

Tharawal Housing Aboriginal Corporation

Arrears and Debt Management Policy

Content:	Arrears and Debt Management Policy
Version:	2
Applies to:	Tharawal Housing Aboriginal Corporation
Date:	Endorsed by board 05/08/2025
Last Review Date:	05/08/2025
Next Review Date:	05/08/2028

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 tenants residing in properties managed by Tharawal Housing Aboriginal Corporation. Tenancy related charges comply with the provision of the *Residential Tenancies Act 2010*. Failure to pay rent and non-rent charges on time may result in the tenancy agreement being terminated.

Arrears:

Unpaid or overdue monies that have not been paid on a tenant's account in accordance with the *Residential Tenancies Act 2010*.

When a tenant falls into arrears Tharawal Housing Aboriginal Corporation will contact the tenant in writing, by phone, electronic means or by visiting the home. Tharawal Housing Aboriginal Corporation will make urgent contact to help prevent the tenant's debt from escalating.

Managing accounts in arrears:

Tharawal Housing Aboriginal Corporation monitors tenant's accounts on a weekly basis and as soon as a tenant falls behind, contact is made with the tenant. Tharawal Housing Aboriginal Corporation will work with the tenant to resolve the issues as a matter of priority.

Tharawal Housing Aboriginal Corporation will consider the following factors when addressing arrears with a tenant:

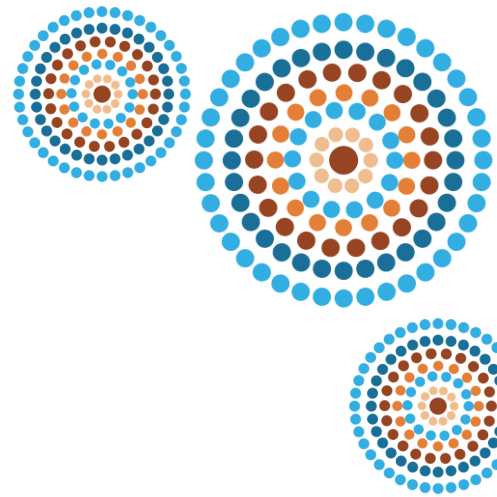
- The tenant payment patterns.

Compliance

NSW Housing Act 2001
Privacy and Personal Information Protection Act 1998
Aboriginal Housing Act 1998
Residential Tenancy Act 2001

References

This Policy should be read in conjunction with:
Tharawal Housing Aboriginal Corporation: Rent Policy
Water Policy
Tenant Chargers



- The reason the tenant has fallen into arrears.
- The tenant capacity and willingness to repay the arrears.
- The tenants need for support services.
- The amount of times the tenant has fallen into arrears.
- Previous arrears history, patterns, and reasonable steps taken to rectify.

After reviewing the above factors, Tharawal Housing Aboriginal Corporation will decide what action to take next. Actions include but are not limited to:

- Payment arrangement
- Lump sum payment
- Referral to support services
- Issuing a Notice of Termination
- Seeking a Specific Performance Order
- Terminating the tenancy

Payment arrangements:

Tharawal Housing Aboriginal Corporation will enter into a payment arrangement with tenants who fall into arrears who are unable to pay their debt in full. Generally when a tenant falls into arrears Tharawal Housing Aboriginal Corporation will request the payment arrangement to be 35% of the weekly rent minus Commonwealth Rent Assistance. If a tenant is unable to afford the required payment arrangement, Tharawal Housing Aboriginal Corporation may accept a lower arrangement, providing the tenant is able to demonstrate financial hardship. Refer to Tharawal Housing Aboriginal Corporation Financial Hardship Policy for more information.

All tenants are expected to repay all debts within a reasonable time frame.

Where Tharawal Housing Aboriginal Corporation is unable to negotiate a reasonable payment plan, the matter may be escalated. Depending on the circumstances, Tharawal Housing Aboriginal Corporation may apply to the NSW Civil and Administrative Tribunal for a Specific Performance Order or an order of Termination and Possession.

Referrals to support services:

In situations where the tenant has demonstrated a need for assistance or support, Tharawal Housing Aboriginal Corporation will arrange for referrals to be made to either internal or external support services. Tharawal Housing Aboriginal Corporation will do its utmost to support tenants in sustaining their tenancy obligations.

