

Community Housing – Notifiable Incidents/Events

Policy type	Administration
Function	Infrastructure Services
Policy Owner	Facilities & Leasing
Effective date	

1. Purpose

Cassowary Coast Regional Council is a community housing provider that is regulated under the *Housing Act 2003* and the Queensland State Regulatory System for Community Housing (QSRSCH).

This policy is to improve the understanding of how the QSRSCH may be applied in practice to assist Council in working with the Queensland Registrar and the Department of Communities, Housing and Digital Economy.

Section 15 (2) (h) of the National Law requires providers to notify their Primary Registrar of any change in their affairs that may have an adverse impact on their compliance with community housing legislation.

(h) the provider must notify the primary Registrar for the provider 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 provider learns of the appointment,*
- (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 and 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 community housing legislation—before or no later than 72 hours after the change,*
- (vi) any other occurrence notified in writing to the provider by the primary Registrar—within the time specified in that notice,*

2. Scope

Manager Facilities and Leasing is responsible for ensuring Council meets its legislative requirements as set out in this policy.

3. Definitions

Council – means the Cassowary Coast Regional Council.

QSRSCH – means the Queensland State Regulatory System for Community Housing

NRSCH – means the National Regulatory System for Community Housing.

Notifiable incident / event – Under the *Housing Act 2003*, registered providers and state providers of community housing must notify the Registrar if certain events or incidents occur that:

- damage, or could damage, the community housing sector's reputation
- may affect an organisation's ability to meet their conditions of registration.

Examples:

- serious or repeated instances of fraud, corruption or criminal conduct
- any instances of serious or repeated breaches of the provider's code of conduct
- the removal of governing body members or senior staff
- the resignation of the chief executive officer or equivalent or senior staff member for non-personal reasons
- the dismissal of the chief executive officer or financial officer
- the investigation of the provider by external agencies such as funding bodies, law enforcement bodies, or integrity agencies
- proceedings in a court or tribunal against the provider
- significant crimes committed or alleged committed in community housing property
- any matter that has adversely affected or may adversely affect the financial viability of the provider
- any breach or potential breach notices received from external agencies
- any adverse media coverage or potential adverse media coverage about the provider.

This list is not exhaustive. If you're unsure whether to notify about an incident or event the Registrar for advice.

4. Procedure

4.1 Changes in the business operations of the local government.

In accordance with Schedule 3, Part 1, Section 6 of the *Housing Act 200* Council must notify the registrar of any of the following events mentioned within the timeframes stated.

Type of event	Time within which Registrar must be notified
A decision to appoint a voluntary administrator to the provider	As soon as practicable after the decision
A decision to wind up the provider	As soon as practicable after the decision
The appointment of a receiver to the provider	As soon as practicable after the provider learns of the receiver's appointment
A decision to apply for cancellation of the provider's registration with QRSCH	As soon as practicable after the decision and at least 28 days before the day the application is made

Type of event	Time within which Registrar must be notified
A decision to conduct a vote at a meeting on a matter that may affect the provider's eligibility to remain registered on the QRSCH	As soon as practicable after the decision and at least 28 days before the day the meeting is held
A change in the provider's affairs that may have an impact on its compliance with the <i>Housing Act 2003</i> of the corresponding law of another participating jurisdiction	Before the change or within 3 days after the change
Any other event for which the registrar gives the provider notice	Within the time stated on the notice

4.2 Maintain the reputation of the community housing sector

Type of event	Time within which Registrar must be notified
Serious or repeated instances of fraud, corruption or criminal conduct of a similar kind in connection with the providers operations	As soon as practicable after the event or within 72 hours of the event
Any instances of serious or repeated breaches of the local government's code of conduct	As soon as practicable after the event or within 72 hours of the event
Substantiated fraudulent or other criminal behaviour by staff, management or volunteers	As soon as practicable after the event or within 72 hours of the event
A motion of no confidence in the Mayor, Councillor/s, CEO or senior staff member/s	As soon as practicable after the event or within 72 hours of the event
The dismissal of the Mayor, Councillor/s or CEO. The investigation of the provider by external agencies (such as a funding body, law enforcement bodies or integrity agencies)	As soon as practicable after the event or within 72 hours of the event
Any adverse media coverage, or potential media coverage, about the provider	As soon as practicable after the event or within 72 hours of the event
Any incident within the community housing program, which results in the involvement of the Queensland Police Service or media exposure / involvement	As soon as practicable after the event or within 72 hours of the event
Any other matter that may bring disrepute to the community housing sector	As soon as practicable after the event or within 72 hours of the event
COVID-19 Incident	As soon as practicable after the event or within 72 hours of the event

The Queensland Registrar must be satisfied that:

- There are no significant and ongoing or repeated incidents or events occurring that damages, or may damage the reputation of the community housing sector
- Any incident or event that damages or may damage the reputation of the community housing sector is dealt with in a prompt and effective manner
- Notifications to the Queensland Registrar are made consistent with Queensland State Regulatory Code and the Guidelines for Local Government Notifications to the Queensland Registrar

4.3 Timeframe for Notification

Council will notify the Registrar of incidents/events at the earliest practical opportunity. In most cases, notification should occur by the working day after the Council becomes aware of an incident, and no later than three (3) working days afterwards. Notification should not be delayed until after the next scheduled meeting of Council.

In accordance with Schedule 3, Part 1, Section 6 of the *Housing Act 2003*, Council must notify the Registrar, in a timely manner, of any incident relating to its operations, that damages, or may damage the reputation of the community housing sector. Council must notify the registrar of any of the events mentioned within the timeframes stated.

4.4 Contact details for notifications

The Queensland Registrar

Regulatory Services, National Regulatory System for Community Housing
PO Box 690
BRISBANE QLD 4001

P: (07) 3008 3450

E: qldhousingregistrar@chde.qld.gov.au

Department of Communities, Housing & Digital Economies

PO Box 471
CAIRNS QLD 4870

P: (07) 4036 5460

E: cairnshsc@hpw.qld.gov.au

4.5 Notification Procedure

The Manager Facilities and Leasing, or a representative will provide the following information either verbally or in writing:

- The incident, including when it happened or is going to happen
- The persons involved
- The action taken, or planned to be taken, by the provider
- The contact details of the person responsible for managing the provider's response to the incident/event
- Whether the incident / even has been notified to any other regulators or external agencies, and details of the notification provided

The Queensland Registrar's office may simply acknowledge and record details of the notified event or may take further action if appropriate. Further action may include requiring the local government to supply updates on the action it is taking and / or is planning to take in relation to the event.

4.6 Failure to Notify

Notifying the Queensland Registrar of any event is a requirement under the Queensland State Regulatory Code. Failure to notify the Queensland Registrar of an incident/event within the timeframes specified, may trigger compliance action by the Queensland Registrar.

Related forms, policies and procedures	
Relevant legislation	<i>Housing Act 2003</i> <i>Housing Regulation 2015</i>
Reference and resources	Queensland State Regulatory Code National Regulatory Code

Policy Number	17021		
Approved by	Chief Executive Officer	Approval date	25 January 2024
Review date	25 January 2027		