Registrar of Community Housing

2. The Registration Process

Version 2.0
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1. Introduction

The Registration Process guide explains each part of the registration process and directs readers to other guides and tools they will need to use when applying for registration.

To prepare an application, this booklet should be used in conjunction with the:

- The Application and Evidence Guidelines
- Application Form
- Financial Performance Report

1.1 Overview of the registration process

The registration process has four stages: application; assessment; reports and determinations; and registration. This process takes three months. After achieving registration the focus is on compliance rather than re-applying at regular intervals.

The Registration Process

Registration process diagram

To become registered as a community housing provider, an organisation must complete the application process online via the Registrar’s Regulation Management System (RMS).

Organisations will be contacted by the Registrar when they are scheduled to be registered and given a log-in to RMS to complete a Request to Register Form. The Request to Register Form is used to confirm an organisation’s eligibility to apply for registration and to determine the class under which it will be assessed for registration.

As well as the Application Form, organisations must submit a range of supporting documents and data as evidence that they comply with the Regulatory Code.

The Application and Evidence Guidelines detail the types of activities and the range of evidence that can demonstrate an organisation’s compliance with the requirements of the Regulatory Code, including documents/information that must be submitted to the Registrar in order to register, and other documents and sources of information that may be requested as part of the registration or compliance process.

Each application is assigned to an analyst who undertakes an assessment against the requirements of the Regulatory Code and recommends a determination on the application. A registration report is prepared that sets out the Registrar’s determination on class and registration, and the reasons for the determination. A draft report is sent to organisations for comment prior to a final registration report being issued. Organisations that achieve registration will receive a signed...
Registration Certificate from the Registrar certifying that they are a registered NSW community housing provider.

Depending on the outcome of the registration assessment, an organisation is either listed on the Registrar’s online Provider Register or advised of its right to a review of the decision to refuse registration.

1.2 Privacy and confidentiality

In undertaking its regulatory activities, including when assessing registration applications, the Registrar will gain access to a variety of information about an organisation and its operations, some of which might be considered confidential or commercially sensitive in nature. The Registrar will not normally release information concerning community housing providers. Exceptions may be made where there is a lawful reason for releasing the information, and this would depend on individual circumstances.

In the exercise of its functions, the Registrar will also abide by the *Protection of Privacy and Personal Information Act 1998* (NSW) and other relevant legislative provisions. Any personal information given to the Registrar by a board member, staff member, tenant or other person in the course of regulating a community housing provider will not be disclosed and will be kept confidential.

Confidential and personal information may be passed between Registrar’s office staff where required in the normal course of their duties.

Further information about confidentiality and privacy is available on the Registrar of Community Housing’s website.

1.3 Complaints

The Registrar has a responsibility to investigate information, including complaints, to ensure registered community housing providers meet their responsibilities set out in the Regulatory Code under the Housing Regulation 2009 and the *Housing Act 2001* (NSW).

The Registrar’s office only investigates complaints about community housing providers that have been registered under the Housing Act.

The Registrar’s office has a staff member designated for receiving and documenting all complaints received.

Complaints can be provided in writing, verbally or via the online form.
1.4 Who can apply?

In order to apply for registration as a community housing provider, an organisation must be a body corporate that provides housing (other than public housing) for people on very low, low or moderate income or people with additional needs.

[See section 3 of the Housing Act as amended by the Housing Amendment (Community Housing Providers) Act 2007]

There are restrictions on the type of organisation that may be considered a body corporate. However, in general a body corporate is considered to be a person, association or group of persons legally incorporated.

The following entity types are a body corporate:

- Company incorporated with shares
- Company limited by guarantee
- Incorporated association (see section 15 of the Associations Incorporation Act 1984 (NSW))
- Co-operatives under the Co-operatives Act 1992 (NSW) (see sections 21 and 29 of Co-operatives Act)
- Local Aboriginal Land Council (see section 50(2) Aboriginal Land Rights Act 1983 (NSW))

Depending on their legal structure some other entity types, (for example some church entities) may be a body corporate. To apply for registration, these organisations must first demonstrate to the Registrar’s satisfaction that they are a body corporate.

If an organisation has any doubts about its legal status for registration purposes it should contact the Registrar.

The Registrar has developed a registration schedule which gives all organisations a fair opportunity to apply for registration as a community housing provider.

The Registrar has a statutory timeframe of two years from May 2009 when the Housing Regulation 2009 was made to register all organisations currently receiving community housing assistance from Housing NSW.

The Registrar has identified over 500 organisations that currently receive assistance from Housing NSW and may apply to be registered as a community housing provider.

A systematic approach has been used to invite organisations to apply for registration to enable the Registrar to effectively manage the registration process and ensure all organisations can be registered within the statutory period.

