

# Queensland State Regulatory System for Community Housing

## Regulatory Services

Department of Housing and Public Works



1 August 2016

## Guidelines for Local Government Notifications to the Queensland Registrar

## The Queensland Registrar requires local governments to have a Notifications Policy

Local governments registered under the Queensland State Regulatory System for Community Housing (QSRSCH) are required to have a notifications policy in place which sets out:

- the type of events/incidents that trigger a Notification to the Queensland Registrar and the timeframes involved
- how the local government will notify the Queensland Registrar of an event or incident occurring that damages, or has the potential to damage the reputation of the community housing sector.

These guidelines are provided to assist local governments to understand which events or incidents may be considered a notifiable event, how and when to notify the Queensland Registrar and the type of information they need to include in their Notifications policy.

### Notifications requirements are categorised as follows:

1. changes in the business operations that may impact on local governments compliance under the QSRSCH (see table 1)
2. maintaining the reputation of the community housing sector.

### 1. Changes in the business operations of the local government

Changes within a local government's business operations that may potentially have an adverse impact on their compliance under the QSRSCH. It is the responsibility of each local government to determine whether a change in its business operations may have an adverse impact on compliance, and therefore, whether it needs to notify the Queensland Registrar.

**Table 1. Types of events and timeframes for notifying the Queensland Registrar**

Type of event	The Queensland Registrar must be notified of the event within the following timeframes
A decision to appoint a voluntary administrator to the local government	As soon as practicable after the decision
A decision to wind-up the local government	As soon as practicable after the decision
The appointment of a receiver to the local government	As soon as practicable after the provider learns of the receiver's appointment
A decision to apply for cancellation of the local government's registration on the QSRSCH register	As soon as practicable after the decision and at least 28 days before the day the application is made
A decision to conduct a vote at a meeting on a matter that may affect the local government's eligibility to remain registered under the QSRSCH	As soon as practicable after the decision and at least 28 days before the day the meeting is held
A change in the local government's affairs that may have an impact on its compliance with the <i>Housing Act 2003</i>	Before the change or within 3 days after the change
Any other event for which the Queensland Registrar gives the local government written notice	Within the time stated in the notice

## Examples of events/incidents

To assist local governments in making a judgement regarding whether to notify the Queensland Registrar of a particular event, the Queensland Registrar has provided the following examples of situations where a notification is required. The list below is provided as a guide only and is not exhaustive:

- Significant unplanned turnover and/or resignation or removal of the Chief Executive Officer, Financial Officer or equivalent senior officers
- Any instances of serious or repeated breaches of the local government's code of conduct or instances of fraud, corruption or criminal conduct
- The investigation of the local government by external agencies such as funding bodies, law enforcement bodies, or integrity agencies
- Any matter that has adversely affected or may adversely affect the financial viability of the local government
- Any breach or potential breach notices received from external agencies
- Any proceedings in a court or tribunal against the local government (housing related)
- Any adverse media coverage or potential adverse media coverage about the local government (housing related)
- Significant operational restructure or corporate mergers, de-mergers or restructure
- New affiliations with other entities or significant change to existing affiliations
- Significant system failures, for example unrecoverable data loss
- Legal action against the local government associated with potential financial and/or reputational costs
- Changes to the local government's community housing property numbers involving increases or decreases in property stock numbers.

If you are unsure whether the Queensland Registrar needs to be notified of an incident or event occurring, please contact the Regulatory Services to discuss further.

## 2. Maintaining the reputation of the community housing sector

Registered local governments are also required to notify the Queensland Registrar within 72 hours of any incident involving them that damages or may damage the reputation of the community housing sector.

Under Performance Outcome 5: Probity, registered local governments are required to maintain high standards of probity (please see QRSCH Evidence Guidelines, performance requirement d).

**The following examples of reportable incidents, which may damage the reputation of the community housing sector are provided as a guide only and are not exhaustive:**

- proven serious or repeated breaches of the local government's code of conduct
- substantiated fraudulent or other criminal behaviour by staff, management or volunteers
- any incident within the community housing program, which results in the involvement of the Queensland Police Service or media exposure/involvement
- any other matter that may bring disrepute to the community housing sector.

**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.

## How and when to notify the Queensland Registrar

Local governments are required to notify the Queensland Registrar, Regulatory Services of events/incidents within the timeframes specified on the first page of these guidelines and within 72 hours of any incident involving them that damages, or may damage the reputation of the community housing sector.

### You can notify the Queensland Registrar by:

Email: [QLDHousingRegistrar@hpw.qld.gov.au](mailto:QLDHousingRegistrar@hpw.qld.gov.au)  
Telephone: 13 QGOV (13 74 68)  
Mail: Queensland Registrar  
Regulatory Services  
Department of Housing and Public Works  
GPO Box 690, BRISBANE QLD 4001

## Providing information to the Queensland Registrar

When discussing the situation with the Queensland Registrar's office, you may be asked to provide the following additional information either verbally or in writing:

- details of the incident, including when it happened or is going to happen
- the persons involved, the action taken, or planned to be taken by the local government
- contact details of the person responsible for managing the local government's response
- whether the incident 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.

## Failure to notify

Notifying the Queensland Registrar of any event is a requirement under the Queensland State Regulatory Code. Local governments are required to be proactive in reviewing and disclosing notifications of events/incidents to the Queensland Registrar and addressing any areas of non-compliance as they arise.

Failure to notify the Queensland Registrar of such events occurring within the timeframes specified, may trigger compliance action by the Queensland Registrar.

In some situations a notified event may trigger a targeted assessment to review ongoing compliance under a certain performance area. In this case, the Queensland Registrar will advise the local government in writing. All notifications are taken into account in subsequent scheduled compliance assessments.

## More information

For more information, please visit:

- QRSCH Website:  
[www.hpw.qld.gov.au/aboutus/BusinessAreas/RegulatoryServices/StateBasedRegistration](http://www.hpw.qld.gov.au/aboutus/BusinessAreas/RegulatoryServices/StateBasedRegistration)