

Annex 3: Table of amendments for Social Housing and Housing Matters

SOCIAL HOUSING			
Housing Restructuring and Tenancy Matters Act 1992			
Section	Reason for change	Status quo	Proposed change
Section 172(b): Collecting information	Keeping the regulatory system up to date and relevant and removing unnecessary compliance costs and costs of doing business	<p>Section 172 (b) of the HRTMA states that: “the Community Housing Regulatory Authority must establish and maintain a register of providers that includes information on...the full names, addresses and appointment details of the current (and former) members of its governing body (if applicable)”.</p> <p>The requirement to collect information on former members of the governing body is not time limited. This means that, in many cases, the Authority must ask the provider for information that is decades old (long before the provider was registered or receiving government funding). This is a large administrative burden for providers and, in most cases, is not relevant to their ability to meet the performance standards for registration. To date, information about former members of the governing body has not affected a registration decision.</p>	<p>I propose amending section 172 (b) so that the Authority may ask for information on former, pre-registration, members of the governing body, but is not required to ask for this information. Once a provider is registered, all changes to membership of the governing body are recorded on the register from that point forward.</p>
Section 172 (c): Details of land ownership		<p>Section 172 (c) of the HRTMA requires the Authority to “establish and maintain a register of providers that includes the full details of any land in respect of which the provider is or was a registered proprietor, or over which it holds or has held a lease, tenancy agreement, or license of more than three years’ duration, or at which it provides or has provided community housing services to the public.”</p> <p>The original purpose for collecting this information was for the classes of registration pertaining to the receipt of capital and/or housing assets, not for Class 1 Social Landlords.</p>	<p>I propose amending the legislation to require the Authority to collect the information in section 172 (c) for relevant classes of registration only.</p> <p>If a case ever arises where address information is required, the Authority has the right to request any information necessary to perform its functions, powers or duties under a separate</p>

		The Authority has not collected this information to date, and does not require this information to inform registration decisions or to monitor Class 1 Social Landlords for their ongoing compliance against the performance standards.	section of the Act (section 178: “Authority may require person to supply information or produce documents”).
HOUSING			
Retirement Villages Act 2003 (RVA)			
<i>Section</i>	<i>Reason for change</i>	<i>Status quo</i>	<i>Proposed change</i>
Section 79: Penalties for contravening section 92(2)	Clarifying and updating statutory provisions in each Act amended to give effect to the purpose of that Act and its provisions;	<p>Currently, section 79 of the RVA sets out two separate, conflicting penalties for contravening section 92(2) of the RVA. Section 92(2) deals with the obligation of retirement village operators, receivers, liquidators and statutory supervisors to comply with a code of practice when one is in force. This section also states that the code of practice is enforceable as a contract by a resident, prevails over any less favourable provision in an occupation right agreement, and must be given effect to in any occupation right agreement offered to a resident.</p> <p>In section 79(2) a person other than a body corporate is liable on conviction of contravening section 92(2) to a fine not exceeding \$15,000, and in the case of a body corporate a fine not exceeding \$50,000.</p> <p>In section 79(3) a person other than a body corporate is liable on conviction of contravening section 92(2) to a fine not exceeding \$5,000, and in case of a body corporate a fine not exceeding \$10,000.</p>	<p>Section 79(2) deals with offences that affect the operation of a retirement village. For example, this section includes offences which relate to the obligation placed on the operator to notify the Registrar of material changes such as changes to Occupation Right Agreements.</p> <p>Section 79(3) deals with administrative offences. For example, offences which require operators to lodge a certificate confirming each registered document is correct and current.</p> <p>The lower penalties set out in section 79(3) were not intended to apply to contraventions of section 92(2).</p> <p>Omitting the reference to section 92(2) from section 79(3).</p>