

Tharawal Housing Aboriginal Corporation

Appeals Policy

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| Version Number: | 2 |
| Applies to: | Tharawal Housing Aboriginal Corporation Appeals Policy |
| Document Prepare by: | Karen Fischer – Housing and Compliance Project Officer |
| Endorsed by board Date | 11 December 2020 |
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Scope:

This policy applies to all tenants, applicants and stakeholders of Tharawal Housing Aboriginal Corporation (THAC). It outlines what decision can be appealed and the process in which Tharawal Housing Aboriginal Corporation will undertake.

Purpose

THAC recognises that all tenants/applicants involved with the service have a right to appeal decisions they believe are unfair or they do not agree with. The purpose of this policy is to:

- Inform tenants and applicants of their right to appeal
- Make it easy for tenants and applicants to exercise their rights
- Ensure a fair and transparent system and process
- Help the organisation understand what is working and what is not working.
- Have clear guidelines on what can and cannot be appealed

Policy:

This policy outlines how THAC will manages appeals effectively. An appeal is a request made by a tenant or applicant to have a decision made by THAC reviewed by a senior staff member. This generally occurs when a tenant or applicant is unhappy with a decision made. The decision made must affect a tenant's or applicant's entitlement to housing product or services.

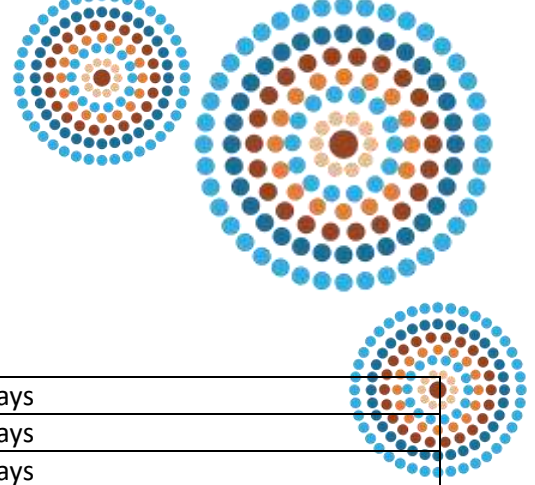
THAC is committed to the following;

- Maintaining a register of all appeals received
- Investigation all appeals received
- Provide an outcome to all appeals
- Escalate appeals where necessary
- Ensure all applicants and tenants have rights and heard

Type of decisions that can be appealed:

The below table outlines what decision can be appealed and the timeframe in which tenants and applicants have to lodge their appeal. Tenants, applicants and stakeholders need to be aware that not all decisions can be appealed.

| Decision being appealed | Timeframe to lodge from final decision |
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| Eligibility for Housing | 30 days |
| Priority Housing Assistance | 30 days |
| Former Social Housing Tenant or Occupant Category – Needs to be lodged with Social Housing Provider that made the classification | No limit |



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| Property Offers | 14 days |
| Property Entitlements | 14 days |
| Transfer Applications | 30 days |
| Succession of Tenancy Applications | 30 days |
| Mutual Exchange | 30 days |
| Rent Subsidy Calculation | 28 days |
| Cancellation of Rent Subsidy | 21 days |
| Tenant Chargers | 60 days |
| Request for modifications from a tenant for a property that they currently reside in | 60 days |
| Request for Absence from Dwelling | 30 days |
| Request for Additional Occupants | 30 days |

Type of decision that cannot be appealed:

The below decisions are not appealable by a tenant, applicant or stakeholder:

- Decisions made by the NSW Civil and Administrative Tribunal.
- Issuing of Notice of Terminations relating to a breach of the tenancy agreement.
- Reports made in accordance with the *Children and Young Persons Care and Protection Act 1998*.
- Decisions that do not directly relate to the person.
- Content of policies and processes.
- Upgrade of a property.

How to lodge an appeal:

All appeals need to be lodged in writing by completing the THAC Appeals Form (This form is located on the website or can be collected from the office). Tenants/applicants and stakeholders are encouraged to lodge supporting evidence with their appeals form.

