Important information for Aboriginal Community Housing Providers registered with the AHO

Please read this if you are an Aboriginal Community Housing Provider (ACHP) registered with the Aboriginal Housing Office (AHO) under any of the following arrangements:

- ACHPs approved under:
  - The Provider Assessment Registration System (PARS)
  - The Social Housing Approval and Provider Evaluation (SHAPE)
  - The former NSW Regulatory Code
- Transitionally registered providers
- Registered headleasing providers.

New Aboriginal Housing Office Registration Policy 2018

Why is the AHO changing the Registration Policy?

The AHO is focussed on facilitating better outcomes for Aboriginal tenants and their families, provided by a strong and sustainable Aboriginal community housing sector.

To achieve this, we are streamlining the many existing pathways for registration to ensure that by December 2022 all ACHPs managing AHO properties will be registered or scheduled for registration through the National Regulatory System of Community Housing (NRSCH) or the NSW Local Scheme (NSWLS).
What are the benefits of the new Registration Policy?

The benefits of ACHPs being registered through the NRSCH or NSWLS are opportunities to access additional sources of government funding and the potential to expand into new markets.

The new Registration Policy also marks a shift in the AHO’s focus, with a move away from being both regulator and funder, to focussing on securing funding for programs that improve outcomes for Aboriginal tenants and their families in NSW.

What does the new AHO Registration Policy mean for my organisation?

ACHPs registered under any of the registration arrangements listed above, who want to remain registered with the AHO, will need to be registered or scheduled for registration through the NRSCH or the NSWLS by December 2022.

How can my organisation prepare for registration under the National Regulatory System for Community Housing or the NSW Local Scheme?

The AHO has commissioned the NSW Federation of Housing Associations (Federation) to deliver:

- NRSCH information sessions (promoted as NRS workshops) and,
- specialist workshops on Governance, Asset Management and Finance Management for ACHPs.

The AHO recommends attending an NRS workshop before attending the specialist Governance, Asset Management and Finance Management workshops, to ensure your organisation knows what is required to achieve registration through the NRSCH or NSWLS.

Attendance at one of these information sessions provides you with access to the Federation’s evidence self-assessment tool. The tool covers all the performance outcome areas within the NRSCH Evidence Guidelines, to enable you to develop an action plan for your organisation and to prepare all the evidence required to submit your registration application.

By the end of the workshop, you will have:

- a strong understanding of how to use the evidence assessment tool
- started developing an action plan for your registration application
- all information and resources from the day on a USB drive.

The AHO is funding membership to the Federation for one year for ACHPs who attend the NRS workshops.

Visit the Federation website for the schedule of NRSCH information sessions: www.communityhousing.org.au/.

Before contacting the NSW Registrar of Community Housing, what should my organisation do?

1. Attend a NRSCH information session (NRS workshop) so the Board and staff of your organisation understand the steps needed to apply for registration.

2. Discuss with your Board and staff what the NRSCH or NSWLS registration means for your organisation’s future plans. (More information on the NRSCH and NSWLS is available and should be accessed via the NSW Registrar of Community Housing’s (Registrar) website: http://www.rch.nsw.gov.au)

3. If your organisation is not currently managing government assets (houses), and is not receiving funding from government, and it does not intend to manage government assets or seek funding from government, your organisation does not need to be registered under the NRSCH or NSWLS. However, if your organisation does plan to acquire government assets and/or funding your organisation will need to undertake steps 1 and 2 listed above, before you contact the Registrar’s office.

4. If you have attended an NRS workshop, conducted a self-assessment of the readiness of your organisation to register, and consider you are ready to apply for registration please contact the Registrar on 1800 330 940.
What does ‘scheduled for registration’ mean?

‘Scheduled for registration’ means that the ACHP has commenced registration processes with the Registrar under either the NRSCH or NSWLS.

As a minimum, ACHPs are expected to have lodged their Eligibility & Tier Form (ETF) in accordance with the registration process for the NRSCH or NSWLS (see Registrar’s website (http://www.rch.nsw.gov.au/).

