

Tharawal Housing Aboriginal Corporation

Appeals Policy

Content:	Appeals Policy
Version:	2
Applies to:	Tharawal Housing Aboriginal Corporation
Date:	Endorsed by board 05/08/2025

Background:

Tharawal Housing Aboriginal Corporation is a Community Housing Provider that specialises in providing social housing for Aboriginal and Torres Strait Islander people. Tharawal Housing Aboriginal Corporation aims to support Aboriginal and Torres Strait Islander people to successfully sustain tenancies by linking clients into support services where applicable. Tharawal Housing Aboriginal Corporation aims to educate Aboriginal and Torres Strait Islander people by providing pathways into improved housing outcomes delivered in a culturally appropriate manner.

Scope:

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

Purpose

Tharawal Housing Aboriginal Corporation 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

Type of decisions that can be appealed:

The below table outlines what decision can be appeal 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 cannot be appealed.

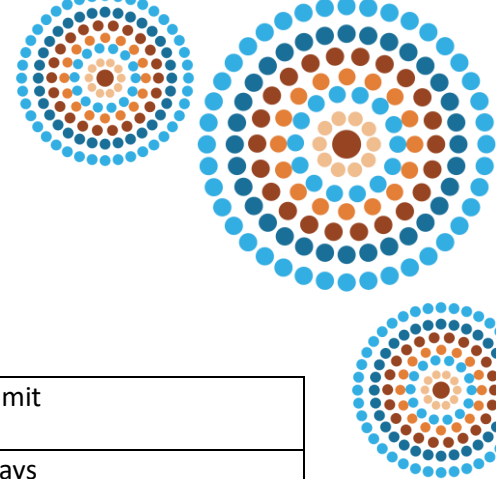
Decision being appealed	Timeframe to lodge from final decision
Eligibility for Housing	30 days
Priority Housing Assistance	30 days

Compliance

Community Housing Issues and Appeals Management Framework
Residential Tenancies Act 2010
Housing Act 2001
Aboriginal Housing Act 1998
Complaints, Issues and Appeals Management Referral Map

Reference

Community Housing Fact -Sheets
Tenants of Community Housing Complaints and Appeals
Applicant of Community Housing Complaints and Appeals
Roles and Responsibilities Community Housing



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*.
- Decision 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 Tharawal Housing Aboriginal Corporation 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. Upon receipt of the appeal forms Tharawal Housing Aboriginal Corporation will send an acknowledgement letter within 5 working days. Tenants, applicants or stakeholders may be called in for an office interview to discuss their appeal application further.

Appeals Process:

Outlined below is the process in which Tharawal Housing Aboriginal Corporation reviews appeals:

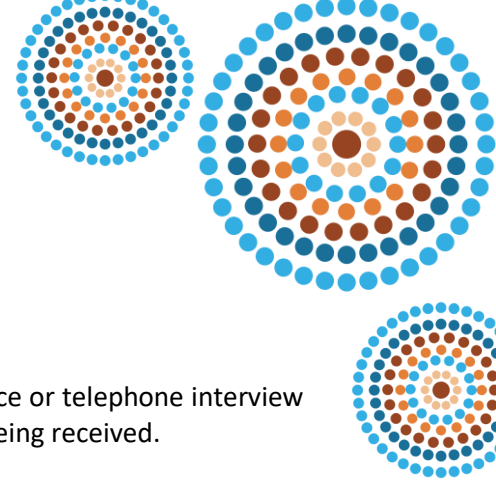
- The appellant will be sent an acknowledgment letter within 5 working days. All appeals are recorded on the Tharawal Housing Aboriginal Corporation Appeals Register.
- The appeal will be reviewed by a senior officer who was not directly involved in the original decision. The senior officer will review the original decision made in accordance with Tharawal Housing Aboriginal Corporation policies, and will consider all information available at the time the appeal is lodged.

Compliance

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- 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).

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/RolesandResponsibilitiesCommunityHousing.pdf

Complaints, Issues and Appeals Management Referral Map

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

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