



Aged & Community Services  
Association of NSW & ACT

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## ***Submission on the proposed National Regulatory System for Community Housing***

### **Aged & Community Services Association of NSW & ACT (ACS)**

Aged & Community Services Association of NSW & ACT (ACS) is the leading peak organisation for not-for-profit retirement living, community and residential aged care providers in NSW and the ACT. ACS represents 300 church and charitable organisations across NSW and the ACT providing over 1,700 services to more than 100,000 people. ACS member providers range in size from large multi-site organisations to small rural and regional stand-alone providers. Over 400 retirement villages are represented across NSW and the ACT. A few of our members are registered Community Housing Providers and have benefitted from assistance programs.

ACS members are registered charities with not-for-profit status, in recognition of the services they provide to aged and frail people who are unable to afford fees and charges or unable to access other forms of support.

Jointly, member organisations operate about 33% of residential high care beds, 85% of low care, 50% of self-care units and 60% of community aged care packages in NSW and the ACT. Members provide a range of other community care services including Home and Community Care, Veterans' Home Care, Carelink and National Respite for Carers projects.

### **Introduction**

Aged care providers are specialists in supported accommodation and integrated service delivery. We have a valuable contribution to make to the affordable housing sector for older Australians.

As numbers of our members are part of national or cross jurisdictional structures, ACS supports the proposal for a nationally consistent system for regulating community housing. Such legislation should facilitate further development and expansion of community housing. We have however some concerns regarding the specific proposal.

### **Tier 1 requirement – Legal structure**

A few of the large church based organisations and their agencies are incorporated by a separate Act of Parliament, in a form similar to the Corporations (Aboriginal and Torres Strait Islander) Act 2006. This type of incorporation should not be excluded but be included as an acceptable form of legal structure.

### **Winding up**

Church based organisations are long established, well trusted and integral to the broader Australian community. They usually come with the benefits of strong balance sheets and the ability to cross-subsidise with their other operations. Winding up provisions need to demarcate the housing assets to quarantine them from other church operations.

Relevant clauses need to clearly define the assets which relate to “social and affordable housing assets”. How would the “interest held by government” and the interest of the churches or church agencies be identified?

What does it mean to put a specific clause into existing constitutions about the disposal of assets? How does this relate to church based organisations and particularly those that have been incorporated by an Act of Parliament?

### **Implementation**

The Regulation Impact Statement records that “any new regulatory system should not duplicate existing regulations applying to aged care providers particularly in relation to governance and fiduciary responsibilities”. This requirement needs to be effectively carried through into the registration, funding application and compliance processes. The experience of our members in providing compliance returns to the Registrar for Community Housing in NSW indicates that there is inadequate recognition of existing compliance with other government regulators. This is particularly evident when aged care community housing providers are assessed in the areas of governing body expertise, fraud and corruption, code of conduct, incident management and financial performance. This requirement should also ensure it is consistent with the “Charity Passport” proposal the National Charity Not-for-profit Commission (ACNC) is considering.

The Aged Care sector should be recognised by the Federal and State Governments as a legitimate player in the provision of housing for people on low and medium incomes. The Church with its network of small aged care and retirement village facilities particularly in

small centres across NSW provides a natural base for the expansion of community housing for older people in these centres.

Application assessment processes for government funding and asset transfers should be strictly based on merit. Clear statements at a Government level would help address a culture of exclusion that has been experienced by aged care providers in the community housing sector. Furthermore, processes need to be far more transparent than they have been in the past.

Reporting associated with NRAS has been excessive, inefficient and costly. This should not be replicated in any new system. Again, the suite of not-for-profit reforms and the role of the ACNA should be examined.

Yours sincerely,

A handwritten signature in cursive script that reads "Illana Halliday".

Illana Halliday, CEO  
Aged & Community Services Association NSW & ACT