Please note the ACHP’s stage of registration will be verified with the Registrar.

Why is the AHO moving away from both being regulator and funder?

The NRSCH and NSWLS ensure clear separation between regulatory activities, and state and territory policy and funding activities.

The AHO has made the strategic decision to focus on securing funding for programs which are needed to improve outcomes for Aboriginal tenants and their families in NSW.

What is the role of the NSW Registrar of Community Housing?

The Registrar is an independent statutory officer appointed by the NSW Minister for Family and Community Services (FACS) to carry out the regulatory functions established under the Community Housing Providers National Law (NSW).

More information about the role of the Registrar can be found at: http://www.rch.nsw.gov.au/about-us

What’s the deadline for registering under the National Regulatory System for Community Housing or the NSW Local Scheme?

By December 2022, all ACHPs managing AHO properties must be registered or scheduled for registration through the NRSCH or NSWLS.

How long does it take to become registered through the National Regulatory System for Community Housing or the NSW Local Scheme?

Every application for the NRSCH or NSWLS registration will vary.

More information about the timeframes for registration under the NRSCH or NSWLS can be found at: http://www.nrsch.gov.au/regulation_and_policy/registration/application_timeframes

Where can my organisation get more information about registering through the National Regulatory System for Community Housing or the NSW Local Scheme?

Detailed information about the NRSCH or the NSWLS registration can be found in the registration pages of the NRSCH website at: http://www.nrsch.gov.au/regulation_and_policy/registration
If my organisation is registered through the National Regulatory System for Community Housing or the NSW Local Scheme, will I still need to apply for registration with the AHO?

If your organisation is already registered with the AHO, you will not need to apply for registration with the AHO again.

All ACHPs seeking assistance from the AHO Office must:
• meet the eligibility requirements of the Aboriginal Housing Act 1998 and
• be registered with the AHO, in addition to being registered through the NRSCH or NSWLS.

Are Local Aboriginal Land Councils able to register through the National Regulatory System for Community Housing?

LALCs are unable to register under the NRSCH, as their wind-up provisions (governed by the Aboriginal Land Rights Act 1983) do not meet the National Law requirements.

Instead of registering through the NRSCH, LALCs can register through the NSWLS.


NSW Local Aboriginal Land Councils

What is the NSW Local Scheme?

The NSWLS is the registration pathway for NSW Local Aboriginal Land Council’s (LALCs).

In October 2016, NSW Parliament enacted an amendment to the Community Housing Providers (Adoption of National Law) Act 2012 (NSW) (the Act) to establish a local system of registration, monitoring and regulation of entities that provide community housing but are unable to be registered through the Community Housing Providers National Law (NSW).

In August 2017, under section 25A of the Act, the NSW Minister for FACS directed the Registrar to commence the NSWLS that:
• as far as reasonably practicable, is consistent with the NRSCH,
• does not include the ‘wind-up’ condition of registration under the Act, whilst ensuring that any assets or assistance provided by the NSW Government is appropriately protected,
• initially focuses on registering NSW LALCs.


Headleasing Arrangements

If you have questions regarding your headleasing arrangements, please contact:

AHO Policy Team
Email AHO.registration@facs.nsw.gov.au

PARS Registered Providers

Why is the Provider Assessment and Registration System closing down?

The AHO has set new strategic objectives that will support better housing outcomes for Aboriginal people and strengthen the Aboriginal community housing sector.

The new AHO Registration Policy is a key initiative to facilitate this. The new AHO Registration Policy marks the closure of different registration pathways, including PARS.
What happens to my registration with the AHO after 30 June 2018?

An ACHP registered with the AHO will maintain its current registration status.

However, all ACHPs managing AHO properties are required to be registered or be scheduled for registration through the NRSCH or NSWLS by December 2022.

If your organisation does not achieve or declines to seek registration by December 2022, it will lead to cancellation of your registration with the AHO.

Detailed information is available through these websites:
1. NRSCH: http://www.nrsch.gov.au

What happens to my Performance Improvement Plan?

