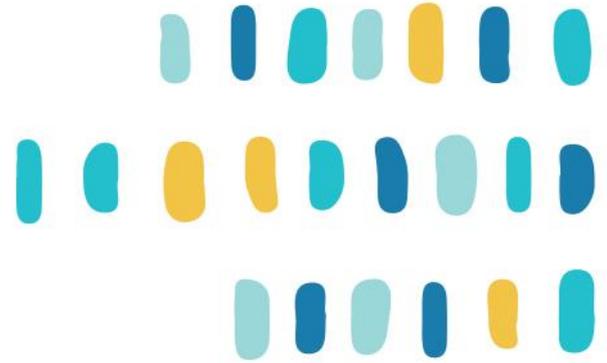




Government of **Western Australia**
Department of **Communities**



Provider Notification Guidance Note

Community Housing Regulatory Framework

These guidelines explain the requirement that registered community housing Providers (Providers) must notify the Community Housing Registration Office of certain events, and how and when to do this.

Notifications are a condition of registration

A Provider registered under the Community Housing Regulatory Framework (Framework) must comply with the conditions of registration set out in Appendix C of the Framework. One of these conditions is that the Provider must notify the Community Housing Registration Office of certain events that may have an adverse impact on its compliance with the Framework.

The Provider must notify the Community Housing Registration Office of the occurrence of any of the following within the time specified:

- (i) a decision to appoint a voluntary administrator to the Provider or a decision to wind-up the Provider – as soon as practicable after the decision;
- (ii) the appointment of a receiver to the Provider – as soon as practicable after the decision;
- (iii) a decision to apply for the cancellation of the Provider's registration - as soon as practicable after the decision and at least 28 days before the application is made;
- (iv) a decision to conduct a vote at a meeting on a matter that could affect the Provider's eligibility to be registered or its category of registration – as soon as practicable after the decision or at least 28 days before the meeting is held;
- (v) a change in the affairs of the Provider that may have an adverse impact on its compliance with the Framework – before or no later than 72 hours after the change; and
- (vi) any other occurrence requested in writing by the Community Housing Registration Office to the Provider - within the time specified in that notice.

Change in affairs of the CHP

Changes in a Provider's affairs may have an adverse impact on its compliance with the Framework. Registered Providers across Western Australia vary greatly in the size, scope and complexity of their operations. It is therefore the responsibility of each Provider to decide whether a change in its affairs may have an adverse impact on its compliance, and therefore whether it should notify the Community Housing Registration Office.

Some examples of changes in affairs that may impact on compliance:

- significant unplanned turnover and/or loss of senior staff or board members;
- significant operational restructure;
- corporate mergers, de-mergers or restructure;
- plans to change corporate entity type;
- new affiliations with other entities or significant change to existing affiliations;

- significant system failures, for example unrecoverable data loss;
- legal action against the Provider associated with potential financial and/or reputational costs; and
- changes to the Provider's constitution affecting the wind-up clause that was in place when the Provider was registered.

These examples are provided as a guide only and are not exhaustive.

Maintaining the reputation of the sector

Providers must maintain high standards of probity (see Appendices B - National Regulatory Code and D - Evidence Guidelines of the Framework). This includes maintaining the reputation of the community housing sector.

The Community Housing Registration Office must be satisfied that:

- there are no significant and ongoing or repeated instances of incidents that damage or may damage the reputation of the community housing sector;
- any incident that damages or may damage the reputation of the community housing sector is dealt with in a prompt and effective manner; and
- notifications are made consistent with these notifications guidelines and the Framework.

Registered Providers should therefore also notify the Community Housing Registration Office of any incident involving them that damages or may damage the reputation of the community housing sector. Some examples are:

- proven serious or repeated breaches of the Provider's own code of conduct;
 - substantiated fraudulent or other criminal behaviour by staff, board members or volunteers; and
 - death or serious injury to a tenant in a community housing property managed by the Providers, in circumstances where the standard of community housing services may potentially be seen as a contributing factor.
- These examples are provided as a guide only and are not exhaustive.

How and when to notify the Community Housing Registration Office

Providers should notify the Community Housing Registration Office of relevant events within the time specified in the Framework and Appendices. Incidents that damage or may damage the reputation of the community housing sector should be notified within 72 hours of the event occurring.

You can notify the Community Housing Registration Office by:

- emailing registrar@communities.wa.gov.au

In either case, you may be asked to provide more information verbally or in writing.

The Community Housing Registration Office may simply acknowledge and record the notified event, or may take further action if appropriate. Further action can include, for example, requiring the Provider to supply updates on action it is taking in relation to the event. In some situations the Community Housing Registration Office may plan a targeted assessment to check ongoing compliance under a particular performance area.

If the notified event involves appointing a voluntary administrator or receiver to the Provider, the Community Housing Registration Office may liaise with the Provider and the Department of Communities' funding and contract management division. This is to facilitate future compliance or, if necessary, resulting wind-up arrangements and/or transfer of assets to another registered Provider.

All notifications are taken into account in subsequent scheduled compliance assessments.

Failure to notify

Notifying the Community Housing Registration Office of events described in the 'Conditions of Registration' (Appendix C of the Framework) is a mandatory condition of registration. Failure to notify such events within required timeframes, where these subsequently come to the attention of the Community Housing Registration Office, will be taken into account in compliance assessments of the Provider.

Providers are responsible for demonstrating and maintaining compliance with the Framework and are expected to be proactive in reviewing, disclosing and addressing issues of non-compliance as they arise.

For more information: Please visit Community Housing Regulation website at [Housing investors and partners - Community Housing Organisations \(www.wa.gov.au\)](http://www.wa.gov.au) to access the Community Housing Regulatory Framework and additional guidance material.

[Last updated November 2021]