Evidence guidelines
## National Regulatory Code Evidence Guidelines

### Performance outcome 1: Tenant and housing services

#### National Regulatory Code Evidence Guidelines

<table>
<thead>
<tr>
<th>Performance outcome 1: Tenant and housing services</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance outcome 2: Housing assets</td>
<td>18</td>
</tr>
<tr>
<td>Performance outcome 3: Community engagement</td>
<td>24</td>
</tr>
<tr>
<td>Performance outcome 4: Governance</td>
<td>26</td>
</tr>
<tr>
<td>Performance outcome 5: Probity</td>
<td>32</td>
</tr>
<tr>
<td>Performance outcome 6: Management</td>
<td>36</td>
</tr>
<tr>
<td>Performance outcome 7: Financial viability</td>
<td>38</td>
</tr>
</tbody>
</table>

### Glossary

Glossary 42

---

**Published by the National Regulatory System for Community Housing Directorate**

**Document Identification**: 003-04-13/NRSD

**Publication date**: January 2014

**Supported by the Commonwealth Government of Australia**

This work is copyright. It may be produced in whole or in part for study or training purposes subject to the inclusion of an acknowledgement of the source. It may not be reproduced for commercial sale.
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.

The key objectives of the NRSCH are:

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

The governance arrangements are set out in an Inter-Government Agreement (IGA) for a National Regulatory System for Community Housing and provide for the establishment of the National Regulatory Council (NRC) as an independent advisory committee.

A suite of Operational Guidelines guides the overall operation of the NRSCH in accordance with the Community Housing Providers National Law (the ‘National Law’).

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

2. Purpose of this document

The National Regulatory Code sets out the performance outcomes and requirements that must be met by registered community housing providers under the NRSCH.

Community housing providers must demonstrate their capacity to comply with the Code on application and once registered, must demonstrate ongoing compliance with the Code.

The Evidence Guidelines describe the performance indicators and evidence sources for assessing providers against the National Regulatory Code performance outcomes and requirements for different types of providers (classified as Tier 1, 2 and 3 providers).

The Evidence Guidelines are proportionate to levels of risk, and aim to minimise the reporting burden. All tiers have minimum evidence sources so that a minimum level of regulatory engagement can be maintained for providers that are consistently well performing and/or have a simple business model. The Evidence Guidelines are not intended to be prescriptive, and allow for a provider to propose alternative evidence sources.

These Guidelines are made jointly by the relevant ministers of each participating jurisdiction and are published on the New South Wales legislation website according to section 10 (2) of the National Law.

These guidelines should be read in conjunction with:

- the National Law
- the National Regulatory Code (schedule 1 of the National Law)
- any other guidelines made under section 10(2) of the National Law.

The principles of good regulation that underpin the National Regulatory Code are the performance requirements which are:

- Proportionate – reflecting the scale and scope of regulated activities
- Accountable – able to justify regulatory assessments and be subject to scrutiny
- Consistent – based on standardised information and methods
- Transparent – clear and open processes and decisions
- Flexible – avoiding unnecessary rules about how housing providers organise their business and demonstrate compliance
- Targeted – focused on the core purposes of improving tenant outcomes and protecting vulnerable tenants, protecting government funding and equity, and ensuring investor and partner confidence.

In assessing a provider’s performance under the National Regulatory Code, the Registrar in each jurisdiction is required to apply these principles of good regulation. The Registrar must undertake every assessment in the context of the provider’s business and must consistently apply the guidelines.

3. Principles

The principles of good regulation that underpin the National Regulatory System are the performance requirements which are:

- Proportionate – reflecting the scale and scope of regulated activities
- Accountable – able to justify regulatory assessments and be subject to scrutiny
- Consistent – based on standardised information and methods
- Transparent – clear and open processes and decisions
- Flexible – avoiding unnecessary rules about how housing providers organise their business and demonstrate compliance
- Targeted – focused on the core purposes of improving tenant outcomes and protecting vulnerable tenants, protecting government funding and equity, and ensuring investor and partner confidence.
4. Tiers of registration

The Evidence Guidelines set performance indicators and evidence requirements in accordance with three tiers of registration.

The tier of registration is determined by an entity's level of risk arising from the scale and scope of its community housing activities, which in turn determines the intensity of regulatory engagement and oversight.

For example, organisations involved in activities that require management of a higher level risk (e.g. property development and leveraging assets) will be subject to a higher level of regulatory requirements and engagement than organisations managing lower level risks (e.g. small-scale tenancy management). For example, Tier 1 providers might have an annual compliance assessment whereas Tier 3 providers might have a compliance assessment every two years.

It is important to note that Registrar decisions about tiers are different from their assessment of actual risks associated with a provider’s compliance with the National Law. Within any tier, Registrars may vary the amount of regulatory engagement depending on actual risk presented at any given time.

Performance and assessment data is used to inform a risk-based assessment of all registered providers to determine compliance with the National Law and the National Regulatory Code. This determines the nature of regulatory engagement and, where necessary, action.

Risk-based engagement recognises:
- The impact of complex business structures, for instance with multi-jurisdictional providers,
- Potential or actual problems from providers taking on risky activities
- Potential or actual problems due to weaknesses in management or governance.

For providers with a simple business model, engagement will be minimal. All providers will be informed of the expected level of engagement. This engagement will be regularly reviewed in light of changing business focus and complexity and performance.

Regulation will be responsive, proportionate and consistently applied. In broad terms risk-based engagement allows registrars to:
- Maintain a minimum level of regulatory engagement for consistently well-performing providers (for these providers more reliance is placed on monitoring basic data and health checks and on the provider advising the regulator of any change of circumstances)
- Develop a new approach for multi-jurisdictional providers where there is an increased level of risk arising from size or the amount of money they receive for development
- Engage with providers more intensively where higher levels of risk are identified, in ways that reflect their particular circumstances.

