

# Appeals, Reviews & Complaints



The term social housing tenant refers to both public and community housing tenants. You are a social housing tenant if your lessor is a community housing or affordable housing provider or the Department of Communities (Housing and Homelessness Services) ('the department'). If this is the case, then this fact sheet applies to you.

If you believe your lessor is in breach of the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act), you can utilise the dispute resolution processes set out in that Act. In addition, most social housing providers have their own appeal, review and complaint policies. Remember, if these policies exist they are in addition to those dispute resolution processes set out in the RTRA Act.

## How can I appeal a decision about my tenancy?

You may want to appeal, or request a review of, a decision made by your social housing lessor that affects you. For example you may think the decision:

- is inconsistent with the policies of the social housing provider;
- was made by someone with a conflict of interest in the matter; or
- has been made without taking certain considerations or circumstances into account.

### Appeals by community housing tenants

Housing providers registered under the *Housing Act 2003* must have a policy for reviewing their decisions regarding tenants and resolving disputes with them. If you wish to apply for a review of a decision, you should ask your housing provider for a copy of these policies. Even better, you can request a copy of these policies when you begin your tenancy.

If you ask for a review of a decision which affects you, the matter must be dealt with promptly and the person who made the original decision cannot deal with the application for review; a response must be made to you in writing.

It is strongly recommended that you put your request for a review of a decision in writing and keep a copy for

your records. Attaching any evidence will help you support your case.

### Appeals by public housing tenants

The Department of Communities (Housing and Homelessness Service) (the Department) also has an appeals policy, which you can use to appeal some decisions made by them.

If you disagree with an outcome or decision the Department has made about your tenancy you should first contact, preferably in writing, someone in your closest Housing Service Centre (this is the new name for the Area Office) and ask them for a review of the decision. If you are still unhappy with the outcome of this review then the formal appeals process is an option for you.

There are two types of appeals: legislative appeals and administrative appeals.

For both of these types of appeals you need to fill out an *Appeal Application* form which can be found on the Department's website or at your closest Housing Service Centre.

You should submit the completed form, with any supporting documentation attached, to either your local Housing Service Centre or the Housing Appeals and Review Unit. You need to lodge your application for an appeal within **28 days** of the decision you are appealing being made. You should keep a copy for your records.

A **review** is a less formal request by a tenant or applicant for a decision made by their housing provider to be reconsidered. This is often a first step.

### Legislative appeals

Legislative appeals are ones involving decisions about your eligibility for social housing or the type or location of the housing to be provided to you. Legislative appeal decisions will be made by the Housing Appeals and Review Unit within 28 days of the decision you are appealing.

### Administrative appeals

Administrative appeals are ones involving all other decisions, including some decisions about rent arrears. There are a few exceptions which are discussed next. Administrative appeal decisions will be made at an area office within 28 days of the decision you are appealing.

### Matters you can't appeal

Matters you can't appeal (non-appellable matters) include breaches of the RTRA Act (see alternative processes below for addressing these breaches) and procedures for the recovery of rent arrears, for example if the Department issues you with a *Form 11 Notice to Remedy Breach* or a *Form 12 Notice to Leave* for rent arrears.

Although issuing notices for the recovery of rent arrears is a matter you can't appeal, you *can* appeal, for example, the amount of rent arrears the Department has determined you are in or the arrangement for repaying arrears.

Additionally, Housing Services Centre managers and Regional Directors within the Department's Regional Services Delivery Operations have the authority to stop the eviction process, even after a warrant of possession is issued. If you believe you have good reason why your eviction (whatever the grounds for it) should not go ahead, you can write to either of these people requesting they stop the recovery of the premises. The eviction will only be stopped if you can establish a compelling reason for this.

If the issue of concern is covered under the RTRA Act, you can access the dispute resolution service provided by the Residential Tenancies Authority. For more information regarding this process, the Tenants' Union of Queensland (TUQ) has fact sheets available via our website or tenants can contact the TUQ's phone advice service or their closest Tenant Advice and Advocacy Service (listed under "T" for tenancy advice in the telephone directory).

### Appeals by applicants

People who apply for long term social housing can also appeal decisions made about their eligibility for housing and the type and location of the housing to be provided to them. If you are applying for long term public or community housing and want to appeal a decision related to this, you should follow the same process as for public housing tenant appeals.

