

Fact Sheet

Conditions of registration for providers

January 2014

This fact sheet summarises the conditions of registration for providers under the National Regulatory System for Community Housing (NRSCH). The precise wording of conditions is set out in section 15 of the National Law.

Legislative compliance

In order for a community housing provider to become and remain registered under the NRSCH, they must meet a number of standard conditions of registration, as well as any other requirements identified as applying to that provider on the National Register.

The provider must also comply with any relevant requirements under the state or territory community housing laws in any jurisdiction in which they operate in relation to their community housing assets.

Housing assets

The provider's constitution must provide for all its remaining community housing assets to be transferred to another registered provider or to a housing agency in the jurisdiction in which the assets are located in the event of the provider winding up.

The provider must keep a list of all its community housing assets in a form approved by the Primary Registrar and make the list available to the Primary Registrar on request.

Information provision

The provider must provide the Primary Registrar with any information about the exercise of its functions, including arrangements with other parties to carry out its functions, in a manner and at times approved by the Primary Registrar.

Any Registrar requests for information or documentation in relation to the provider's functions must be met within 14 days of the request being made, unless varied by prior agreement.

Meetings and inspections

The provider must ensure a suitably qualified officer attends any meetings requested in writing by the Registrar to answer questions about the provider's affairs.

The provider must also allow the Registrar to carry out inspections at any reasonable time of the provider's premises or records.

Notifications

The provider must notify the Primary Registrar of the following occurrences as soon as is practicable after the provider learns of the occurrence and/or within the following specified timeframes:

- a decision to appoint a voluntary administrator or to wind up the provider
- the appointment of a receiver to the provider
- a decision to apply for the cancellation of the provider's registration (at least 28 days prior to the application)
- a change in the provider's affairs that could adversely impact its compliance with the relevant community housing legislation (no more than 72 hours after the change)
- a decision to conduct a vote at a meeting on a matter that could affect the provider's category of or eligibility for registration (at least 28 days prior to the meeting)
- any other occurrence of which the provider is notified by the Primary Registrar.

Additional standard conditions

Registrars may agree to additional standard conditions of registration for any provider imposed by the Primary Registrar when determining an application or issuing a notice in writing to the provider.

The provider will have the opportunity to make a submission on any proposed notice before it is issued. Such additional standard conditions can also be revoked by the Primary Registrar at any time by a notice in writing.

Rights of tenants

The National Law does *not* authorise:

- a registered community housing provider to provide information to a Registrar that identifies an individual who occupies a residential premises
- a Registrar to enter residential premises occupied by an individual unless that individual consents.

For more information

Please visit the NRSCH website at www.nrsch.gov.au to access:

- the National Law
- the National Regulatory Code.