

## **Compliance Assessment Guidance Note - October 2018**

### **Membership of Community Housing Providers**

The Registrar of Community Housing is initiating a campaign to ensure membership of Community Housing Providers (CHPs) is suitable and appropriate to the operations of CHPs to ensure sustainability and viability.

This Campaign is driven by regulatory engagement with the NSW Community Housing Sector over the last 18 months.

The intent of this guidance note is to clarify for registered community housing providers (CHPs) what the registrar will be looking for as part of the 2018/19 compliance program.

The Registrar's intention is to gain insights into the possible changing behaviours of CHPs surrounding membership (if these changes have occurred.) This includes understanding how these changes have emerged and the underlying reasons for such movement. The upcoming 2018-19 compliance assessment round will take a closer view of how CHPs demonstrate current practices and compliance with legal requirements when managing its membership.

#### **Regulatory Requirements**

*Community Housing Providers (Adoption of National Law) Act 2012 (NSW)*

As per the requirements of registration, under section 15(2) of the National Law, registered CHPs must provide any information, including a copy of any document or record specified in the request by the primary Registrar with respect to the exercise of the provider's functions.

#### *Evidence Guidelines*

In the context of the Governance Performance outcome of the National Regulatory Code, CHPs are expected to be well governed to support the aims and intended outcomes of its business regulatory requirements. This includes having systems in place to ensure compliance with all applicable legal requirements and relevant government policies.

#### **What the Registrar will be looking for**

##### **As general comments:**

- What the membership base was in the past, what it is now and/ or any future changes being planned.
- Reasons for any shift in membership and where applicable, were those reasons related to external factors or if there were no shifts in membership, what were the reasons for this.

##### **As specific evidence of your current circumstances:**

- Evidence of policies and procedures in place to determine the application and eligibility for membership and that adequate information is available and accessible for those wanting to become a member.
- The factors considered when defining and determining membership requirements.
- The process to ensure that current membership requirements are suitable for business purposes, relevant to the scope and scale of business operations and why the membership structure is best suited to the business.

- Any membership restrictions, the reasons for the restriction and the decision process to determine what restriction to be put in place.
- The process or system in place to ensure compliance with all applicable legal requirements and government policies.
- The process to ensure that relevant stakeholders are well informed to make decisions on matters affecting membership.

### **Regulatory Impact**

In initiating this campaign, the Registrar has formed a view that this area of focus is of benefit to improving confidence in the sector and is a necessary response to identified at-risk behaviours. Requested information conforms to existing evidence guidelines. The information collection component of the campaign has been stylised to be of least impact to providers. If any provider views any requirement as disproportionate or overly burdensome, they should advise the Registrar.