5. Risk and regulation

For the most part, the Evidence Guidelines rely upon the business documentation and data that community housing providers’ governing bodies would require in order to be satisfied that their community housing delivery is well governed, well managed and financially viable.

The Evidence Guidelines are not intended to be prescriptive or exhaustive and the provider may look to alternative business documentation or data. A single evidence source may be listed and used for assessing multiple performance requirements.

A community housing provider can present evidence in its existing form and is not expected to reconfigure its key business documents. Providers can also present multiple evidence sources in one document, such as:
- Its resident feedback findings and action plan (for performance outcome 1), a list of partnership arrangements (for performance outcome 2)
- The local community profile and strategies for contributing to the local community (for performance outcome 2)
- Its governance structure and expertise base and profiles of each governing body member (for performance outcome 4)

However, the community housing provider must indicate where evidence relating to a performance requirement is located, to ensure all relevant evidence is taken into account during the assessment.

It is ultimately the decision of a Registrar as to whether an evidence source is relevant and is used in an assessment. A community housing provider may submit the required evidence, but that evidence may be insufficient to demonstrate performance, or that evidence may be in an alternative form that results in the Registrar requiring additional evidence from the provider. The types of additional evidence that may be requested have been included in the performance outcomes tables later in this document.
The Evidence Guidelines are not prescriptive and enable evidence from other assurance systems to be submitted for registration and compliance assessment.

This approach aims to minimise the regulatory burden on community housing providers by ensuring the NRSCH effectively co-exists with other assurance systems regarding data collection, reporting and information sharing.

National Community Housing Standards

Registrars will recognise accreditation under the National Community Housing Standards and accreditation under other relevant third-party accreditation systems as a valid source of evidence for entities to demonstrate performance against the National Regulatory Code.

The National Community Housing Standards were introduced in 1996 with the aim of setting out good practice standards in service delivery in the community housing sector throughout Australia. The Standards cover the elements that constitute a quality housing service for residents and tenants in community housing.

Accreditation is designed to allow accredited providers to make continuous quality improvements in delivering and managing community housing. Accredited community housing providers are well positioned for meeting the requirements of the National Regulatory Code.

In order to demonstrate performance against the National Regulatory Code, providers may use evidence used for accreditation, or the accreditation report issued by the accrediting authority. However, a provider that has obtained accreditation will not automatically meet the regulatory performance outcomes under the National Regulatory Code.

In order to make a compliance assessment on registration and on an ongoing basis, a Registrar will require, on occasion, information from sources other than the provider.

These sources may include:
- the National Register
- the Registrar’s record of complaints and notifications under the National Law
- the relevant housing agency
- other government agencies (this might include information about the provider’s funding terms or compliance with a policy or contract, or housing-related service delivery)
- other regulatory authorities (this might include information about regulatory engagement with the provider)
- the public record (this might include information about the provider’s body corporate status, court or tribunal decisions, or media).

The Registrar will discuss with the provider the need for this information.

Registrars will use the Evidence Guidelines when undertaking registration and compliance assessments and decision-making.

Registrars use all relevant information to assess the provider’s performance outcomes. A provider demonstrates its capacity or ongoing compliance by meeting specified National Regulatory Code performance outcomes and requirements.

When a Registrar assesses a provider’s compliance for the purposes of registration or on an ongoing basis, the Registrar will assess:
- whether the provider meets the relevant eligibility requirements in the National Law and in the Tier Guidelines
- whether the provider has the capacity to meet the National Regulatory Code requirements
- whether the provider complies with other requirements of the National Law.

The Evidence Guidelines include thresholds for some performance results against the National Regulatory Code outcomes and requirements.

The thresholds in themselves do not determine capacity or compliance. Rather, they provide a transparent level of performance results against the National Regulatory Code performance outcomes and requirements as an indicative guide to measuring performance thresholds, will raise a flag that there may be a performance concern that the Registrar needs to address when assessing the provider’s capacity or ongoing compliance.

Where a provider does not meet certain thresholds, the Registrar will seek to understand whether the provider is not complying with the performance requirement or whether the level of performance relates to particular circumstances.
National Regulatory Code Evidence Guidelines

Performance outcome 1: Tenant and housing services

The community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
</table>
| a. Determining and managing eligibility, allocation and termination of housing assistance | The provider makes information about its tenancy management policies and procedures available in a variety of formats | • All applicants/tenants/residents receive information to enable the applicant/tenant/resident to make informed decisions and to understand decisions made by the provider  
• The policies and procedures are applied so there are no significant and ongoing or repeated failures to treat applicants and tenants/tenants fairly and transparently | Tiers 1, 2 and 3  
• Tenancy management policies and procedures (including the process to determine eligibility, allocation, rent, charges, complaints, appeals and termination of tenancy)  
• Documents, such as brochures, booklets or information kits, that are provided to applicants, tenants/residents and other stakeholders  
• Website  
• Tier 1  
• Information about the range of housing services delivered  
• May be requested  
• Standard letters and forms to applicants and tenants/residents used in tenancy management  
• Outsourcing agreement (if applicable) | Tiers 1, 2 and 3  
• Tenancy management policies and procedures where there has been a significant change  
• Evidence that significant changes in policies and procedures have been communicated to tenants/residents  
• Record of feedback from tenants/residents and response or action  
• Website |
| The provider manages housing assistance in accordance with its policies and the legal and policy requirements relevant to its jurisdiction | • The policies and procedures are applied so there are no significant and ongoing or repeated failures to manage housing assistance in accordance with policy and legal requirements  
• Tenancy management policies and procedures reference legal and jurisdictional policy requirements where appropriate | Tiers 1, 2 and 3  
• Tenancy management policies and procedures  
• Tier 2  
• System and processes for monitoring compliance with its own policies and the legal and policy requirements relevant to its jurisdiction  
• Tier 1  
• Integrated system and processes for monitoring compliance with its own policies and the legal and policy requirements relevant to its jurisdiction  
• May be requested  
• Sample tenancy/residency agreement | Tiers 1, 2 and 3  
• Tenancy management policies and procedures where there has been a significant change  
• Tenancy data  
• Complaints data  
• Appeals data  
• May be requested  
• Records that confirm the provider complies with its own tenancy management policies and procedures and other legal and policy requirements relevant to its jurisdiction  
• Other sources  
• Decisions of appeals/reviews in relevant tribunals or bodies  
• Record of complaints and notifications under the National Law |
### Performance outcome 1: Tenant and housing services

