

South Australia

Community Housing Providers (National Law) (South Australia) Regulations 2014

under the *Community Housing Providers (National Law) (South Australia) Act 2013*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Forms
- 5 Appeal period
- 6 Transitional provisions

Schedule 1—Forms

Legislative history

1—Short title

These regulations may be cited as the *Community Housing Providers (National Law) (South Australia) Regulations 2014*.

2—Commencement

These regulations will come into operation on the day on which the *Community Housing Providers (National Law) (South Australia) Act 2013* comes into operation.

3—Interpretation

In these regulations—

Act means the *Community Housing Providers (National Law) (South Australia) Act 2013*.

4—Forms

- (1) For the purposes of section 14(2) of the Act, the form set out as Form 1 in Schedule 1 is prescribed.
- (2) For the purposes of Schedule 2 clause 4(1) of the Act, the form set out as Form 2 in Schedule 1 is prescribed.

5—Appeal period

For the purposes of Schedule 2 clause 4(2)(a) of the Act the prescribed period is 30 days from the day on which the person receives written notice of the decision of the community housing provider.

6—Transitional provisions

- (1) During the transitional period, a reference to a community housing provider registered under the *Community Housing Providers National Law* in any Act, other than the *Community Housing Providers (National Law) (South Australia) Act 2013*, or in any other regulations, will, in respect of a transitioning housing co-operative or a transitioning housing association, be taken to include a reference to a housing co-operative or a housing association registered under the *South Australian Co-operative and Community Housing Act 1991* immediately before the repeal of that Act by the *Community Housing Providers (National Law) (South Australia) Act 2013*.
- (2) The following provisions apply if the *Community Housing Providers (National Law) (South Australia) Act 2013* commences before the commencement of section 4(4) of the *Residential Tenancies (Miscellaneous) Amendment Act 2013*:
 - (a) a reference to a registered housing co-operative in the *Residential Tenancies Act 1995* will be taken to be—
 - (i) a reference to a community housing provider registered under the *Community Housing Providers National Law*; or
 - (ii) in respect of a transitioning housing co-operative or transitioning housing association—a reference to a housing co-operative or housing association registered under the *South Australian Co-operative and Community Housing Act 1991* immediately before the repeal of that Act by the *Community Housing Providers (National Law) (South Australia) Act 2013*;
 - (b) a reference to a member of a co-operative in the *Residential Tenancies Act 1995* will be taken to be—
 - (i) a reference to a member of a community housing provider registered under the *Community Housing Providers National Law*; or
 - (ii) in respect of a transitioning housing co-operative or transitioning housing association—a reference to a member of a housing co-operative or housing association registered under the *South Australian Co-operative and Community Housing Act 1991* immediately before the repeal of that Act by the *Community Housing Providers (National Law) (South Australia) Act 2013*.
- (3) In this regulation—

transitional period has the same meaning as in Schedule 3 Part 4 of the Act;

transitioning housing association has the same meaning as in Schedule 3 Part 4 of the Act;

transitioning housing co-operative has the same meaning as in Schedule 3 Part 4 of the Act.

Schedule 1—Forms

Form 1—Community Housing appeal against a decision of the Registrar

Application for review under Part 5 of the *Community Housing Providers National Law (South Australia)* (see Schedule 1 of the *Community Housing Providers (National Law) (South Australia) Act 2013*)

Details of Community Housing Provider

Name of community housing provider:
Postal address of community housing provider:
Contact phone:

Details of the Community Housing Provider's Representative

Title: Mr / Ms / Mrs / Miss / Other [*specify*]
Family name:
Given name(s):
Address:
Contact phone:
Email:

Appeal details

Application for an appeal under Part 5 section 25 of the *Community Housing Providers National Law (South Australia)*

This application relates to the following decision of the Registrar in relation to the community housing provider:

- refusal of an application for registration or for the variation of a registration;
- the imposition or revoking of any additional standard condition of registration;
- the issuing of binding instructions;
- the varying of the category of registration;
- cancellation of registration;
- refusal of an application made by or on behalf of the entity for the cancellation of its registration;
- appointment of a statutory manager.

The reasons for the application are as follows:

Please describe the steps (if any) that have been taken to attempt to resolve the matter:

Signed:
Date:

Form 2—Tenant appeal against decision of registered community housing provider

Application for review under Schedule 2 of the *Community Housing Providers (National Law) (South Australia) Act 2013*

Personal Details

Title: Mr / Ms / Mrs / Miss / Other [*specify*]

Family name:

Given name(s):

Date of birth:

Home address:

Postal address (if different to above):

Daytime phone:

Mobile:

Email:

Details of Community Housing Provider

Name of community housing provider:

Postal address of community housing provider:

Contact phone:

Assistance with appeal

Is anyone assisting you with this form or in the course of the appeal?

Yes No

If yes, name of person:

Name of organisation:

Address:

Contact phone:

Do you give permission for the Appeal Unit to deal with this person as well as yourself?

Yes No

Appeal details

Application for review under Schedule 2 of the *Community Housing Providers (National Law) (South Australia) Act 2013*

I declare that I am a current tenant of a registered community housing provider.

Yes No

I apply for relief in relation to a decision of the community housing provider which relates to:

- an assessment of my financial or other circumstances;
- the allocation or reallocation of premises (including an application for transfer (or potential transfer) to other premises);
- the state, condition, modification or improvement of the property in which I live;
- the calculation or imposition of rent, levy, charge or subsidy that is not specified in my tenancy agreement;
- terminating my membership of the community housing provider;
- rejection of my application for membership of the community housing provider;
- some other matter that affects my occupation or use of the property in which I live [*specify*].

The reasons for my application are as follows:

Please describe the steps (if any) that have been taken to attempt to resolve the matter:

What date did you receive the community housing provider's decision in writing? (if applicable):

Have you attached a copy of the written decision of the community housing provider? (if applicable)

Yes No

Signed:

Date:

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	35	<i>Gazette 6.2.2014 p593</i>	1.4.2014: r 2
2015	16	<i>Gazette 5.3.2015 p887</i>	29.3.2015: r 2