1.5 New entrants

Under the Housing Act, Housing NSW may provide assistance for the delivery of community housing to organisations that are registered as community housing providers. The term ‘assistance’ is defined as, but not limited to, funding, properties, land or partnership arrangements with Housing NSW.
There are a number of options available to organisations that wish to access Housing NSW assistance for the delivery of community housing, including partnering with a registered community housing provider or becoming registered as a community housing provider.

Organisations are encouraged to discuss the options for delivering community housing, and requirements attached to any assistance arrangements, with Housing NSW’s Community Housing Division and/or the Centre for Affordable Housing.

If those discussions identify registration as a community housing provider as the way forward, and once the organisation has developed a business model that will meet the requirements of the Housing Act and Regulatory Code, the organisation should contact the Registrar so they can be considered for scheduling in a future registration round.

1.6 Registration guidance and support

The Registrar has developed a package of resources to provide guidance and information on the registration process. Registration packages are distributed at registration briefing sessions prior to an organisation’s scheduled registration which include:

- The Regulatory Framework Guide
- The Registration Process Guide
- The Application and Evidence Guidelines
- Financial Viability Guide

These materials, as well as a read only Template Financial Performance Report, can also be downloaded from the Registrar’s website.

The NSW Federation of Housing Associations, in partnership with Homelessness NSW, provides training, resources and support services to organisations applying for registration. Support services available include:

- Workshops
- Materials and resources
- Bulletins
- Provider hotline

Information on the registration support program can be viewed on the Federation’s website http://www.communityhousing.org.au/C5_regulatory.html. To access the Federation’s registration support services, please call 9281 7144. To access Homelessness NSW’s registration support services, please call 9319 7111.

If you have questions about the registration process, please contact:

Registrar of Community Housing

Tel: 1800 330 940
Fax: (02) 8741 2522
Email: registrar@housing.nsw.gov.au

Web: www.rch.nsw.gov.au
2. Application

2.1 What is involved?

The objectives of the application stage are to:

- determine whether an organisation is eligible to apply for registration
- identify which registration class an organisation can be registered in
- allow an organisation to submit evidence which demonstrates how its performance complies with the Regulatory Code.

**Application Process**

- Organisation sent R2R invitation email
- Registrar provides access to RMS
- Organisation sent RMS access email containing user name and password
- Organisation completes and submits R2R
- Analyst assesses R2R
- Organisation advised via email if eligible and invited to apply
- Organisation completes Application Form in RMS
- Organisation submits Application Form and evidence in RMS
- Analyst assesses application and prepares draft report
- Organisation sent draft report for comment
- Analyst prepares final report
- Organisation responds to draft report
- Registrar makes registration determination
- Organisation sent final report and notified of Registrar’s determination
- Registered community housing provider listed on Provider Register

**Timeline**

- 1 week
- 1 week
- 6 weeks
- 3-4 weeks
- 1 week
- 2 weeks
- Total 3 months
2.2 Request to Register and eligibility check

The Registrar will only accept applications via the Regulation Management System (RMS). The Registrar may accept hardcopy applications in exceptional circumstances and on a case-by-case basis.

Organisations will be contacted by the Registrar when they are scheduled to be registered and given a log-in to RMS to complete the R2R.

Organisations must complete and submit the R2R with information that profiles the organisation and its services, including the type of entity, the size and nature of its services, contact details and governing body members.

This information is used to confirm an organisation is eligible to apply and determine the class under which it will be registered.

If, after assessing the R2R, an organisation is eligible to apply, the Registrar will provide access to an Application Form and Financial Performance Report appropriate for that class of provider.

If the Registrar determines that an organisation is not eligible to apply, it will inform the organisation of its reasons for this determination.

2.3 Registration Class

Four registration classes have been established to reflect the scale and type of activities that providers are engaged in.

This distinction is required due to the higher level of risk to stakeholders from providers which have a large housing portfolio, deliver a number of different housing services with complex financial arrangements or are undertaking development.

There are four classes of registration and regulatory requirements are proportional. Organisations being assessed for registration as a Class 1 provider undergo the most complex and intense assessment. Organisations being assessed for registration as a Class 4 provider have the most basic assessment as they are considered to be of lower risk.

The classes are:

1. **Growth provider**: typically, organisations managing a large portfolio of properties (400 or more) and undertaking community housing development projects utilising private sector funds and investment. Organisations registered in this class are subject to the highest level of regulatory requirements which reflects the greater level of resources committed by government to these providers and the increased level of risk involved in borrowing and community housing development projects.

