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because housing matters

NRSCH Q & A

Performance outcome 5 - Probity

Section 5a. Clarification on what is a gift versus a donation. This is in reference to the gift register or records. Would a monetary donation be registered under a gift or recorded under income? Although it is understood that this Performance Outcome is about having a policy on how gifts are handled and declaring gifts, but clarification on what to include would be helpful

It is important for community providers to have policies in place specific to the receiving on gifts, which may include donations. A record of the receipt of any gifts and/or donations by way of a register is an open transparent process which may be used as evidence to compliment a policy surrounding the receipt of gifts and/or donations. A record of monetary donations would also be required under financial reporting requirements. Additionally financial reporting includes in-kind donations of capital nature.

Source: CHFA website

Section 5d. When it comes to incidents/events that may potentially damage the reputation of the community housing sector

a) What types of incidents should be reported?

b) At what point should a provider notify Registrar and what happens if they fail to notify in a timely manner?

Section 15 of the National Law states that the following matters must be notified:

1. a decision to appoint a voluntary administrator to the provider or a decision to wind-up the provider- as soon as practicable after the decision,
2. the appointment of a receiver to the provider as soon as practicable after the provider learns of the appointment
3. a decision to apply for the cancellation of the provider's registration as soon as practicable after the decision and at least 28 days before the application is made,
4. a decision to conduct a vote at a meeting on a matter that could affect the provider's eligibility to be registered or its category of registration as soon as practicable after the decision and at least 28 days before the meeting is held
5. a change on the affairs of the provider that may have an adverse impact on its compliance with the community housing legislation before or no later than 72 hours after the change. This clause, coupled with 5(d) of the Regulatory Code: 'maintaining the reputation of the community housing sector' is what the questions refers to in



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particular. It is a matter for judgement. If in any doubt, the provider should err on the side of caution and advise the Registrar that there may be an issue.

6. any other occurrence notified in writing to the provider by the Primary Registrar within the time specified in that notice.

A failure to notify the Primary Registrar would be a breach of the conditions of registration. It is in the provider's interest to work with their Primary Registrar. If a provider notified the Registrar as soon as possible the Registrar and provider could work together to ensure the best possible outcome for all tenants, the provider and the sector in general. However if a provider were to intentionally or accidentally fail to notify the Primary Registrar this could lead to enforcement action depending on the severity of the outcome of the incident.

Source: CHFA website