



Provider Notifications to the Registrar Guidelines

February 2016

These guidelines explain the requirement that registered providers notify the Registrar of certain events, and how and when to do this.

Notifications are a condition of registration

A community housing provider registered under the NRSCH must comply with the conditions of registration set out in Section 15 of the National Law. One of these conditions is that the provider must notify the Registrar of certain events that may have an adverse impact on its compliance with community housing legislation. Section 15 (2) (h) of the National Law states:

The provider must notify the primary Registrar for the provider of the occurrence of any of the following within the time specified:

- (i) a decision to appoint an voluntary administrator to the provider or a decision to wind-up the provider –as soon as practicable after the decision,
- (ii) the appointment of a receiver to the provider – as soon as practicable after the provider learns of the appointment,
- (iii) a decision to apply for the cancellation of the providers registration - as soon as practicable after the decision and at least 28 days before the application is made,
- (iv) a change in the affairs of the provider that may have an adverse impact on its compliance with the community housing legislation – before or no later than 72 hours after the change.
- (v) Any other occurrence notified in writing to the provider by the primary Registrar – within the time specified in that notice

Change in affairs of the provider (item iv)

Changes in a provider's affairs may have an adverse impact on its compliance with the community housing legislation. Registered community housing providers across Australia vary greatly in the size, scope and complexity of their operations. It is therefore ***the responsibility of each provider to decide*** whether a change in its affairs may have an adverse impact on its compliance, and therefore whether it should notify the Registrar.

Some examples of changes in affairs that may impact on compliance:

- Significant unplanned turnover and/or loss of senior staff or board members
- significant operational restructure
- corporate mergers, de-mergers or restructure
- plans to change corporate entity type
- new affiliations with other entities or significant change to existing affiliations
- significant system failures, for example unrecoverable data loss
- Legal action against the provider associated with potential financial and/or reputational costs
- Changes to the provider's constitution affecting the wind up clause that was in place and deemed eligible under the National Law when the provider's registration was determined

(These examples are provided as a guide only and are not exhaustive.)

Maintaining the reputation of the sector

Under performance outcome 5: Probity, providers must maintain high standards of probity (see NRSCH Evidence Guidelines). This includes **maintaining the reputation of the community housing sector** (performance requirement d). The Registrar must be satisfied that:

- 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 notifications guidelines and National Law.

Registered providers should therefore also notify the Registrar of any incident involving them that damages or may damage the reputation of the community housing sector. Some examples are:

- Proven serious or repeated breaches of the provider's own code of conduct
- Substantiated fraudulent or other criminal behavior by staff, board members or volunteers
- Death or serious injury to a tenant in a community housing property managed by the provider, in circumstances where the standard of community housing services may potentially be seen as a contributing factor.

(These examples are provided as a guide only and are not exhaustive.)

How and when to Notify the Registrar

Providers should notify their primary Registrar of relevant events within the time specified in the National Law, as shown on the first page of these guidelines. Incidents that damage or may damage the reputation of the community housing sector should be notified within 72 hours of the event occurring.

You can notify your organisation's primary Registrar by:

- Email via the 'Contact a Registrar' tab on the NRSCH website at www.nrsch.gov.au OR (if you don't have access to email)
- Phoning the primary Registrar's office and speaking to a staff member. Phone numbers for each participating jurisdiction are provided on the NRSCH website.

In either case, you may be asked to provide more information verbally or in writing.

The Registrar's office may simply acknowledge and record the notified event, or may take further action if appropriate. Further action can include, for example, requiring the provider to supply updates on action it is taking in relation to the event. In some situations the Registrar may plan a targeted assessment to check ongoing compliance under a particular performance area.

If the notified event involves appointing a voluntary administrator or receiver to the provider, the Registrar may liaise with the provider and the government Housing Agency/ies the provider has community housing agreements with. This is to facilitate future compliance or, if necessary, resulting wind up arrangements and/or transfer of assets to another registered housing provider.

All notifications are taken into account in subsequent scheduled compliance assessments.

Failure to Notify

Notifying the Registrar of events described in Section 15 (2) (h) of the National Law is a mandatory condition of registration. Failure to notify such events within required timeframes, where these subsequently come to the attention of the Registrar, will be taken into account in compliance assessments of the provider.

Providers are responsible for demonstrating and maintaining compliance with the National Law and are expected to be proactive in reviewing, disclosing and addressing issues of non-compliance as they arise.

For more information

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

- NRSCH Compliance Framework
- National Law
- Enforcement Guidelines
- Fact sheet: Conditions of registration for providers