2. **Housing provider**: typically, organisations managing a large portfolio of properties (200 or more) and undertaking small scale projects to develop community housing. Organisations registered in this class are subject to medium to high levels of regulatory requirements dependant on the scale of their community housing operations and their level of involvement, if any, in community housing development projects.
3. **Housing manager**: typically, organisations managing a small to medium sized portfolio of properties (30 or more) focused on property and tenancy management. Organisations registered in this class are subject to regulatory requirements that are proportionate to the scale of their community housing operations.

4. **Small housing manager**: typically, organisations managing a small portfolio of properties (one or more) focused on tenancy management. Organisations registered in this class are subject to regulatory requirements that are proportionate to small scale community housing operations.

Determinations about registration class reflect the scope and complexity of housing products and services delivered by a community housing provider.

The criteria for determinations about a provider’s registration class are indicative and in some cases may be negotiated with the Registrar to ensure the class best reflects an organisation’s current housing portfolio and business structure.

Regardless of the initial determination on registration class, mobility between classes is possible. For example, a Class 2 provider that undertakes development through private investment could move to Class 1. The organisation would then be subject to the more stringent accountability requirements associated with Class 1 providers.

Changes in registration class must be negotiated with the Registrar. To change registration class, additional performance information and supporting evidence may be required.

### 2.4 The Application and Evidence Guidelines

The information and evidence required to be submitted by organisations for registration is set out in the Application and Evidence Guidelines.

The Application and Evidence Guidelines are directly aligned with the performance areas and requirements set out in the Regulatory Code. They detail the types of activities and the range of evidence that can demonstrate compliance with the requirements, including documents/information that must be submitted to the Registrar in order to register, and other documents and sources of information that may be requested as part of the registration or compliance process. The Registrar relies on the evidence submitted by organisations to assess whether they comply with the Regulatory Code and can be registered.

The registration system aims to ensure that unreasonable demands are not placed on providers – particularly smaller organisations - that want to be registered. The range of evidence required differs depending on the class of registration, and is proportional to the scale and the scope of an organisation’s operations.

The Application and Evidence Guidelines are not designed to be exhaustive. An organisation may demonstrate it meets a Regulatory Code requirement by providing evidence other than that listed in the guidelines. If the Registrar considers that the alternative evidence is relevant then it will be relied upon in the assessment. Comment boxes in the Application Form can be used to explain any alternative evidence that is submitted.
Governing bodies will find that the evidence required by the Registrar is, for the most part, information that it requires to be satisfied that its community housing service is viable, well-governed and well-managed.

2.5 Completing and submitting the Application Form

The Application Form incorporates help text and drop-down menus which guide a provider to enter appropriate responses. It also prompts organisations to attach certain key documents as evidence. Applicants should consult the Application and Evidence Guidelines for further details on the evidence and information required when completing the Application Form.

The Application Form can be saved before it is completed and accessed again later, enabling it to be completed over a number of days. It can also be printed at any stage. When saved as ‘Complete’ the form can be lodged in RMS.

A complete Application consists of:

- Application Form
- Financial Performance Report
- Attached documents and
- Attached documents checklist.

The Registrar requires a ‘Complete’ Application Form to be authorised by the governing body before it is submitted. Confirmation will be sent when the application is received.

Please see the Application and Evidence Guidelines for more detail.

2.6 Completing the Financial Performance Report

The Registrar uses a financial performance report (FPR) to assess the financial solvency, capital structure and viability of community housing providers.

The report reviews provider performance over a six year period for Classes 1 and 2 and a four year period for Classes 3 and 4. Linked with the business plan, the report is a powerful tool for the assessment of provider performance and the impact of future decisions on provider viability.

The FPR is a Microsoft Excel document that features eight worksheets for an organisation’s financial information. Instructions are included at the front of the document. Applicants enter their financial data on the ‘Financials’ worksheet with formulae generating performance measures and charts on other worksheets based on this information.

The Financial Performance Report is part of the evidence that must be submitted under several performance requirements relating to maintenance, financial performance, efficiency and property development.

Please see the Application and Financial Performance Report Fact Sheet and Financial Viability Guidelines for further information on completing the Financial Performance Report.
3. Assessment

3.1 What is involved?

Each application will be assigned to an analyst who will consider the information submitted and assess whether the provider demonstrates a commitment to providing community housing consistently with the Housing Act and Regulatory Code.

The analyst may contact the provider to clarify evidence submitted, ask for further information or to validate claims made in the application. In some cases this may involve an on-site inspection.

An on-site inspection could include interviews with governing body members and staff, discussions with tenants and other stakeholders (such as partner agencies that provide tenant support) as well as the examination of records, processes and systems. Plans for any on-site inspection would be discussed with the provider.

Each assessment is undertaken on the basis of information and evidence submitted by the organisation. The analyst may also seek advice, subject to prior consent from parties relevant to the provider, usually Housing NSW’s Community Housing Division or other areas of Housing NSW that have contractual agreements with the provider.

