

CLAUSE NOTES

Community Housing Providers National Law (Tasmania) Bill 2013

PART 1	Preliminary
Clause 1	Short Title This clause sets out the short title of the Act as the <i>Community Housing Providers National Law (Tasmania) Act 2013</i> (the Act).
Clause 2	Commencement This clause provides that the Act will commence on a day or days to be fixed by proclamation.
Clause 3	Object of Act This clause specifies the objects of the Act.
Clause 4	Interpretation This clause defines certain words and expressions used in the provisions of the Act. The Director of Housing means the person holding office under the <i>Homes Act 1935</i> as Director of Housing and the Housing Agency means either the Director of Housing or the responsible Department in relation to the <i>Homes Act 1935</i> (the Department of Health and Human Services). It also provides that words used in both the Act and the National Law have the same meaning.
PART 2	Application of Community Housing Providers National Law
Clause 5	Application of Community Housing Providers National Law This is the clause that applies the national law, as in force in the Appendix to the New South Wales Act, as a law of Tasmania.
Clause 6	Meaning of certain terms in Community Housing Providers National Law for purposes of this jurisdiction There are some terms used in the national law that will have a different meaning in each jurisdiction. These terms have been set out in this clause with a meaning attributable to the term specific to Tasmania. Terms include the “Appeal Tribunal” and “this jurisdiction”.

Clause 7	<p>Exclusion of legislation of this jurisdiction</p> <p>This clause excludes the operation of the Tasmanian legislation that deals with the interpretation of legislation from the Community Housing Providers National Law. Instead, provisions have been included in the National Law covering this matter and ensuring consistency in each Australian jurisdiction. That is section 4(3) of the National Law provides that terms used in the Law are interpreted in accordance with the <i>Interpretation Act 1987</i> of New South Wales.</p>
Clause 8	<p>Housing Agencies</p> <p>This clause declares the Director of Housing and the responsible Department in relation to the <i>Homes Act 1935</i> (the Department of Health and Human Services) to be Housing Agencies for the purposes of certain provisions of the applied National Law.</p>
Clause 9	<p>Relevant Minister</p> <p>This clause declares who is the relevant Tasmanian Minister in relation to the applied National Law (currently the Minister for Human Services).</p>
Clause 10	<p>Registrar</p> <p>This clause provides for the appointment of a person as the Registrar for the purposes of the applied National Law. It also provides that the Registrar has power to enter into contracts with other persons; such as other registrars to provide services in Tasmania.</p>
Clause 11	<p>Delegation of Registrar's functions</p> <p>This clause specifies the persons to whom the functions under the applied provisions may be delegated by the Registrar.</p>
Clause 12	<p>Transfer of community housing assets</p> <p>An object of this clause is to protect the Housing Agency's interest in community housing assets. It provides that any transfer of community housing assets from a registered community housing provider to another registered community housing provider may only take place when the first-mentioned registered community housing provider has obtained the written agreement of the Housing Agency. Community housing assets is defined in the National Law and includes land acquired with Housing Agency funding and grants provided by the Housing Agency.</p>

Clause 13	Fees <p>This clause enables regulations to be made by the Governor prescribing fees for the purposes of the applied provisions.</p>
Clause 14	Proceedings for offences <p>This clause provides for offences under this Act are to be dealt with summarily.</p>
Clause 15	Regulations <p>This clause provides that Regulations can be made by the Governor to give effect to the provisions of the Act.</p>
Clause 16	Administration of the Act <p>This clause provides that the Act is to be administered by the Minister for Human Services and that the department responsible to the Minister in relation to the administration of the Act is the Department of Health and Human Services, until any contrary provision is made.</p>