The community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Determining and managing rents</td>
<td>The provider makes information about its policies and procedures to determine and manage rents available in a variety of formats</td>
<td>• All applicants/tenants/residents receive information to enable the applicant/tenant/resident make informed decisions and to understand options</td>
<td>Tiers 1, 2 and 3</td>
<td>• Rent policies and procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The policies and procedures are applied so there are no significant and ongoing or repeated failures to treat applicants and tenants/tenants fairly and transparently</td>
<td></td>
<td>• Documents, such as brochures, booklets or information kits, that are provided to applicants, tenants/residents and other stakeholders</td>
</tr>
<tr>
<td></td>
<td>The provider manages rent in accordance with the specific legal and policy requirements of each jurisdiction</td>
<td>• Tenancy management policies and procedures reference legal and jurisdictional policy requirements, where appropriate</td>
<td>Tiers 1, 2 and 3</td>
<td>• Website</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• All tenants/residents are charged rent in accordance with jurisdictional policy requirements</td>
<td>Tier 1</td>
<td>• Information about the range of housing services delivered</td>
</tr>
<tr>
<td></td>
<td>The provider communicates and monitors what tenants and residents can expect from the service</td>
<td>• Standards address operating hours, response times, privacy, conduct and communication</td>
<td>Tier 1</td>
<td>• Standard letters and forms to applicants and tenants/residents used in tenancy management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Standards address access across geographical location (Tiers 1 and 2)</td>
<td>May be requested</td>
<td>• Outsourcing agreement (if applicable)</td>
</tr>
</tbody>
</table>

### National Regulatory Code Evidence Guidelines

#### Performance outcome 1: Tenant and housing services

- **Tiers 1, 2 and 3**: Rent policies and procedures where there has been a significant change
- **Evidence**: That significant changes in policies and procedures have been communicated to tenants/residents
- **Other Sources**: Record of feedback from tenants/residents and response action

#### Tiers 1 and 2

- **Tenant/resident survey results and analysis addressing the adequacy of information provided to tenants/residents**
- **Website**

#### Tiers 1, 2 and 3

- **Rent policies and procedures**
- **Tier 1**: Systems and processes for monitoring compliance with its own policies and the legal and policy requirements relevant to its jurisdiction
- **Tier 2**: Integrated system and processes for monitoring compliance with its own policies and the legal and policy requirements relevant to its jurisdiction
- **May be requested**: Sample tenancy/residency agreement

---

**Contents**

| 1. About the National Regulatory System for Community Housing | 2 |
| 2. Purpose of this document | 3 |
| 3. Principles | 4 |
| 4. Tiers of registration | 5 |
| 5. Risk and regulation | 6 |
| 6. Evidence sources | 7 |
| 7. Recognising evidence from other assurance systems | 8 |
| 8. Obtaining evidence from other sources | 9 |
| 9. Assessing evidence | 10 |

---

**Glossary**

- 1079845

**Print friendly version Download now**

Please note that this interactive PDF has been created for online viewing only. To print any of the pages, please click here to download the print friendly version of this document.
Performance outcome 1: Tenant and housing services

The community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Supporting tenant and resident engagement</td>
<td>The provider involves tenants and residents in the planning and delivery of housing services in a variety of accessible ways</td>
<td>• All tenants/residents are provided appropriate opportunities to be involved in planning and delivering housing services</td>
<td>Tiers 1, 2 and 3</td>
<td>• Tenant/resident engagement policies and procedures or strategy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Formal tenant/resident engagement mechanisms such as governing body position(s), representative forum, surveys, tenant advocate position (tiers 1 and 2)</td>
<td></td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tenant/resident survey is conducted at least every two years with positive outcomes for feedback and consultation opportunities (tiers 1 and 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The provider promotes appropriate opportunities for tenants and residents to be involved in their community</td>
<td>• All tenants/residents are made aware of appropriate opportunities to be involved in their community</td>
<td></td>
<td>Tiers 1 and 2</td>
</tr>
<tr>
<td></td>
<td>The provider obtains feedback from tenants and residents on its services, and consults with them on proposals that will affect them</td>
<td>• All tenants/residents are provided appropriate opportunities to provide feedback and to be consulted</td>
<td>Tiers 1, 2 and 3</td>
<td>• Tenant/resident engagement plans/strategy and/or policies and procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Formal mechanisms such as governing body position(s), representative forum, surveys, tenant advocate position (tiers 1 and 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tenant/resident survey is conducted at least every two years with positive outcomes for feedback and consultation opportunities (tiers 1 and 2)</td>
<td></td>
<td>Tiers 1 and 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Methodology for collecting tenant/resident feedback</td>
<td></td>
<td>Tier 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Performance outcome 1: Tenant and housing services