### Unsatisfied with your appeal?

If you are unsatisfied with the outcome of your appeal and you believe that the Department didn't comply with their policies or they have not taken special circumstances into consideration you can lodge your complaint with the Queensland Ombudsman. You can contact the Ombudsman on 3005 700 or 1800 068 908 (outside Brisbane) or make a complaint online at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

### How can I make a complaint?

You may want to make a complaint about, for example, your housing provider's services, decisions or actions.

### Complaints about community housing tenants

If you wish to make a complaint regarding your tenancy you should ask your lessor for a copy of the policy dealing with disputes involving clients. If you make a complaint, your lessor must give you a written response and the matter must be dealt with promptly by someone with no personal interest in the matter. It is strongly recommended that you put your complaint in writing and keep a copy for your records.

If you believe you have not had an adequate response from your community housing provider there are two further options for

*An **appeal** is a more official action where a tenant or applicant submits a formal application, to a higher authority than the person or office that made the initial decision, requesting that a decision made by their housing provider be reversed or changed.*

*A **complaint** is when a tenant or applicant informs their housing provider or another relevant authority about poor service or actions of the housing provider or its staff.*

pursuing your complaint: the Department's Housing Provider Management and the Department's Quality Management Unit.

### Housing Provider Management

If you believe your community housing provider is in breach of the Housing Act 2003, their funding agreement with the Department or they are acting unreasonably you can make a complaint to the Housing Provider Management on 3225 1253. When you contact Housing Provider Management you will need to talk to the Service Officer who handles your provider's funding agreement, to find out who this is you will need to tell Housing Provider Management who your housing provider is.

### The Quality Management Unit

The Department's Quality Management Unit was previously called the Community Housing Standards and Accreditation Unit. The Quality Management Unit manages the community housing accreditation system in Queensland. Not all registered providers are or are required to be accredited. However, if your community housing provider applies for accreditation or re-accreditation (required every three years), complaints from tenants may be considered by when assessing the housing provider's standards of service.

Such a complaint will not solve the issue originally concerning you, but may cause the housing provider to come under closer scrutiny. The Quality Management Unit can be contacted on 3225 1718.

### Complaints by public housing tenants

Under the Department's complaints policy, there are no exceptions to what you can lodge a complaint about. You can lodge a complaint in person, by telephone, in writing, by fax or by email. We recommend you make any complaint in writing however, so you can keep a copy for your records.

The Department must deal with your complaint within a certain number of days, depending on whether they consider the complaint to be urgent (14 days), non-urgent (28 days) or complex (45 days).

### Complaints by other people

Anyone who is unhappy with the Department of Communities (Housing and Homelessness Services) products, services, decisions or actions can make a complaint. They should follow the complaints process for public housing tenants.

## Social housing tenants with unregistered lessors

Some social housing tenants may be housed by a provider with a funding source other than the Department. For example, some Indigenous cooperatives were established from Commonwealth government funding, while some providers do not receive ongoing funding from any level of government.

If this is the case your lessor may not be subject to the review and complaints policies requirements for providers registered under the Housing Act 2003.

If you have such a lessor, or if you are unsure what sort of lessor you have, you can contact the TUQ's phone advice service for assistance.

### For free tenancy advice & further information call:

#### Tenants' Union of Queensland (TUQ)

**1300 744 263 – Statewide advice line**

9am-4pm Mon – Fri and til 7pm Tue and Wed

[www.tuq.org.au](http://www.tuq.org.au)

#### Tenant Advice and Advocacy Services (TAAS)

Look under "T" for tenancy advice in the telephone directory for a local TAAS.

### Further information:

#### Residential Tenancies Authority (RTA)

**1300 366 311**

[www.rta.qld.gov.au](http://www.rta.qld.gov.au)

*The Tenant Advice and Advocacy Service (Queensland) is administered by the Queensland Department of Communities (Housing and Homelessness Services) funded by both the Residential Tenancies Authority from interest earned on bond lodged with the Authority, and by the Department of Communities (Housing and Homelessness Services).*

Please contact the TUQ if you would like to receive our free bi-monthly publication *Communiqué: an update for public and community housing tenants*.