

H32. LEGISLATIVE COMPLIANCE

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

Principle

The Illawarra Aboriginal Corporation is committed to the highest standards of integrity, fairness and ethical conduct, including full compliance with all relevant legal requirements, and in turn requires that all its Board members, officers, managers, employees, and contractors acting on its behalf meet those same standards of integrity, fairness and ethical behaviour, including compliance with the requirements of any legal requirement.

There is no circumstance under which it is acceptable for the IAC or any of its employees or contractors to knowingly and deliberately not comply with the law or to act unethically in the course of performing or advancing IAC's business.

Responsibilities

The Board will:

- review and monitor the leadership and commitment given to legislative compliance through active promotion of the organisation's Legislative Compliance Policy.
- review compliance management objectives and plans for legislative compliance.
- monitor compliance performance by way of periodic management reports and assurances.

IAC Staff will:

- ensure that they are aware of any legal requirements that apply to their work activities and that they comply with them
- report all incidents of breaches of legal requirements and where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of a breach occurring

Responsibilities (cont)

IAC Management will:

- prepare legislative compliance objectives and plans for review & consideration by the Board
- monitor performance against compliance objectives and report to the Board on progress toward achievement of objectives
- delegate responsibility for compliance to supervisory staff
- oversee the performance of staff including:
 - ◊ conforming to and applying relevant requirements of law within the workplace
 - ◊ ensuring that systems and procedures are operational
 - ◊ ensuring that staff are trained in legislative compliance issues
 - ◊ ensuring that significant compliance responsibilities are included in position descriptions and performance reviews
 - ◊ reporting and investigating any incident that appears to be a legal breach
 - ◊ designing and implementing system enhancements to correct weaknesses that could result in a legal breaches
- review and report annually to the Board on the effectiveness of the systems established to deliver legislative compliance
- analyse material breaches and identify compliance system weaknesses
- promote a culture of effective legislative compliance across the organisation

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Compliance with Tenancy Legislation

The IAC is committed to ensuring that housing staff, the Housing Sub Committee and the Board are properly trained in housing matters including the Residential Tenancies Act (2010) and the workings of the NSW Consumer and Administrative Tribunal .

Policy Reviews

The IAC will:

- conduct regular reviews of its housing and other policies and procedures
- ensure that our housing policies and procedures conform to the Residential Tenancies Act (2010)
- advise current and prospective tenants of notable changes to our policies and procedures

Training

The IAC will:

- ensure that housing staff receive relevant and regular training on housing matters
- encourage staff to seek further external training
- keep a record of all staff training and certificates

NCAT

The IAC will:

- Ensure that the appropriate staff attend NCAT hearings
- Keep written records of all communication with tenants to ensure that there is adequate documentation to present to the NCAT if necessary
- Ensure that the decisions of the NCAT are followed and monitored and that the tenant and the IAC are abiding by the decision
- That its policies and procedures give adequate information to tenants about their rights and responsibilities
- Use the NCAT to handle tenancy problems that we have been unable to remedy by resolution with the tenants
- Follow proper procedures to ensure that the NCAT hearings are successful

NCAT Hearings

The NCAT must be used to end a tenancy where the tenant breaches the tenancy agreement and does not willfully accept the notice to quit issued by the IAC.

The NCAT can also be used as an option to rectify problems that the IAC is having with a tenant so that eviction is not necessary. For example, the NCAT can make orders that a tenant must make additional incremental rent payments to pay rent arrears.

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

REFERENCES

This policy should be read with:

- **Housing NSW** “Changing a Tenancy Policy”
- **National Regulatory Code** - 1. Tenant and housing services and 4. Governance