The community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Facilitating access to support for social housing applicants and tenants with complex needs</td>
<td>The provider establishes and maintains arrangements that are adequate to ensure tenants and residents with support needs receive appropriate support, if relevant and where available, to maintain their tenancies.</td>
<td></td>
<td>Tiers 1, 2 and 3</td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Business plan</td>
<td>• Tenant/resident support facilitation policies and procedures where there has been a significant change</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Tenant/resident support facilitation policies and procedures including responding to changing resident/tenant needs</td>
<td>• Annual report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• List of current or proposed partnership arrangements through which support is facilitated for residents and tenants in need</td>
<td>• Complaints data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tiers 1 and 2</td>
<td>• Appeals data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• List of current or proposed formal partnership arrangements through which support is facilitated for residents and tenants in need</td>
<td>• Support data</td>
</tr>
<tr>
<td>f. Managing and addressing complaints and appeals relating to providing housing services</td>
<td>Information is readily available and promoted to tenants on complaints and appeals.</td>
<td></td>
<td>Tiers 1, 2 and 3</td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• All applicants, tenants/residents receive information to enable the applicant, tenant/resident to make informed decisions about managing complaints and appeals.</td>
<td>• Complaint and appeal policies and procedures where there has been significant change</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tiers 1 and 2</td>
<td>• Complaints data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Website</td>
<td>• Appeals data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tiers 1 and 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Communications to residents/tenants (such as newsletters)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Website</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Decisions of appeals/reviews in relevant tribunals or bodies</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Record of complaints and notifications under the National Law</td>
<td></td>
</tr>
</tbody>
</table>
Performance outcome 1: Tenant and housing services

The community housing provider is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>f. Managing and addressing complaints and appeals relating to providing housing services</td>
<td>The provider regularly monitors the effectiveness of the complaints and appeals system</td>
<td>The type, number and outcome of complaints and appeals are reviewed regularly to inform the fair, transparent and responsive delivery of the complaints and appeals system</td>
<td>Tiers 1, 2 and 3&lt;br&gt;• Complaint and appeal policies and procedures</td>
<td>Tiers 1, 2 and 3&lt;br&gt;• Business plan&lt;br&gt;• Annual report&lt;br&gt;• Complaint and appeal policies and procedures where there has been significant changes</td>
</tr>
<tr>
<td>g. Maintaining satisfaction with the overall quality of housing assistance</td>
<td>The provider maintains a satisfactory level of tenant and resident satisfaction</td>
<td>• Housing assistance is delivered so there is no significant and ongoing or repeated dissatisfaction with the overall quality of services provided&lt;br&gt;• Satisfaction rate with the overall quality of services ≥ 75%&lt;br&gt;• Tenant/resident survey is conducted at least every two years (tiers 1 and 2)</td>
<td>Tiers 1, 2 and 3&lt;br&gt;• Feedback mechanisms</td>
<td>Tiers 1, 2 and 3&lt;br&gt;• Business plan&lt;br&gt;• Annual report&lt;br&gt;• Records of tenant/resident feedback (e.g. tenant/resident meetings, consultations) and actions taken as a result</td>
</tr>
</tbody>
</table>

Examples and notes

- **Outsourcing agreement:** This evidence is relevant where transactional activities are outsourced to another agency, for example, a real estate agent. The agreement (e.g. contract) may include conditions for service delivery related to quality and the rights of residents/tenants, and will be subject to review to monitor compliance with the requirements of the formal agreement.

- **The provider makes its tenant management policies and procedures available in a variety of formats:** Information about eligibility, allocation and ongoing tenant/residency management processes should be made available to applicants and residents/tenants to ensure the processes are transparent and readily understood. Similarly, information about internal complaints and appeals processes should be accessible to applicants and residents/tenants. This information can be communicated through a range of media such as (but not limited to) brochures, booklets, information kit, posters, audio and online.

- **Complaint and appeal data:** This evidence is reviewed to ensure there is no significant and ongoing or repeated failure to treat applicants and residents fairly.
## Performance outcome 2: Housing assets

The community housing provider manages its community housing assets in a manner that ensures suitable properties are available now and in the future.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Determining changing housing needs and planning asset acquisitions, disposals and reconfiguration to respond (strategic asset management)</td>
<td>The provider plans for how it will manage its housing assets to optimise outcomes on financial investment, service delivery and meeting housing needs.</td>
<td>≥70% of all community housing assets managed by the provider meet state housing authority’s property condition standards, or other property condition standards adopted by the provider that exceed the state housing authority’s standards against which the properties were inspected.</td>
<td>Tiers 1, 2 and 3</td>
<td>Business plan, Asset management policies and procedures, Strategic asset management plan</td>
</tr>
<tr>
<td>b. Setting and meeting relevant property condition standards</td>
<td>The provider manages community housing assets in accordance with the specific legal and policy property condition requirements relevant to its jurisdiction</td>
<td>Improving property condition standards (e.g. star ratings) over time, There are no significant and ongoing or repeated failures to meet property condition standards.</td>
<td>Tiers 1, 2 and 3</td>
<td>Asset management policies and procedures, Asset maintenance plan, Property condition standards, Strategic asset management plan</td>
</tr>
</tbody>
</table>

### National Regulatory Code Evidence Guidelines

- **Performance outcome 1: Tenant and housing services**
- **Performance outcome 2: Housing assets**
- **Performance outcome 3: Community engagement**
- **Performance outcome 4: Governance**
- **Performance outcome 5: Probity**
- **Performance outcome 6: Management**
- **Performance outcome 7: Financial viability**

### Glossary
- **Evidence Guidelines**
- **National Regulatory Code**
- **Regulatory System for Community Housing**
Performance outcome 2: Housing assets

