

TASMANIA

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**COMMUNITY HOUSING PROVIDERS NATIONAL  
LAW (TASMANIA) BILL 2013**

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# **COMMUNITY HOUSING PROVIDERS NATIONAL LAW (TASMANIA) BILL 2013**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*  
19 March 2013

*(Brought in by the Minister for Human Services, the  
Honourable Cassandra Stanwell O'Connor)*

## **A BILL FOR**

**An Act to apply as a law of this State a national law  
relating to the registration and regulation of community  
housing providers and for related matters**

Be it enacted by His Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Community  
Housing Providers National Law (Tasmania)  
Act 2013*.

### **2. Commencement**

- (1) The provisions of this Act commence on a day  
or days to be proclaimed.

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- (2) Different days may be appointed under subsection (1) for the commencement of different provisions of the Community Housing Providers National Law (Tasmania).

### **3. Object of Act**

The object of this Act is to apply as a law of this State a national law for the registration and regulation of community housing providers under a national system of registration.

### **4. Interpretation**

- (1) For the purposes of this Act –

*the local application provisions of this Act* are the provisions of this Act other than the Community Housing Providers National Law (Tasmania).

- (2) In the local application provisions of this Act –

*Community Housing Providers National Law (Tasmania)* means the provisions applying in relation to this jurisdiction because of section 5;

*Director of Housing* means the person holding office as Director of Housing under the *Homes Act 1935*;

*Housing Agency* means any of the following:

- (a) the Director of Housing;

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- (b) the responsible Department in relation to the *Homes Act 1935*.
- (3) Terms used in the local application provisions of this Act and also in the Community Housing Providers National Law (Tasmania) have the same meanings in those provisions as they have in that Law.

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**PART 2 – APPLICATION OF COMMUNITY HOUSING  
PROVIDERS NATIONAL LAW**

**5. Application of Community Housing Providers  
National Law**

The Community Housing Providers National Law, as in force from time to time, set out in the Appendix to the *Community Housing Providers (Adoption of National Law) Act 2012* of New South Wales –

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the Community Housing Providers National Law (Tasmania); and
- (c) so applies as if it were part of this Act.

**6. Meaning of certain terms in Community Housing  
Providers National Law for purposes of this  
jurisdiction**

- (1) In the Community Housing Providers National Law (Tasmania) –

*Appeal Tribunal* means the Magistrates Court  
(Administrative Appeals Division);

*this jurisdiction* means the State of Tasmania.

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- (2) The relevant appeal period for the purposes of section 25 of the Community Housing Providers National Law (Tasmania) is 21 days.

**7. Exclusion of legislation of this jurisdiction**

The *Acts Interpretation Act 1931* does not apply to the Community Housing Providers National Law (Tasmania).

**8. Housing Agencies**

For the purposes of the Community Housing Providers National Law (Tasmania) –

- (a) the Director of Housing and the responsible Department in relation to the *Homes Act 1935* are declared to be Housing Agencies in relation to the definition of *community housing asset* in section 4 of that Law; and
- (b) the Director of Housing is declared to be a Housing Agency in relation to section 10(1)(h) and section 20(4) of that Law; and
- (c) the responsible Department in relation to the *Homes Act 1935* is declared to be a Housing Agency in relation to section 15(2)(c) of that Law.

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**9. Relevant Minister**

For the purposes of the Community Housing Providers National Law (Tasmania), the Minister administering the *Homes Act 1935* is declared to be the relevant Minister.

**10. Registrar**

- (1) For the purposes of the Community Housing Providers National Law (Tasmania), the Registrar is declared to be the individual appointed as Registrar under this section.
- (2) The Secretary of the Department may appoint a State Service officer or State Service employee employed in the Department as Registrar for the purposes of the Community Housing Providers National Law (Tasmania) and that officer or employee may hold the office of Registrar in conjunction with State Service employment.
- (3) The Secretary of the Department, with the consent of another Head of Agency, may appoint a State Service officer or State Service employee employed in that Agency as Registrar for the purposes of the Community Housing Providers National Law (Tasmania) and that officer or employee may hold the office of Registrar in conjunction with State Service employment.
- (4) The Registrar has power to enter into contracts with any other person.



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**11. Delegation of Registrar’s functions**

- (1) For the purposes of section 11 of the Community Housing Providers National Law (Tasmania), in addition to the Registrar of a participating jurisdiction, the persons to whom functions may be delegated under that section are –
  - (a) a person employed under the *State Service Act 2000*; and
  - (b) a person, or person of a class of persons, prescribed by the regulations under this Act.
- (2) Despite subsection (1), investigative functions may only be delegated to a person referred to in that subsection who holds a position the duties of which include the carrying out of investigative functions and who has been issued by the Registrar with an identification card that complies with subsection (3).
- (3) An identification card must –
  - (a) state that it is issued under this Act; and
  - (b) give the name of the person to whom it is issued; and
  - (c) contain a recent photograph of the person; and
  - (d) contain a copy of the person’s signature; and

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- (e) describe the nature of the powers conferred; and
- (f) state the date (if any) on which it expires; and
- (g) be signed by the Registrar.

(4) In this section –

*investigative functions* means the functions conferred on the Registrar by the conditions of registration referred to in section 15(2)(e), (f) and (g) of the Community Housing Providers National Law (Tasmania).

## **12. Transfer of community housing assets**

Any transfer of community housing assets from a registered community housing provider to another registered community housing provider may only be effected after the first-mentioned registered community housing provider has obtained the written agreement of a Housing Agency referred to in section 8(a).

## **13. Fees**

For the purposes of section 13(4) of the Community Housing Providers National Law (Tasmania), the fee is the fee prescribed by the regulations under this Act.

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**14. Proceedings for offences**

Proceedings for an offence against the Community Housing Providers National Law (Tasmania) may be dealt with summarily.

**15. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may –
  - (a) provide that a contravention of any of the regulations is an offence; and
  - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.

**16. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

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- (a) the administration of this Act is assigned to the Minister for Human Services; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Health and Human Services.