3.2 How applications are assessed

Registration assessment is done at the whole of organisational level. The Registrar needs to be confident that the organisation is viable and sound, and will request information relating to the whole organisation, not individual services.

Analysts look at outcomes and the business practices that support them when assessing applications. Organisations must be well managed, well governed and viable.

Evidence that an organisation delivers or is committed to delivering outcomes in all performance areas is essential – it is a critical part of the Registrar’s assessment. Evidence of good governance and management systems, including for planning and risk management, gives the Registrar confidence that the provider will continue to deliver positive outcomes. Setting strategic direction, annual planning and budgeting, monitoring progress and compliance, and managing risk are core responsibilities of the governing body. The Registrar expects these activities to influence performance across all requirements of the Regulatory Code.

Assessments also take into account any ‘contextual’ information submitted by the organisation, including the type of organisation, its business and governance model and the environment in which it operates. Analysts use a range of tools, guides and other quality controls to ensure assessments and determinations are fair and consistent.
4. Reports and determinations

4.1 Registration reports

After assessing the application, the analyst will make a recommendation as to whether the organisation demonstrates a commitment to provide community housing consistent with the Housing Act and Regulatory Code and can be registered.

The analyst prepares a registration report that sets out the determination as to class and registration and the reasons for the assessment. A draft version of the report is sent to the provider before a final registration report and determination is issued.

The provider will have the opportunity to provide comment, clarification or additional information in relation to the draft report, for consideration in the final registration determination.

The provider will be advised about when it can expect the draft and final report, and timeframes for responding.

When the final report is issued the registration is recorded on the Registrar’s public Provider Register.

4.2 Determinations on registration applications

A provider must comply with the Regulatory Code in order to be registered.

A provider may be registered indefinitely or, in certain cases, for a specified period. All applicants, whether successful or not, are advised in writing of the outcome and the reasons for the determination. Successful applicants also receive a Certificate of Registration signed by the Registrar.
5. Registration

5.1 The Provider Register

The Registrar maintains a public Provider Register on its website.

When an organisation achieves registration as a community housing provider, their
details are published on the Provider Register. Details published on the Register
include the community housing provider’s:

- Name
- Address
- Registration status
- Registration start date
- Registration class

5.2 Compliance

After initial registration, community housing providers must continue to comply with
the Regulatory Code in order to maintain registration.

The Registrar’s office will undertake a program of regular compliance assessments
to provide assurance as to whether each registered community housing provider is
meeting its responsibilities, on an on-going basis, under the Act, Housing Regulation
2009 and Regulatory Code. The framework for the compliance assessment
program is currently under development, and will set the principles, procedures and
timeframes for scheduling compliance assessments.

The Registrar’s office will give the community housing provider reasonable notice of
the specific date and process for its compliance assessment.

As part of this, registered community housing providers must update and submit
their Financial Performance Report.

A compliance assessment may also be conducted if there are major changes to the
provider’s operations, substantiated complaints or referral of other matters about its
operations, or as a result of a notifiable incident.
6. Refusal to Register

If an organisation is not satisfied with the Registrar’s decision on its application for registration as a community housing provider, it can apply for an internal or external review.

6.1 Internal review

Application for an internal review must be in writing within 21 days of the Registrar’s decision. Where an application for review of a decision is made, the decision will be reviewed afresh and determined by an officer who was not substantially involved in making the decision being reviewed.

The outcome of the internal review will be advised in writing with reasons given to affirm, vary or set aside the original decision and substitute a new decision if appropriate.

The internal review will be conducted generally in accordance with the procedural requirements of the Administrative Decisions Tribunal Act 1997 (NSW). Completing an internal review of a reviewable decision is a threshold requirement that must precede the organisation making an application for an external review to be conducted within the Administrative Decisions Tribunal.

6.2 External review

Section 67H of the Housing Act provides that a body corporate may apply to the Administrative Decisions Tribunal for a review of any of the following decisions of the Registrar:

(a) a decision to refuse to register the body corporate as a registered community housing provider or
(b) a decision to cancel the registration of the body corporate as a registered community housing provider

Application to the Administrative Decisions Tribunal for a review of a reviewable decision must be made in writing within 21 days of the decision on the internal review.


Any other decision made by the Registrar under Part 9A, Division 2, of the Housing Act is final and not subject to review.

The Registrar will inform Housing NSW if an organisation receives a refusal to register or has had their registration cancelled.

The Housing Act requires Housing NSW to withdraw assistance, as far as is reasonably practicable, from a community housing provider that ceases to be registered.
For more information, please refer to the other guides in this series:

1. The Regulatory Framework
3. The Application and Evidence Guidelines
5. Financial Viability