It is important that you continue to work on your Performance Improvement Plan (PIP) and address any gaps identified through PARS, as this is important preparation for registration through the NRSCH or NSWLS.

PARS providers with outstanding compliance and performance issues will need to address these directly with the AHO.

Cancellation of Registration

What happens if my organisation decides not to apply for registration under the National Regulatory System for Community Housing or the NSW Local Scheme, or is unsuccessful with our application for registration? What will happen to the AHO properties we manage?

ACHPs who are not registered or scheduled for registration through the NRSCH or NSWLS by December 2022 will not meet the criteria to remain registered with the AHO.

If your organisation doesn’t achieve registration through the NRSCH or NSWLS, it will lead to the cancellation of your registration with the AHO.

Cancellation of registration means the AHO properties currently managed by your organisation will be re-allocated to an ACHP registered through NRSCH or the NSWLS, which complies with the new AHO Registration Policy.

The AHO will work with your organisation to avoid disruption to tenants and to make this process as smooth as possible for your organisation.

My organisation is currently registered with AHO, but we don’t want to register with the National Regulatory System for Community Housing or the NSW Local Scheme. How do we cancel our registration with AHO?

Your organisation will need to send a letter to the AHO to confirm that you want to cancel your registration with us. Upon receiving this notification, we will cancel your registration and re-allocate the AHO properties you have been managing to a registered ACHP (that is, an eligible Aboriginal organisation that is already registered through the NRSCH or NSWLS).

What if my organisation is a Local Aboriginal Land Council and we want to cancel our registration with the AHO?

If you want to cancel your registration with the AHO, but continue to provide housing services and you are a LALC, you will need to register with the NSW Aboriginal Land Council (NSWALC) under a Community Benefits Scheme so that you are able to manage your own properties and meet the accommodation requirements of the Aboriginal Land Rights Act 1983.

For further information follow the link below:
If my organisation is no longer registered with the AHO, will we lose our status as a social housing provider, including when we attend the NSW Civil and Administrative Tribunal for tenancy matters?

Under the Residential Tenancies Act 2010 Section 136 social housing provider means any of the following:

(a) the New South Wales Land and Housing Corporation,

(b) the Aboriginal Housing Office,

(c) a registered community housing provider within the meaning of the Community Housing Providers National Law (NSW),

(d) an organisation for the time being registered under Part 5 of the Aboriginal Housing Act 1998,

(e) an organisation or a member of a class of organisations prescribed by the regulations.

If your organisation no longer meets the definition listed above, you will still be able to attend the NSW Civil and Administrative Tribunal for tenancy matters, but in the capacity of a private landlord.

The AHO recommends seeking independent legal advice to understand what impacts this may have on your business.

Will housing providers still receive assistance from the AHO if they become unregistered?

No, the Aboriginal Housing Act 1998 requires ACHPs to be registered with the AHO to get assistance. If an ACHP becomes unregistered, they will need to hand back any properties they manage under sublease or management agreements. It may also mean that the ACHP is in breach of funding or other AHO agreements they have signed and may have to return funds to AHO.

Further Information

For more information on:

- the new Aboriginal Housing Office Registration Policy 2018 – go to: https://www.aho.nsw.gov.au/housing-providers/registration

Who do I contact if I have specific questions relating to registration?

For further information about the NRSCH or NSWLS, you can contact the Registrar as follows:

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<tr>
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<td>PO Box W5 Westfield,</td>
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<td></td>
<td>PARRAMATTA</td>
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<td></td>
<td>NSW 2150</td>
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<tr>
<td>Phone</td>
<td>(02) 8836 9444</td>
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<td>Fax</td>
<td>(02) 9635 3400</td>
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<tr>
<td>Email</td>
<td><a href="mailto:AHO.Registration@facs.nsw.gov.au">AHO.Registration@facs.nsw.gov.au</a></td>
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<tr>
<th>Mail</th>
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<tr>
<td></td>
<td>Locked Bag 4001 ASHFIELD BC 1800</td>
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<tr>
<td>Phone</td>
<td>1800 330 940</td>
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<td>Fax</td>
<td>(02) 8741 2522</td>
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