



# Tharawal Housing Aboriginal Corporation

## Appeals Procedures

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<b>Applies to:</b>	<b>Tharawal Housing Aboriginal Corporation</b>
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### What is an appeal:

An appeal is when an applicant or tenant believes a decision made by THAC:

- Was not in accordance with THAC policies or procedures
- Was not made in accordance with relevant external policies and or legislations
- Was not fair or transparent
- Not all information was consider before the original decision was made.

Tenants/applicants are encourage to first speak with the officer who made the original decision to seek clarification as to why the decision was made in the first instance. If at the time of the decision the officer did not have all the relevant information the tenant/applicant is encourage to provide the information to the officer so a reassessment can be made. If the tenant/applicant is still not happy with the outcome, then they want to proceed to lodging an internal appeal.

### Internal Appeals Process/timeframes:

Outlined below is the process in which THAC staff will reviews appeals:

- The appellant will be sent an acknowledgment letter within 5 working days. All appeals are recorded on the THAC Appeals Register.
- The appeal will be reviewed by a senior officer who was not directly involved in the original decision. The senior officer will review the original decision made in accordance with THAC policies, and will consider all information available at the time the appeal is lodged.
- The senior officer will contact the appellant to conduct a face to face or telephone interview to discuss the appeal. This will occur within 15 days of the appeal being received.
- The senior officer will prepare a submission to the CEO.
- The appellant will be advised within 28 days of receipt of the appeal if the original decision is upheld or overturned.
- If the appellant still does not agree with the outcome of the appeal, the appellant is able to lodge an independent appeal with the Housing Appeals Committee (HAC).

### 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.

<b>Decision being appealed</b>	<b>Timeframe to lodge from final decision</b>
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



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.

#### **Appeals Register and monitoring:**

It is the responsibility of the Housing and Compliance Project Officer to maintain the Appeal Register and monitor the progress of the reviewing decision. All correspondence relating to the appeal is to keep on the tenant/applicants file. Tenant/applicant have a write to view their file on request.

#### **Internal Appeal:**

If the appellant is not satisfied with the original decision made by THAC they have right to request that the decision is reviewed by a senior officer. The appellant will be given a copy of THAC Appeals Form, Factsheet and policy. Appeals should be lodged in writing by completing the Appeals Form or by writing a letter to THAC. If the appellant has difficulty with English or reading and writing they can request an appeal verbally by contacting THAC.

#### **External Appeal:**

If the appellant is not satisfied with the outcome of the internal appeal they have a right to request an external appeal. External appeals are reviewed by an independent body. External appeals are lodged with the Housing Appeals Committee (HAC). THAC staff will advise the appellant how to lodge an appeal with HAC. Appeals are generally lodged in writing however the appellant is able to contact HAC directly to discuss their concerns.

Recommendation received from HAC will be reviewed by the CEO and board however the final decision will be made by THAC. The CEO will advise HAC of the final decision as per HAC protocols.

#### **Conflict of Interest:**



It is the responsibility of all THAC staff to declare any conflict of interest that may arise during the allocation process. If a staff member or board members has any personal relationship with the applicant and or tenant they must declare their conflict immediately and withdraw themselves from the process.

In accordance with THAC Conflict of Interest Policy staff must complete a Conflict of Interest Declaration Form.

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