The community housing provider manages its community housing assets in a manner that ensures suitable properties are available now and in the future.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance)</td>
<td>The provider ensures (commensurate with its responsibilities): - properties are well maintained - maintenance is undertaken in a timely manner - maintenance work is undertaken by suitably qualified staff/contractors/consultants</td>
<td>- The condition of each property is inspected at least every three years by a party with appropriate qualifications and/or experience in the building/construction/maintenance fields or ability to identify issues and escalate within an appropriate system (Tiers 1 and 2) - Cyclical and life-cycle maintenance is scoped and budget allocated - Maintenance timeframes are set and met in accordance with legal requirements relevant to its jurisdiction - Asset maintenance plan is for a minimum 10 year rolling period with budget forecasts (Tiers 1 and 2)</td>
<td>Tiers 1, 2 and 3 - Asset management policies and procedures - Asset maintenance plan Tiers 1 and 2 - Strategic asset management plan</td>
<td>Tiers 1, 2 and 3 - Asset management policies and procedures where there has been significant change - NRS financial performance report - Maintenance data - Complaints data - Appeals data Tiers 1 and 2 - Reports against the strategic asset management plan May be requested - Reports against the asset maintenance plan - Certification to the specific legal and policy requirements relevant to its jurisdiction - Maintenance procurement processes and contracts - Example of an inspection report by a party with appropriate qualifications - Qualifications and experience requirements in relevant maintenance procurement processes and contracts - Records that confirm the provider complies with its own asset maintenance policies and procedures and other legal and policy requirements relevant to its jurisdiction (Tiers 1 and 2)</td>
</tr>
</tbody>
</table>
### Performance outcome 2: Housing assets

The community housing provider manages its community housing assets in a manner that ensures suitable properties are available now and in the future.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
</table>
| **c. Planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance)** | The provider maintains a satisfactory level of tenant and resident satisfaction with maintenance and housing amenity | • Tenant/resident survey is conducted at least every two years ( tiers 1 and 2)  
• ≥ 75 per cent of tenants/residents are satisfied with the condition of the property  
• ≥ 75 per cent of tenants/residents are satisfied with the maintenance of the property  
• Records of complaints and appeals do not indicate ongoing and repeated instances of resident dissatisfaction with maintenance and/or housing amenity | **Tiers 1, 2 and 3**  
• Feedback mechanisms  
**Tiers 1 and 2**  
• Methodology for collecting tenant/resident feedback | **Tiers 1, 2 and 3**  
• Business plan  
• Annual report  
• Records of tenant/resident feedback (e.g. tenant/resident meetings, consultations) and actions taken as a result  
• Complaints data  
• Appeals data  
**Tiers 1 and 2**  
• Tenant/resident survey results and analysis addressing satisfaction with the overall quality of housing services **May be requested**  
• Records of monitoring and review of maintenance procurement and contracting ( tiers 1 and 2)  
Other sources  
• Decisions of appeals/reviews in relevant tribunals or bodies  
• Record of complaints and notifications under the National Law |

| **d. Planning and delivering its housing development program (asset development)** | The provider plans, monitors and reviews its development program to ensure effective and efficient delivery of new housing | • Development program and projects are managed to minimise variation to timeframe and/or budget  
• Expertise capable of ensuring development projects are delivered effectively and efficiently  
• Risks are identified and mitigated | **Tiers 1 and 2**  
• Business plan  
• Strategic asset management plan  
• Financial planning and forecasting  
• Risk management plan  
• Project management methodology  
• Industry partnerships  
• Corporate structure  
**Tier 1**  
• Strategic/development/growth plan  
• Debt financing arrangements and covenants | **Tiers 1 and 2**  
• Business plan  
• Strategic asset management plan  
• Financial planning and forecasting  
• Risk management plan and register  
• Industry partnership engagements, contracts and agreements  
• Project progress reports and closure reports  
• Development data  
**Tier 1**  
• Strategic/development/growth plan  
• Scenario planning or stress testing  
• Debt financing arrangements and covenants  
• Capital structure  
Other sources  
• Record of complaints and notifications under the National Law |
**Performance outcome 3: Community engagement**

The community housing provider works in partnership with relevant organisations to promote community housing and to contribute to socially inclusive communities.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Promoting community housing to local organisations that work with potential residents, tenants or clients</strong></td>
<td>The provider engages with relevant organisations using appropriate communication tools to promote community housing and benefits of partnership</td>
<td>• Organisations are provided with information about community housing and its benefits</td>
<td>Tiers 1, 2 and 5&lt;br&gt;• Business plan&lt;br&gt;• List of proposed engagements or documents</td>
<td>Tiers 1, 2 and 5&lt;br&gt;• Business plan&lt;br&gt;• Annual report&lt;br&gt;• Records that demonstrate the provider engages with relevant organisations</td>
</tr>
<tr>
<td><strong>b. Contributing to place renewal and social inclusion partnerships and planning relevant to the provider’s community housing activities</strong></td>
<td>The provider works with others to maximise positive economic and social outcomes for tenants and the community through place renewal (tier 1 only)</td>
<td>Tier 1&lt;br&gt;• Business plan&lt;br&gt;• Community engagement policies and procedures or strategy&lt;br&gt;• List of current or proposed formal partnership arrangements through which the provider contributes to place renewal</td>
<td>Tier 1&lt;br&gt;• Business plan&lt;br&gt;• Annual report&lt;br&gt;• Website</td>
<td>Tier 1&lt;br&gt;• Business plan&lt;br&gt;• Annual report&lt;br&gt;• Website</td>
</tr>
</tbody>
</table>
## Contents

1. About the National Regulatory System for Community Housing 2
2. Purpose of this document 4
3. Principles 5
4. Tiers of registration 4
5. Risk and regulation 4
6. Evidence sources 5
7. Recogising evidence from other assurance systems 6
8. Obtaining evidence from other sources 6
9. Assessing evidence 7

### National Regulatory Code Evidence Guidelines

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>Tier 2</td>
<td>Tier 3</td>
<td>Tier 1</td>
<td>Tier 2</td>
<td>Tier 3</td>
<td>Tier 1</td>
<td>Tier 2</td>
</tr>
</tbody>
</table>