External Avenue for Appeal:

Housing Appeals Committee (HAC):

The Housing Appeals Committee (HAC) is an independent body that deals with appeals from tenants, applicants and stakeholders who are unhappy with a decision made by a social housing provider.

Before a tenant, applicant or stakeholder can lodge an appeal with HAC, the appellant first must follow the internal policies and process of their housing providers. If the appellant is still dissatisfied with the decision of their social housing provider, they are encouraged to lodge an independent appeal with HAC.

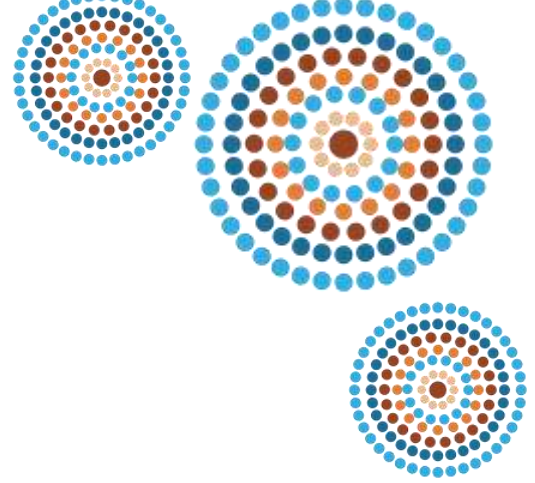
To lodge an appeal with HAC the appellant will need to complete the Appeal Forms:

http://www.hac.nsw.gov.au/data/assets/pdf_file/0003/333849/HAC-FORM-2016.pdf.

For more information on HAC roles, refer to <http://www.hac.nsw.gov.au/>.

External Avenues for Actions and Information:

- NSW Civil and Administrative Tribunal - <http://www.ncat.nsw.gov.au/>
- Tenants Advice and Advocacy Services - <https://www.tenants.org.au/>
- Community Justice Centre - <http://www.cjc.justice.nsw.gov.au/>
- Local Member of Parliament.



Relevant FACTSHEETS:

Applicant of Community Housing – Complaints and Appeals

https://www.facs.nsw.gov.au/data/assets/pdf_file/0020/333047/Applicantofcommunityhousingcomplaints.pdf

Tenant of Community Housing – Complaints and Appeals

https://www.facs.nsw.gov.au/data/assets/pdf_file/0019/333046/Tenantofcommunityhousingcomplaints.pdf

Roles and Responsibilities Community Housing -

https://www.facs.nsw.gov.au/data/assets/pdf_file/0018/333045/RolesandResponsibilities_CommHousing.pdf

Complaints, Issues and Appeals Management Referral Map

https://www.facs.nsw.gov.au/data/assets/pdf_file/0017/333044/ManagementReferralMap.pdf

Responsibility:

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| Housing and Compliance Project Officer | Maintain appeals register and provide quarterly reports to Housing Manager. Send letter confirming appeal received. |
| Housing Manager | Review decision in line with THAC Policies and Procedures. Prepare Appeal report and provide recommendation to CEO of TAC. Provide reports to the board on all appeals received in the quarter and outcome. Escalate appeals where applicable. |
| CEO TAC | Make final decision on all internal appeals. Advise client of outcome of appeal. |
| Board | Monitor the policies efficiency and effectiveness to ensure improve practice and positive outcomes for Aboriginal people. Report any findings and recommendation within its annual report. |

Reference:

| Legislation: | Related Policy |
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| <i>Residential Tenancies Act 2010</i> | Tenants of Community Housing Complaints and Appeals |
| <i>Residential Tenancies Regulation 2010</i> | Roles and Responsibilities Community Housing |
| <i>Aboriginal Housing Act 1998</i> | Complaints, Issues and Appeals Management Referral Map |
| | Applicant of Community Housing Complaints and Appeals |



Tharawal Housing Aboriginal Corporation staff must always adhere to the Confidentially Policy and Privacy Policy.