

National Rental Affordability Scheme Amendment (Administrative Processes) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 July 2017

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Christian Porter

Minister for Social Services

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1 Name

This instrument is the *National Rental Affordability Scheme Amendment (Administrative Processes) Regulations 2017*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 15 July 2017 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Rental Affordability Scheme Act 2008.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Rental Affordability Scheme Regulations 2008

1 Subregulation 16(1D)

Repeal the subregulation, substitute:

(1D) To the extent that the rental dwelling is not rented during an NRAS year (the ***relevant NRAS year***) that falls within the incentive period—the dwelling must not be vacant for:

(a) a period of more than 26 weeks during the relevant NRAS year (whether or not the period is continuous); or

(b) a continuous period of more than 26 weeks that:

(i) begins no more than 26 weeks before the end of the previous NRAS year; and

(ii) ends in the relevant NRAS year.

2 Regulation 23 (heading)

Repeal the heading, substitute:

23 Variation of certain conditions

3 Regulation 23

Before “The”, insert “(1)”.

4 At the end of regulation 23

Add:

(2) The Secretary may, with the agreement of an approved participant for an approved rental dwelling, vary a condition of the reservation of the allocation in relation to the dwelling that relates to the size of the dwelling.

5 In the appropriate position in Part 6

Insert:

Division 1—Amendments made by the National Rental Affordability Scheme Amendment (Administrative Processes) Regulations 2017

34 Application—vacancy periods

Subregulation 16(1D) of the *National Rental Affordability Scheme Regulations 2008*, as inserted by item 1 of Schedule 1 to the *National Rental Affordability Scheme Amendment (Administrative Processes) Regulations 2017*, applies in relation to the NRAS year beginning on 1 May 2016 and each later NRAS year.

35 Application—variation of conditions of the reservation of an allocation

Subregulation 23(2) of the *National Rental Affordability Scheme Regulations 2008*, as inserted by item 4 of Schedule 1 to the *National Rental Affordability Scheme Amendment (Administrative Processes) Regulations 2017*, applies in relation to a reservation of an allocation made before the commencement of this regulation if, immediately before that commencement, the allocation has not been revoked.