### Evidence sources to demonstrate capacity

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Ensuring coherent and robust strategic, operational, financial and risk planning</td>
<td>The governing body sets and implements its strategic directions and scrutinises performance using: - business planning - financial planning - risk management planning - business continuity planning</td>
<td>- The governing body meets regularly (at least six times a year) in quorum with the treasurer and/or other financial expertise and/or consistent with the constitution - The governing body has an appropriate subcommittee structure in place including an Audit and Risk Management Committee (or similar), with the Risk Management Committee meeting at least four times a year (tier 1 and 2) - The risk management system is consistent with AS/NZ ISO 31000:2009</td>
<td>Tiers 1, 2 and 3: - Constitution, charter or equivalent - Affiliated entity arrangements, and service agreements and contracts - Documented governance structure and governance policies and procedures - Business plan Tiers 1 and 2: - Financial plan - Risk management plan and risk register - Business continuity plan - System for monitoring performance against its business plan - Subcommittee structure and associated terms of reference May be requested: - Certification or accreditation of the provider relating to recognised standards, where relevant</td>
<td>Tiers 1, 2 and 3: - Business plan - Annual report - Affiliated entity arrangements where there has been a significant change: Governance structure and governance policies and procedures where there has been significant change: Annual general meeting minutes and reports - Certification or accreditation of the provider relating to recognised standards, where relevant: NRS financial performance report Tiers 1 and 2: - Financial plan - Risk management plan and risk register - Business continuity plan where there has been a significant change: Tier 1: - Financial planning and scenario testing May be requested: - Sample-governing body meeting minutes including agendas, reports on progress against plans: (strategic, operational, financial and risk) and action items - Records that confirm the provider is performing against its business plan (tiers 1 and 2) Other sources: - Decisions of appeals/reviews in relevant tribunals or bodies - Record of complaints and notifications under the National Law</td>
</tr>
</tbody>
</table>
Performance outcome 4: Governance

The community housing provider is well governed to support the aims and intended outcomes of its business.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
</table>
| b. Ensuring effective, transparent and accountable arrangements and controls are in place for decision making to give effect to strategic, operational, financial and risk plans | The provider operates in accordance with a code of governance, consistent with the ASX Corporate Governance Principles, including in relation to:  
- the roles and responsibilities of the governing body and subcommittees  
- decision-making processes  
- managing conflicts of interest  
- internal business compliance  
- selection and performance of the CEO | - There are no significant and ongoing or repeated failures to achieve the performance outcomes defined in the regulatory code  
- Independent chairperson (non-employee of the provider or affiliated entities) | Tiers 1, 2 and 3  
- Constitution, charter or equivalent  
- Documented governance structure and governance policies and procedures  
- Business plan  
- Schedule of delegations  
- Code of governance  
- Conflict of interests policies and procedures  
- Standing financial instructions and key financial reporting requirements  
- Sample governing body meeting minutes including agendas, reports on progress against the business plan and action items | Tiers 1, 2 and 3  
- Business plan  
- Annual report  
- Governance code, structures, policies and procedures where there has been a significant change  
- Schedule of delegations where there has been a significant change  
- Conflict of interest register or record |
| c. Complying with legal requirements and relevant government policies | The provider has a system in place to ensure compliance with all applicable legal requirements and relevant government policies | - There are no significant and ongoing or repeated failures to meet legal requirements and relevant government policies  
- Any instance of noncompliance is dealt with in a prompt and effective manner | Tiers 1, 2 and 3  
- Systems or processes for monitoring compliance with legal requirements and relevant government policies  
- Policies and procedures or processes for ensuring staff understand and comply with legal requirements and relevant government policies (such as training) | Tiers 1, 2 and 3  
- Records that confirm the provider is complying with legal requirements and relevant government policies (such as a report of compliance to the governing body)  
- Annual report |
| | | | Tiers 1 and 2  
- Risk management system | Tiers 1 and 2  
- Risk management plan and register  
- Audit and risk committee agendas, minutes and reports |
| | | | Tier 1  
- Debt financing arrangements and covenants | |
| | | | Other sources  
- Decisions of appeal/reviews in relevant tribunals or bodies  
- Decisions of other regulatory authorities  
- Record of complaints and notifications under the National Law |
Performance outcome 4: Governance

The community housing provider is well governed to support the aims and intended outcomes of its business

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Ensuring that the governing body has members with appropriate expertise or that such expertise is available to the governing body</td>
<td>The provider has fair and transparent processes in place to ensure the governing body has members with, or access to, an appropriate range of skills and knowledge to deliver on its business plan and manage the risks in its business, including in relation to, where undertaken: - recruitment and selection - induction - professional development - succession - engaging external expertise - remuneration - performance assessment of the governing body</td>
<td>- The business plan includes maintaining an appropriate governance structure, skills and knowledge - There is a clear process for identifying and acquiring the skills and knowledge needed for effective governance in the context of its business plan - The governing body accesses external advice, independent of the provider’s management, where appropriate - The governing body undertakes a governance review at least three-yearly, or after a significant change, with external input (tiers 1 and 2)</td>
<td>Tier 1, 2 and 3 - Constitution, charter or equivalent - Business plan - Documented governance structure and governance policies and procedures - Profiles of current governing body members identifying their skills and expertise - Governing body induction and training plan</td>
<td>Tier 1, 2 and 3 - Business plan - Annual report - Board member profiles/CVs - Annual general meeting minutes and reports - NRS financial performance report</td>
</tr>
</tbody>
</table>

Examples and notes

- **Reports to the governing body**: Reports in the key operational areas assist the governing body to make informed decisions. A review of reports considered by the governing body assists to ascertain whether the provider receives appropriate information for the size and scope of its operation. Reports may be from internal or external sources.
- **Schedule of delegations**: The provider should have policies and procedures that have been approved by the governing body relating to governance, which detail the responsibilities of the governing body for decision-making. Delegations should be in place that authorise decision making for the governing body, management and operational staff.
- **Expertise**: The knowledge and skills of governing body members, or those available to the governing body, may include financial management, asset management, risk management, human resource management and housing management.

