operation of the regulatory system including the Evidence Guidelines, Tier Guidelines and Enforcement Guidelines.

#### **Participating jurisdiction**

Commonwealth, states and territories whose governments have agreed to participate in the NRSCH, e.g. a jurisdiction that applies or adopts the National Law.

#### **Primary Registrar**

The Registrar for the primary jurisdiction in which the community housing provider operates; generally the Registrar in the state or territory in which the provider undertakes the majority of its community housing activity.

#### **Statutory manager**

A Registrar-appointed manager to conduct the affairs and activities of the provider as they relate to the provider's community housing assets if:

- a Notice of Intent to Cancel Registration has been issued to the provider, or
- the Registrar forms the opinion that the provider has failed to comply with community housing legislation or Binding Instructions and the provider's failure to comply is serious and requires urgent action.

#### **Tier Guidelines**

Guidelines for the application of the three-tiered registration system based on risk, whereby different levels of regulatory oversight apply to providers based on the scale and scope of their community housing activities.

Please note:

Some common terms may have slightly different definitions in different jurisdictions that reflect variations in their legislation and/or existing terminology.

## For more information

For more information on the National Regulatory System for Community Housing, please visit: [www.nrsch.gov.au](http://www.nrsch.gov.au)

**NATIONAL REGULATORY SYSTEM**  
**COMMUNITYHOUSING**

A joint initiative of Commonwealth, State and Territory Governments

