



Australian Capital Territory

# **Community Housing Providers National Law (ACT) Act 2013**

**A2013-18**

**Republication No 1**

**Effective: 1 January 2014 – 1 July 2016**

Republication date: 1 January 2014

Act not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Community Housing Providers National Law (ACT) Act 2013* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 January 2014. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



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# Community Housing Providers National Law (ACT) Act 2013

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R1  
01/01/14

Community Housing Providers National Law (ACT) Act  
2013

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Australian Capital Territory

# Community Housing Providers National Law (ACT) Act 2013

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

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## Part 1 Preliminary

### 1 Name of Act

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

### 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 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).

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## 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 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

#### **Community Housing Providers National Law (ACT) Act 2013 A2013-18**

notified LR 23 May 2013

s 1, s 2 commenced 23 May 2013 (LA s 75 (1))

remainder commenced 1 January 2014 (s 2 and [CN2013-10](#))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Consequential amendments**

pt 4 hdg om LA s 89 (3)

#### **Legislation amended—sch 1**

s 17 om LA s 89 (3)

#### **Transitional**

pt 5 hdg exp 1 July 2016 (s 20)

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

s 18 exp 1 July 2016 (s 20)

#### **Transitional regulations**

s 19 exp 1 July 2016 (s 20)

#### **Expiry—pt 5**

s 20 exp 1 July 2016 (s 20)

#### **Consequential amendments**

sch 1 om LA s 89 (3)

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