Notice of Termination:

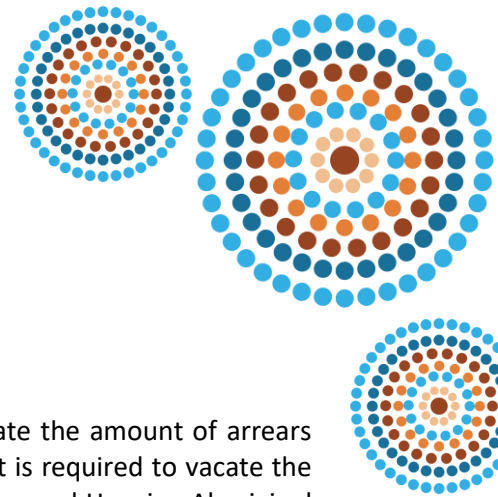
Tharawal Housing Aboriginal Corporation may issue tenants who fall into rent or water arrears with a Notice of Termination under **section 87** of the *Residential Tenancies Act 2010*. A Notice of Termination is issued once a tenant is 14 days or more in arrears. A Notice of Termination is either hand-delivered

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to a tenant property or posted. The Notice of Termination will clearly state the amount of arrears owing at the time the notice was issued. It also states the date the tenant is required to vacate the property. If the tenant is still in arrears at the time the notice expires, Tharawal Housing Aboriginal Corporation have 30 days to lodge an application with the NSW Civil and Administrative Tribunal to seek an order.

Specific Performance Order:

A Specific Performance Order is an order granted by the NSW Civil and Administrative Tribunal, It is an order that requires a tenant to correct a breach in their tenancy agreement. The order is granted under **section 87** of the *Residential Tenancies Act 2010*. If a Specific Performance Order is granted and the tenant breaches the order, Tharawal Housing Aboriginal Corporation will lodge a relist application with the NSW Civil and Administrative Tribunal at which time an order may be sort to terminate the tenancy.

Orders of termination and possession:

A termination and possession order is an order granted by the NSW Civil and Administrative Tribunal. A termination order legally terminates a tenancy agreement between all parties and states the date in which the tenant must vacate possession.

If the tenant fails to move out of the property and return the keys to the local office on the date specified, Tharawal Housing Aboriginal Corporation will apply for a Warrant of Possession for the NSW Sheriff's Office to evict the tenant.

Difficulty making payments:

When tenants have difficulty making payments they will need to contact their housing officer immediately to discuss alternative options. Tharawal Housing Aboriginal Corporation will work with tenants to support them in sustaining their tenancy.

Tharawal Housing Aboriginal Corporation understand that tenants may at times have financial hardship. Please refer to our Financial Hardship Policy for more information on support and services available.

Ending a Tenancy:

Refer to ending a tenancy policy.

Appeals and Complaints Process:

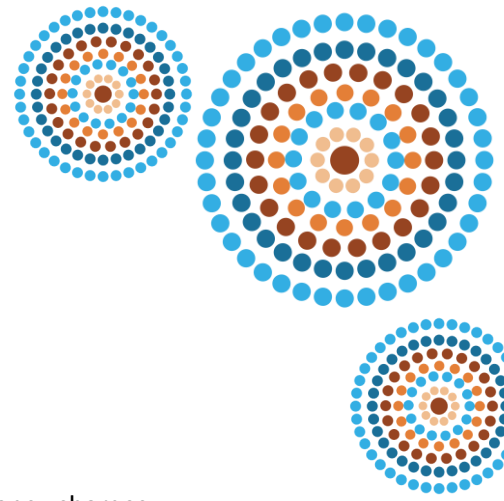
If a tenant believes the decision made by Tharawal Housing Aboriginal Corporation was incorrect, they should first discuss their concerns with their local office. If the tenant still believes the decision is wrong, the tenant has the right to ask for a formal review as per Tharawal Housing Aboriginal Corporation Appeals and Review decision.

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A tenant can only ask for a formal review of tenant charges if:

- It is believed the rental subsidy was not calculated correctly
- The correct amount of credit has not correctly been applied to tenancy charges
- The cancellation of a rental subsidy

The tenant cannot ask for a formal review for debt or charges imposed by the NSW Civil and Administrative Tribunal. The role of the NSW Civil and Administrative Tribunal is to resolve disputes between tenants and landlords.

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