National Regulatory Code Evidence Guidelines

| Performance outcome 1: Tenant and housing services | 8 |
| Performance outcome 2: Housing assets | 18 |
| Performance outcome 3: Community engagement | 24 |
| Performance outcome 4: Governance | 26 |
| Performance outcome 5: Prudity | 32 |
| Performance outcome 6: Management | 36 |
| Performance outcome 7: Financial viability | 38 |

Glossary

42
Performance outcome 5: Probity

The community housing provider maintains high standards of probity relating to the business of the provider

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Establishing and administering a code of conduct</td>
<td>The provider has a code of conduct designed (or is supported by additional policies and procedures) to ensure it maintains high standards of probity, including in relation to: - whistle-blowing - conflict of interest - gifts and hospitality - procurement</td>
<td>- All board members, staff members and volunteers have provided a written undertaking that they understand and will comply with the code of conduct. - The provider regularly promotes the code of conduct. - There are no significant and ongoing or repeated failures to abide by the code of conduct.</td>
<td>Tiers 1, 2 and 3: Code of governance - Code of conduct - Probity policies and procedures (such as whistle blowing, conflict of interest, gifts and hospitality, and procurement)</td>
<td>Tiers 1, 2 and 3: - Code of governance and code of conduct where there has been a significant change - Probity policies and procedures where there has been significant change - Conflict of interests register or records - Gift register or records - Records of governing body and staff training (such as a plan or calendar) - Annual report</td>
</tr>
<tr>
<td>b. Establishing and administering a system of employment and appointment checks</td>
<td>The provider conduct checks for governing body members, employees, volunteers and agents commensurate with the requirements of the position, including in relation to: - referees and previous employment - criminal record - bankruptcy - working with children - working with aged</td>
<td>- There are no significant and ongoing or repeated failures to conduct appropriate employment and appointment checks</td>
<td>Tiers 1, 2 and 3: System or processes to undertake employment and appointment checks</td>
<td>Tiers 1, 2 and 3: - Annual report - Audit management letters (where they have been issued)</td>
</tr>
</tbody>
</table>

May be requested

- Sample of de-identified signed agreements to abide by the code of conduct
- Records that demonstrate the provider complies with its code of conduct (tiers 1 and 2)

Other sources
- Record of complaints and notifications under the National Law
- Media reports
- Court decisions

Evidence sources to other assurance systems

- Annual report
- Audit management letters (where they have been issued)
### Performance outcome 5: Probity

The community housing provider maintains high standards of probity relating to the business of the provider.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Establishing and administering a system for preventing, detecting, reporting on and responding to instances of fraud, corruption and criminal conduct</td>
<td>The provider’s system is consistent with good practice established by relevant anti-fraud, anti-corruption and anti-crime agencies and professional standards bodies in the relevant jurisdiction</td>
<td>- There are no significant and ongoing or repeated instances of fraud, corruption or criminal conduct. - Any instance of fraud, corruption or criminal conduct is dealt with in a prompt and effective manner</td>
</tr>
<tr>
<td>d. Maintaining the reputation of the community housing sector</td>
<td>The provider notifies the primary Registrar of any incident related to its operations (and its response) that damages or has the potential to damage the reputation of the community housing sector</td>
<td>- There are no significant and ongoing or repeated instances of incidents that damage or may damage the reputation of the community housing sector. - Any incident that damages or may damage the reputation of the community housing sector is dealt with in a prompt and effective manner. - Notifications are made consistent with the NRS notification guidelines and National Law</td>
</tr>
</tbody>
</table>

### Evidence sources to demonstrate capacity

<table>
<thead>
<tr>
<th>Tiers 1, 2 and 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Systems and processes for detecting and responding to fraud, corruption and criminal conduct.</td>
</tr>
<tr>
<td>Fraud, corruption and criminal conduct prevention plan, policies and procedures.</td>
</tr>
<tr>
<td>Risk management system and risk register.</td>
</tr>
<tr>
<td>Tier 1</td>
</tr>
<tr>
<td>Integrated system and processes for detecting and responding to fraud, corruption and criminal conduct</td>
</tr>
</tbody>
</table>

### Evidence sources to demonstrate compliance

<table>
<thead>
<tr>
<th>Tiers 1, 2 and 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit management letters (where they have been issued)</td>
</tr>
<tr>
<td>Annual report</td>
</tr>
<tr>
<td>Risk register</td>
</tr>
</tbody>
</table>

**May be requested**

- Records that demonstrate the provider’s system for preventing, detecting, reporting on and responding to instances of fraud, corruption and criminal conduct are effective.
- Procurement and contracting controls.
- Financial controls.

**Other sources**

- Record of complaints and notifications under the National Law.
- Media reports.
- Court decisions.

---

### Examples and notes

- **Probity** refers to integrity and honesty in the agency’s operations and in the conduct of its governing body, volunteers and staff. The performance standards require the agency to establish or adopt a code of conduct incorporating measures such as mechanisms to manage conflicts of interest and to make policy and business decisions within an ethical framework.

