

SECOND READING SPEECH

Community Housing Providers National Law (Tasmania) Bill 2013

Mr Speaker,

The purpose of this Bill is to apply a national law for registration, monitoring and regulation of community housing providers in Tasmania.

The national law is the *Community Housing Providers National Law*, which was enacted in the New South Wales *Community Housing Providers (Adoption of National Law) Act 2012*.

The Bill enables Tasmania to take part in a national regulatory system for community housing providers. This is a key reform under the National Affordable Housing Agreement and the National Partnership Agreement for the Nation Building and Jobs Plan.

The national law defines community housing as meaning housing for people on a very low to moderate income, or for people with additional needs, that is delivered by non-government organisations.

The national law will operate alongside legislation for housing delivered by Governments, such as the *Homes Act 1935* in Tasmania.

An Inter-Governmental Agreement, developed by all jurisdictions, provides the framework for establishing and maintaining ongoing arrangements for the national regulatory system. Ministers responsible for housing portfolios are the signatories to the Agreement and have overall supervision of the system. The Inter-Governmental Agreement includes agreement that the Ministers will approve any amendments to the national law.

The new system is expected to be operational throughout Australia from July 2013, with an 18 month transitional period. Most jurisdictions will have their legislation passed by April 2013 in readiness for this commencement.

The community housing sector has an increased role in the provision of social and affordable housing, with community housing stock increasing from seven per cent of all social housing stock to 14 per cent in the last ten years. In Tasmania there are approximately 90 community housing providers managing 1 400 properties.

The introduction of this new system will provide a consistent regulatory environment to support further growth and development of the not-for-profit community housing sector. This includes housing providers that operate across jurisdictional borders.

Growth of the community housing sector is another key reform of the national housing reform agenda. To facilitate this, state and territory governments have agreed to transfer public housing stock to the sector. Tasmania has commenced this reform with staged transfer of management of 4 000 properties under the Better Housing *Futures* initiative.

An extensive national consultation process was undertaken on the proposed national regulatory system, including a regulation impact statement process during 2011. That process concluded that the proposed model for the national regulatory system, as set out in the Community Housing Providers National Law and Inter-Governmental Agreement, be applied.

Consultation has continued with the sector through each stage of the development process, with no significant issues raised in regards to the national law or this application Bill.

Mr Speaker, the Bill is in two parts. The first part sets out the objectives of applying this Law and preliminary matters such as commencement provisions and definition of terms in addition to the definitions in the national law itself.

The second part of the Bill provides for the application of the Community Housing Providers National Law including definitional and interpretative issues. To ensure the national law is interpreted consistently, the Bill provides that our *Acts Interpretation Act 1931* does not apply. The national law includes a provision that it is to be interpreted under the New South Wales *Interpretation Act 1987*.

This Bill also sets out provisions in respect to the appointment of a Registrar and the delegation of the Registrar's functions, and includes additional asset protection provisions to those in the national law. Finally, the Bill provides for fees, offences and regulations.

The national law itself includes provisions for a single national Register of Community Housing Providers, a National Regulatory Code applied uniformly across Australia, the roles and responsibilities of registrars. This includes enforcement powers in the registration of community housing providers.

Each jurisdiction will appoint a Registrar under their respective application Acts. However, providers who operate in more than one jurisdiction will only report to one Registrar, which is referred to as a Primary Registrar.

In the unlikely event it will be required, Tasmanian community housing providers will have right of appeal to the Administrative Appeals Division in Tasmania's Magistrates Court against certain Registrar decisions. Multi-jurisdictional providers who operate in Tasmania can make appeals to the relevant Appeal Tribunal of their allocated Primary Registrar.

The national regulatory system is an opt-in system for community housing providers. However, jurisdictions may make participation a pre-requisite for providers to receive government investment. We are channelling our efforts to grow community housing capacity through *Better Housing Futures*. In Tasmania, we will require successful organisations through *Better Housing Futures* to register under the national system.

By participating in the national regulatory system, Tasmania's social housing assets will be better protected. It will also contribute to the viability, good governance and continued growth of the sector now and into the future.

For providers, the national regulatory system will reduce the regulatory burden. They will only be required to register once and will be regulated in a consistent manner by one Registrar. It will also provide a level playing field for providers seeking to enter new jurisdictions.

For investors, including government, a consistently regulated sector, where performance in the areas of good governance and financial viability are regularly monitored, will promote confidence to invest. It may in turn help bring down borrowing costs for providers, leading to further expansion of the sector.

For tenants, one benefit is that providers will have to meet and demonstrate ongoing compliance with a Regulatory Code. The Code outlines performance outcomes for delivering housing assistance.

Being housed by a regulated provider will increase security of tenure in that better regulated providers are less likely to become insolvent. The national law includes measures to promote tenant interests. These include conditions for registration under the national law that require providers which are being wound up to transfer community housing assets to another provider or to a Housing Agency.

The Bill has an additional protection in clause 12, providing that community housing assets can only be transferred to another provider after the provider has obtained the written agreement of the Housing Agency, being the Tasmanian Director of Housing or Department.

National guidelines relating to registration categories and enforcement have been developed to operationalise the application of the national law as it relates to providers. As New South Wales (NSW) is host to the national law, the guidelines will be officially published on the NSW Legislation website and made accessible to all jurisdictions.

The Tasmanian Government recognises the potential advantages to this State in participating in this national legislative reform. It is also important this State supports this measure so we too can benefit from the efficiencies a seamless national economy aims to deliver.

Finally Mr Speaker, to place on the record explanations of the provisions of the national law which the Bill applies, I seek leave to have the second reading speech and the explanation clauses of the *Community Housing Providers (Adoption of National Law) Act 2012* as presented to the New South Wales Parliament inserted in *Hansard* without my reading it, noting the Appendix of that Act contains the national law provisions.

I commend the Bill to the House.