

2013

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Housing)

# Community Housing Providers National Law (ACT) Bill 2013

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## A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

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

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

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

13 (2) If this Act has not commenced within 1 year beginning on its  
14 notification day, it automatically commences on the first day after  
15 that period.

16 (3) The [Legislation Act](#), section 79 (Automatic commencement of  
17 postponed law) does not apply to this Act.

18 **3 Dictionary**

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

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

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

1     **4**           **Terms used in Community Housing Providers National**  
2                   **Law (ACT)**

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

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

8     **5**           **Notes**

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

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

12    **6**           **Objects of Act**

13                  The objects of this Act are to—

14                  (a) apply as a territory law a national law for the registration and  
15                  regulation of community housing providers under a national  
16                  system of registration; and

17                  (b) facilitate investment in the community housing sector and  
18                  ensure the protection of that investment; and

19                  (c) ensure that registered community housing is developed as a  
20                  viable and diversified component of the ACT social housing  
21                  sector; and

22                  (d) support the provision of registered community housing for  
23                  people on a very low, low or moderate income.



1 (5) In this section:

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

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

## 5 **8 Meaning of certain terms**

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

7 *Appeal Tribunal* means the ACAT.

8 *this jurisdiction* means the ACT.

## 9 **9 Housing agency**

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

12 (a) the housing commissioner or another Territory entity is a  
13 Housing Agency for the definition of *community housing*  
14 *asset* in the Law, section 4 (1); and

15 (b) the housing commissioner is a Housing Agency for any other  
16 provision of the Law.

## 17 **10 Relevant Minister**

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

## 21 **11 Registrar**

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

1 **12 Delegation of registrar’s functions**

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

4 **13 Application of Legislation Act**

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

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

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

11 **14 Determination of fees**

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

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

17 (2) A determination is a disallowable instrument.

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

20 **15 Approved forms**

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

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

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



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

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

1 **Part 3** **Miscellaneous**

2 **16** **Regulation-making power**

3 The Executive may make regulations for this Act.

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

1 **Part 4** **Consequential amendments**

2 **17** **Legislation amended—sch 1**

3 This Act amends the legislation mentioned in schedule 1.

1 **Part 5 Transitional**

2 **18 Affordable and community housing providers registered**  
3 **under repealed part 4A**

4 (1) This section applies to an entity that was registered as a housing  
5 provider under repealed part 4A immediately before the repeal day.

6 (2) The saved repealed provisions continue to apply in relation to the  
7 entity as if repealed part 4A had not been repealed until the earlier  
8 of—

9 (a) the day the entity becomes a registered community housing  
10 provider under the *Community Housing Providers National*  
11 *Law (ACT)*; and

12 (b) 18 months after the repeal day.

13 (3) In this section:

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

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

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

20 (a) sections 25C to 25G;

21 (b) sections 25I to 25U;

22 (c) schedule 1, items 5 to 7;

23 (d) dictionary, definitions of ***company limited by guarantee,***  
24 ***company limited by shares, housing provider, monitoring***  
25 ***guidelines and standards.***

1   **19**       **Transitional regulations**

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

10   **20**       **Expiry—pt 5**

11           This part expires 18 months after the day it commences.

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

1 **Schedule 1 Consequential amendments**

2 (see s 17)

3 **Part 1.1 Housing Assistance Act 2007**

4 **[1.1] Section 17**

5 *omit*

6 , other than under section 25A (3),

7 **[1.2] Part 4A**

8 *substitute*

9 **Part 4A Affordable and community**  
10 **housing programs**

11 **25A Definitions—pt 4A**

12 In this part:

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

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

- 1     **25B     Housing commissioner etc may give assistance to**  
2     **registered community housing provider**
- 3     (1) The housing commissioner or another Territory entity may give  
4     assistance to a registered community housing provider.
- 5     **Examples—assistance by housing commissioner**
- 6     1     a grant of money  
7     2     a transfer of land  
8     3     a lease of land or property for use as long-term affordable rental housing  
9     4     a commercial partnership or joint venture between the housing commissioner  
10     and registered community housing provider
- 11     **Examples—assistance by Territory entity**
- 12     1     a secured loan  
13     2     a tax concession
- 14     *Note*     An example is part of the Act, is not exhaustive and may extend, but  
15     does not limit, the meaning of the provision in which it appears (see  
16     [Legislation Act](#), s 126 and s 132).
- 17     (2) Assistance may be given subject to conditions.
- 18     (3) Nothing in this section requires the housing commissioner or a  
19     Territory entity to give assistance to a registered community housing  
20     provider.
- 21     **25C     Affordable and community housing programs—housing**  
22     **commissioner to report to Minister**
- 23     (1) The housing commissioner must, if asked by the Minister, give the  
24     Minister a written report about the assistance given to registered  
25     community housing providers under section 25B.
- 26     (2) If the housing commissioner gives the Minister a report mentioned  
27     in subsection (1), the Minister must present the report to the  
28     Legislative Assembly within 6 sitting days after the day the Minister  
29     is given the report.

- 1 **[1.3] Schedule 1, items 3 to 7**
- 2 *omit*
- 3 **[1.4] Dictionary, new definition of *Community Housing***  
4 ***Providers National Law (ACT)***
- 5 *insert*
- 6 *Community Housing Providers National Law (ACT)*, for part 4A  
7 (Affordable and community housing programs)—see section 25A.
- 8 **[1.5] Dictionary**
- 9 *omit the definitions of*
- 10 *company limited by guarantee*
- 11 *company limited by shares*
- 12 *housing provider*
- 13 *incorporated association*
- 14 *monitoring guidelines*
- 15 **[1.6] Dictionary, new definition of *registered community***  
16 ***housing provider***
- 17 *insert*
- 18 *registered community housing provider*, for part 4A (Affordable  
19 and community housing programs)—see section 25A.
- 20 **[1.7] Dictionary, definition of *standards***
- 21 *omit*



1 **Part 1.2** **Land Rent Act 2008**

2 **[1.8] Section 16A heading**

3 *substitute*

4 **16A Definitions—pt 3**

5 **[1.9] Section 16A, definition of *registered affordable housing***  
6 ***provider***

7 *substitute*

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

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

12 (a) is a registered community housing provider under the  
13 *Community Housing Providers National Law (ACT)*,  
14 section 4 (1); and

15 (b) satisfies the criteria (if any) prescribed by regulation.

1 **[1.10] New part 11**

2 *insert*

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

6 **60 Registered affordable housing provider—extended**  
7 **meaning**

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

14 **61 Expiry—pt 11**

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

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

22 **[1.11] Dictionary, new definition of *Community Housing***  
23 ***Providers National Law (ACT)***

24 *insert*

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

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## 1 Dictionary

2 (see s 3)

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

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

- 6 • ACAT
- 7 • ACT
- 8 • director-general (see s 163)
- 9 • entity
- 10 • housing commissioner
- 11 • Minister (see s 162)
- 12 • public servant
- 13 • territory law.

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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

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