



New South Wales

Housing Legislation Amendment Act 2016 No 53

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New South Wales

Housing Legislation Amendment Act 2016 No 53

Act No 53, 2016

An Act to amend the *Housing Act 2001* with respect to the entry of concurrent leases; and to amend the *Community Housing Providers (Adoption of National Law) Act 2012* with respect to the registration of, and provision of assistance to, community housing providers that cannot be registered under the Community Housing Providers National Law (NSW). [Assented to 25 October 2016]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Housing Legislation Amendment Act 2016*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Housing Act 2001 No 52

[1] Section 3 Definitions

Insert “or housing subject to a concurrent lease to a registered community housing provider” after “that Act” in the definition of *public housing*.

[2] Section 3, definition of “registered community housing provider”

Insert in alphabetical order:

registered community housing provider has the same meaning as it has in the Community Housing Providers National Law (NSW).

[3] Part 3, Division 3, heading

Omit “and agreements”. Insert instead “, **agreements and concurrent leases**”.

[4] Section 13A

Insert after section 13:

13A Entering into concurrent leases

- (1) The Corporation may enter into a concurrent lease with a registered community housing provider in respect of any housing owned by the Corporation (whether or not the housing is leased to a tenant at the time that the concurrent lease is entered).
- (2) On entering into a concurrent lease under this section:
 - (a) any rent payable by a tenant (other than rent in arrears that was payable before the concurrent lease was entered into) becomes payable to the registered community housing provider and not to the Corporation and any provision of the concurrent lease, to the extent that it provides otherwise (whether directly or constructively), does not have effect, and
 - (b) the tenant is no longer renting public housing.
- (3) On entering into a concurrent lease under this section in respect of housing, the Corporation may provide to the registered community housing provider any information in relation to the housing (including personal or health information about a tenant or any other person).
- (4) The Corporation is not to provide personal or health information to a registered community housing provider under this section unless the Corporation is satisfied that the registered community housing provider has procedures in place to ensure the privacy of the information.
- (5) Nothing in this section limits any other power the Corporation may have to enter into a lease or a concurrent lease (including entering into a concurrent lease with a registered community housing provider).
- (6) For the avoidance of doubt, the consent of a tenant is not required in order for the Corporation to enter into a concurrent lease or to provide information under this section.

[5] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

any Act that amends this Act

Schedule 2 Amendment of Community Housing Providers (Adoption of National Law) Act 2012 No 59

[1] Section 13 Definitions

Insert in alphabetical order in section 13 (1):

registered community housing provider means a registered community housing provider within the meaning of the Community Housing Providers National Law (NSW) and includes an entity registered under the local registration scheme established under section 25A.

[2] Section 25A

Insert before section 26:

25A Local registration scheme

- (1) The Minister is to establish a local system of registration, monitoring and regulation of entities that provide community housing but are unable to be registered under the Community Housing Providers National Law (NSW) (the *local registration scheme*).
- (2) The Minister is to endeavour to ensure that the local registration scheme is, as far as reasonably practicable, consistent with the national system of registration, monitoring and regulation of community housing providers under the Community Housing Providers National Law (NSW).
- (3) The Minister may, for the purposes of the local registration scheme, impose functions on the Registrar for this jurisdiction.
- (4) The regulations may make provision for or with respect to the local registration scheme, including by providing that provisions of the Community Housing Providers National Law (NSW) are taken to apply in respect of the local registration scheme subject to any modifications that may be prescribed by the regulations.
- (5) The Minister may delegate the exercise of any function of the Minister under this section to the Housing Secretary.
- (6) In this section:
entity means an entity within the meaning of the Community Housing Providers National Law (NSW) and includes a body prescribed by the regulations.

[Second reading speech made in—

Legislative Council on 12 October 2016

Legislative Assembly on 19 October 2016]