



Australian Capital Territory

# Community Housing Providers National Law (ACT) Act 2013

A2013-18

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Commencement	2
3	Dictionary	2
4	Terms used in Community Housing Providers National Law (ACT)	3
5	Notes	3
6	Objects of Act	3

---

	Page	
<b>Part 2</b>	<b>Application of Community Housing Providers National Law</b>	
7	Application of Community Housing Providers National Law	4
8	Meaning of certain terms	5
9	Housing agency	5
10	Relevant Minister	5
11	Registrar	5
12	Delegation of registrar's functions	6
13	Application of Legislation Act	6
14	Determination of fees	6
15	Approved forms	6
<b>Part 3</b>	<b>Miscellaneous</b>	
16	Regulation-making power	8
<b>Part 4</b>	<b>Consequential amendments</b>	
17	Legislation amended—sch 1	9
<b>Part 5</b>	<b>Transitional</b>	
18	Affordable and community housing providers registered under repealed part 4A	10
19	Transitional regulations	11
20	Expiry—pt 5	11
<b>Schedule 1</b>	<b>Consequential amendments</b>	12
<b>Part 1.1</b>	<b>Housing Assistance Act 2007</b>	12
<b>Part 1.2</b>	<b>Land Rent Act 2008</b>	15
<b>Dictionary</b>		17



Australian Capital Territory

# Community Housing Providers National Law (ACT) Act 2013

**A2013-18**

---

An Act to apply a national law about the registration and regulation of community housing providers, and for other purposes

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Community Housing Providers National Law (ACT) Act 2013*.

### 2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (2) If this Act has not commenced within 1 year beginning on its notification day, it automatically commences on the first day after that period.
- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

#### **4 Terms used in Community Housing Providers National Law (ACT)**

Terms used in this Act and also in the *Community Housing Providers National Law (ACT)* have the same meaning in this Act as they have in that Law.

*Note* A definition in an Act applies except so far as the contrary intention appears (see [Legislation Act](#), s 155).

#### **5 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

#### **6 Objects of Act**

The objects of this Act are to—

- (a) apply as a territory law a national law for the registration and regulation of community housing providers under a national system of registration; and
- (b) facilitate investment in the community housing sector and ensure the protection of that investment; and
- (c) ensure that registered community housing is developed as a viable and diversified component of the ACT social housing sector; and
- (d) support the provision of registered community housing for people on a very low, low or moderate income.

## Part 2 Application of Community Housing Providers National Law

### 7 Application of Community Housing Providers National Law

- (1) Subject to this section, the Community Housing Providers National Law, as in force from time to time, set out in the appendix to the [NSW Act](#) (other than the Law, section 24 (No compensation payable by State))—
  - (a) applies as a territory law; and
  - (b) as so applying may be referred to as the *Community Housing Providers National Law (ACT)*; and
  - (c) so applies as if it were part of this Act.
- (2) A law that amends the Community Housing Providers National Law set out in the appendix to the [NSW Act](#) that is passed by the New South Wales Parliament after this Act's notification day must be presented to the Legislative Assembly not later than 6 sitting days after the day it is passed.
- (3) The amending law may be disallowed by the Legislative Assembly in the same way, and within the same period, that a disallowable instrument may be disallowed.

*Note* See the [Legislation Act](#), s 65 (Disallowance by resolution of Assembly).

- (4) If the amending law is not presented to the Legislative Assembly in accordance with subsection (2), or is disallowed under subsection (3), the Community Housing Providers National Law applying under subsection (1) is taken—
  - (a) not to include the amendments made by the amending law; and
  - (b) to include any provision repealed or amended by the amending law as if the amending law had not been made.

(5) In this section:

*NSW Act* means the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW).

*Note* The NSW Act is accessible at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## 8 Meaning of certain terms

In the *Community Housing Providers National Law (ACT)*:

*Appeal Tribunal* means the ACAT.

*this jurisdiction* means the ACT.

## 9 Housing agency

For the definition of *Housing Agency* in the *Community Housing Providers National Law (ACT)*, section 4 (1)—

- (a) the housing commissioner or another Territory entity is a Housing Agency for the definition of *community housing asset* in the Law, section 4 (1); and
- (b) the housing commissioner is a Housing Agency for any other provision of the Law.

## 10 Relevant Minister

For the definition of *relevant Minister* in the *Community Housing Providers National Law (ACT)*, section 4 (1), the Minister responsible for administering this Act is the relevant Minister.

## 11 Registrar

For the *Community Housing Providers National Law (ACT)*, section 9 (2), the director-general is the Registrar.

## 12 Delegation of registrar's functions

For the *Community Housing Providers National Law (ACT)*, section 11 (1) (b), a public servant is a declared person.

## 13 Application of Legislation Act

- (1) The [Legislation Act](#) does not apply to the *Community Housing Providers National Law (ACT)*.

*Note* A reference to the Law includes a reference to the statutory instruments made or in force under the Law (see [Legislation Act](#), s 104).

- (2) Subsection (1) does not limit the application of the [Legislation Act](#) to this Act.

## 14 Determination of fees

- (1) The Minister may determine fees for the *Community Housing Providers National Law (ACT)*, section 13 (4) as if the Law were an Act.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 15 Approved forms

- (1) The Registrar may approve forms for the *Community Housing Providers National Law (ACT)*, section 13 (4) as if the Law were an Act.

- (2) If the Registrar approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.



- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## Part 3 Miscellaneous

### 16 Regulation-making power

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **Part 4                      Consequential amendments**

### **17            Legislation amended—sch 1**

This Act amends the legislation mentioned in schedule 1.

## Part 5 Transitional

### 18 Affordable and community housing providers registered under repealed part 4A

- (1) This section applies to an entity that was registered as a housing provider under repealed part 4A immediately before the repeal day.
- (2) The saved repealed provisions continue to apply in relation to the entity as if repealed part 4A had not been repealed until the earlier of—
  - (a) the day the entity becomes a registered community housing provider under the *Community Housing Providers National Law (ACT)*; and
  - (b) 18 months after the repeal day.
- (3) In this section:

**repeal day** means the day this Act, schedule 1, part 1.1 commences.

**repealed part 4A** means the *Housing Assistance Act 2007*, part 4A as in force immediately before the repeal day.

**saved repealed provisions** means the following provisions of the *Housing Assistance Act 2007* as in force immediately before the repeal day:

- (a) sections 25C to 25G;
- (b) sections 25I to 25U;
- (c) schedule 1, items 5 to 7;
- (d) dictionary, definitions of *company limited by guarantee*, *company limited by shares*, *housing provider*, *monitoring guidelines* and *standards*.

**19 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

**20 Expiry—pt 5**

This part expires 18 months after the day it commences.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## Schedule 1 Consequential amendments

(see s 17)

### Part 1.1 Housing Assistance Act 2007

#### [1.1] Section 17

*omit*

, other than under section 25A (3),

#### [1.2] Part 4A

*substitute*

### Part 4A Affordable and community housing programs

#### 25A Definitions—pt 4A

In this part:

*Community Housing Providers National Law (ACT)* means the provisions applying because of the *Community Housing Providers National Law (ACT) Act 2013*, section 7.

*registered community housing provider*—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

**25B Housing commissioner etc may give assistance to registered community housing provider**

- (1) The housing commissioner or another Territory entity may give assistance to a registered community housing provider.

**Examples—assistance by housing commissioner**

- 1 a grant of money
- 2 a transfer of land
- 3 a lease of land or property for use as long-term affordable rental housing
- 4 a commercial partnership or joint venture between the housing commissioner and registered community housing provider

**Examples—assistance by Territory entity**

- 1 a secured loan
- 2 a tax concession

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) Assistance may be given subject to conditions.
- (3) Nothing in this section requires the housing commissioner or a Territory entity to give assistance to a registered community housing provider.

**25C Affordable and community housing programs—housing commissioner to report to Minister**

- (1) The housing commissioner must, if asked by the Minister, give the Minister a written report about the assistance given to registered community housing providers under section 25B.
- (2) If the housing commissioner gives the Minister a report mentioned in subsection (1), the Minister must present the report to the Legislative Assembly within 6 sitting days after the day the Minister is given the report.

**[1.3] Schedule 1, items 3 to 7**

*omit*

**[1.4] Dictionary, new definition of *Community Housing Providers National Law (ACT)***

*insert*

*Community Housing Providers National Law (ACT)*, for part 4A (Affordable and community housing programs)—see section 25A.

**[1.5] Dictionary**

*omit the definitions of*

*company limited by guarantee*

*company limited by shares*

*housing provider*

*incorporated association*

*monitoring guidelines*

**[1.6] Dictionary, new definition of *registered community housing provider***

*insert*

*registered community housing provider*, for part 4A (Affordable and community housing programs)—see section 25A.

**[1.7] Dictionary, definition of *standards***

*omit*



## **Part 1.2                      Land Rent Act 2008**

### **[1.8]            Section 16A heading**

*substitute*

### **16A            Definitions—pt 3**

### **[1.9]            Section 16A, definition of *registered affordable housing provider***

*substitute*

***Community Housing Providers National Law (ACT)*** means the provisions applying because of the [Community Housing Providers National Law \(ACT\) Act 2013](#), section 7.

***registered affordable housing provider*** means an entity that—

- (a) is a registered community housing provider under the *Community Housing Providers National Law (ACT)*, section 4 (1); and
- (b) satisfies the criteria (if any) prescribed by regulation.

**[1.10] New part 11**

*insert*

**Part 11 Transitional—Community  
Housing Providers National Law  
(ACT) Act 2013**

**60 Registered affordable housing provider—extended  
meaning**

For part 3, a *registered affordable housing provider* includes an entity to whom the *Community Housing Providers National Law (ACT) Act 2013*, section 18 (Affordable and community housing providers registered under repealed part 4A) applies until the saved repealed provisions mentioned in the section cease to apply in relation to the entity under that section.

**61 Expiry—pt 11**

This part expires on the day the *Community Housing Providers National Law (ACT) Act 2013*, section 18 (Affordable and community housing providers registered under repealed part 4A) expires.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

**[1.11] Dictionary, new definition of *Community Housing  
Providers National Law (ACT)***

*insert*

*Community Housing Providers National Law (ACT)*, for part 3 (Land rent—discount)—see section 16A.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- director-general (see s 163)
- entity
- housing commissioner
- Minister (see s 162)
- public servant
- territory law.

***Community Housing Providers National Law (ACT)*** means the provisions applying because of section 7.

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 April 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 23 May 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

I certify that the above is a true copy of the Community Housing Providers National Law (ACT) Bill 2013, which was passed by the Legislative Assembly on 14 May 2013.

Clerk of the Legislative Assembly

© Australian Capital Territory 2013