Policy Statement

The National Regulatory System for Community Housing (NRSCH) aims to ensure that as part of good governance, Community Housing Providers (CHPs) comply with all their mandatory notification requirements and maintain high standards of probity in the organisation and operation of their businesses. This obligation extends beyond its obligations to the NRSCH and includes compliance with its obligations to its wider regulators which enable them to provide the services that they do.

Pacific Link Housing Limited and Key2 Realty Pty Ltd (the 'Companies') will take a proactive approach in reviewing, disclosing and addressing issues of non-compliance as they arise. All employees and volunteers will be made aware of what constitutes a notifiable incident and the company's reporting policy.

Purpose

The purpose of this Policy is to provide guidance on the types of incidents, changes or actions that may require notification to a regulator of the company.

The Policy also requires that the Companies maintain high standards of probity which includes preserving the reputation of the community housing sector (and wider industries in which the Companies operate) and making appropriate and timely notifications of certain types of incidents.

Scope

The Companies must notify its regulators (as appropriate) of:

a) a decision to appoint an voluntary administrator to the company or a decision to wind up the company – as soon as practicable after the decision,
b) the appointment of a receiver to the company – as soon as practicable after the company learns of the appointment,
c) a decision to apply for the cancellation of the company's registration as a CHP under the NRSCH - as soon as practicable after the decision and at least 28 days before the application is made,
d) a change in the affairs of the company that may have an adverse impact on its compliance with the community housing legislation – before or no later than 72 hours after the change.
e) any other occurrence notified in writing to the company by the NRSCH Registrar or other regulator – within the time specified in that notice.
f) any incident involving the company that damages or may damage the reputation of the community housing sector within 72 hours of the event occurring. This may include:
    i. proven serious or repeated breaches of the provider's own code of conduct
    ii. substantiated fraudulent or other criminal behaviour by staff, board members or volunteers
    iii. death or serious injury to a tenant in a community housing property managed by the company, in circumstances where the standard of community housing services may potentially be seen as a contributing factor.

This policy does not apply to notification requirements of regulators where the company has individual policies or contract requirements for those incidents (for example, WHS reporting obligations and notifications under Homes NSW's Asset Management Framework).

Change in affairs (item d above)

Changes in the Companies' affairs may have an adverse impact on their compliance with requisite legislation. ***It is the responsibility of the Companies to decide*** whether a change in its affairs may have an adverse impact on its compliance, and therefore whether it should notify the required regulators.

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

a) significant unplanned turnover and/or loss of senior staff or board members
b) significant operational restructure
c) corporate mergers, de-mergers or restructure
d) plans to change corporate entity type
e) new affiliations with other entities or significant change to existing affiliations
f) significant system failures, for example unrecoverable data loss
g) legal action against the company associated with potential financial and/or reputational costs
h) changes to the Companies' constitution affecting the wind up clause that was in place and deemed eligible under the National Law when the company's registration was determined.

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

Regulators

Not all regulators have the same notification requirements of the Companies. Consideration must be given to the type of incident, action or change and the obligations to each regulator. This may include considering the obligations (as appropriate) to the:

a) NRSCH.
b) Homes NSW incorporating DCJ and LAHC.
c) Housing Australia.
d) NSW Fair Trading.
e) Australian Charities and Not-for Profit Commission.
f) ASIC.
g) ATO.
h) Revenue NSW.
i) Any other regulator identified.

Reporting Incidents

All notifiable incidents are to be reported in the PLH Group Notifiable Incidents Register for assessment and consideration of notification obligations.

Notifications will be made in writing to the appropriate regulator by the Group Executive Manager, Legal Compliance & Risk, on consultation with the CEO, Managers and/or the Board, having regard to the nature of the notice requirements of the incident.

If you are unsure whether an incident is a notifiable incident for the purposes of this Policy, please speak with the Group Executive Manager, Legal, Compliance & Risk.

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