- The **code of conduct** describes the behaviour and responsibilities of an organisation requires of its people. The code of conduct will include requirements for ethical and appropriate conduct. A provider’s code of conduct and a signed undertaking that a staff, governing body and volunteer member has read, understood and will abide by the code of conduct demonstrates a provider’s commitment to guiding staff in ethical conduct. It is recommended that training and induction of staff, governing body and volunteer members should include training in the code of conduct.
Performance outcome 6: Management
The community housing provider manages its resources in a cost-effective manner

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
</table>
| a. Demonstrating it utilises its assets and funding to meet business goals | The business planning process includes an assessment of costs and returns on assets and funding to meet its business goals | - Costs are controlled and, where possible, are minimised
- Returns (financial and/or social) are sustained and, where possible, maximised
- Where cost-effective opportunities for improving financial and/or social returns are identified, they are achieved | Tiers 1, 2 and 3
- Business plan
| Tiers 1, 2 and 3
- Strategic development/growth plan |
| b. Implementing appropriate management structures, systems, policies and procedures to ensure the operational needs of its business can be met (including having people with the right skills and experience and the systems and resources to achieve the intended outcomes of its business) | The provider’s management structure, systems, policies and procedures are fit-for-purpose | - Return on assets
- Operating expense composition
- Equity and reserve composition | Tiers 1 and 2
- Business plan
- Strategic asset management plan
| Tiers 1
- Strategic development/growth plan |

National Regulatory Code Evidence Guidelines
Performance outcome 1: Tenant and housing services 18
Performance outcome 2: Housing assets 18
Performance outcome 3: Community engagement 24
Performance outcome 4: Governance 26
Performance outcome 5: Probity 32
Performance outcome 6: Management 36
Performance outcome 7: Financial viability 38

Glossary 42

Print friendly version
Download now

Please note that this interactive pdf has been created for online viewing only. To print any of the pages, please click here to download the print friendly version of this document.
## Performance outcome 7: Financial viability

The community housing provider is financially viable at all times.

<table>
<thead>
<tr>
<th>Performance requirements</th>
<th>Performance indicators</th>
<th>Thresholds</th>
<th>Evidence sources to demonstrate capacity</th>
<th>Evidence sources to demonstrate compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Ensuring a viable capital structure</td>
<td>The provider monitors and manages its capital structure to achieve its business goals</td>
<td>• Capital adequacy – the provider has sufficient capital resources to be able to absorb unexpected losses and to manage adverse shocks so that it can meet its commitments to investors</td>
<td>Tiers 1, 2 and 3</td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Business plan</td>
<td>• Business plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Audited financial report</td>
<td>• Annual report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• NRS financial performance report</td>
<td>• Annual audited financial reports</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Financial viability measures data</td>
<td>• NRS financial performance report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Audit management letter for the most recent financial year (where they have been issued)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Financial viability measures data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tiers 1 and 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Debt financing arrangements and covenants</td>
<td>• Debt financing arrangements and covenants</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>May be requested</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Sample governing body minutes with relevant operational and financial reports</td>
</tr>
<tr>
<td>b. Maintaining appropriate financial performance</td>
<td>The provider monitors and manages its financial performance to achieve its business goals</td>
<td>• Financial performance is monitored and managed for short-, medium- and long-term viability</td>
<td>Tiers 1, 2 and 3</td>
<td>Tiers 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• There are no significant and ongoing or repeated instances of incidents of inappropriate financial performance and/or failure to achieve business goals due to inappropriate financial performance</td>
<td>• Business plan</td>
<td>• Business plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• NRS financial performance report</td>
<td>• NRS financial performance report</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Financial viability measures data</td>
<td>• Financial viability measures data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tiers 1 and 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Financial planning and scenario testing</td>
<td>• Financial planning and scenario testing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Debt financing arrangements and covenants</td>
<td>• Debt financing arrangements and covenants</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>May be requested</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Sample governing body minutes with relevant operational and financial reports</td>
<td>Other sources</td>
</tr>
</tbody>
</table>
|                           |                        |            |                                        | • Record of complaints and notifications under the National Law

---

**National Regulatory Code Evidence Guidelines**

- **Performance outcome 1:** Tenant and housing services
  - Pages: 8
- **Performance outcome 2:** Housing assets
  - Pages: 18
- **Performance outcome 3:** Community engagement
  - Pages: 24
- **Performance outcome 4:** Governance
  - Pages: 26
- **Performance outcome 5:** Probity
  - Pages: 32
- **Performance outcome 6:** Management
  - Pages: 36
- **Performance outcome 7:** Financial viability
  - Pages: 38

**Glossary**

Page 42

**Print friendly version Download now**

Please note that this interactive pdf has been created for online viewing only. To print any of the pages, please click here to download the print friendly version of this document.
Performance outcome 7: Financial viability

The community housing provider is financially viable at all times

### Performance requirements

- c. Managing financial risk exposure
  - The provider monitors and manages its financial risk exposure to protect its financial interests and the interests of investors.

### Performance indicators

- Opportunities for financial risks to crystallise are minimised
- There are no significant and ongoing or repeated instances of risks crystallising
- Any crystallising risks are dealt with in a prompt and effective manner

### Thresholds

<table>
<thead>
<tr>
<th>Tier 1, 2 and 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business plan</td>
</tr>
<tr>
<td>NRS financial performance report</td>
</tr>
<tr>
<td>Financial management policies and procedures</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tier 1 and 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documented risk management system</td>
</tr>
<tr>
<td>Risk management plan</td>
</tr>
<tr>
<td>Risk register</td>
</tr>
</tbody>
</table>

### Evidence sources to demonstrate capacity

<table>
<thead>
<tr>
<th>Tier 1, 2 and 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business plan</td>
</tr>
<tr>
<td>NRS financial performance report</td>
</tr>
<tr>
<td>Annual report</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tier 1 and 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial planning and scenario testing</td>
</tr>
<tr>
<td>Debt financing arrangements and covenants</td>
</tr>
</tbody>
</table>

### Evidence sources to demonstrate compliance

<table>
<thead>
<tr>
<th>Tier 1, 2 and 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business plan</td>
</tr>
<tr>
<td>Annual report</td>
</tr>
</tbody>
</table>

### Other sources

- Sample governing body minutes with relevant risk management reports
- Governing body consideration and approval of significant financial events and risk management (sample)

- Record of complaints and notifications under the National Law
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.

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 NRSCH, including the Evidence Guidelines, Tier Guidelines and Enforcement Guidelines.

Participating jurisdictions
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.

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.