

Appeals, Reviews & Complaints

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

The [Residential Tenancies and Rooming Accommodation Act 2008](#) ('RTRA Act') covers all rental accommodation in Queensland, including social housing (public housing and community housing). In social housing there may also be additional policies that apply to your tenancy, such as eligibility policies and rent setting policies.

If you have a tenancy dispute you can use the dispute resolution process under the RTRA Act to resolve your dispute.

Social housing providers also have their own appeal, review and complaint policies. If your tenancy dispute relates to how your housing is being managed, or a policy decision that affects you, then you may need to use the appeal review process provided by your social housing provider, to resolve your dispute.

How to appeal a decision.

If your social housing lessor makes a decision that affects you, and you disagree with this decision, you may want to appeal the decision, or seek a review of this decision.

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

Under the [Housing Act 2003](#) registered housing providers must have a complaint and review policy that sets out a process tenants can take to resolve a dispute with them. If you wish to seek a review of a decision, you should ask your housing provider for a copy of their policy.

If you request a review of a decision, the matter must be dealt with promptly and the person who made the original decision cannot consider the request for review.

It is a good idea to put your review request in writing and keep a copy for your records. You can also attach relevant evidence to support your case. You can contact a QSTARS if you need help.

You must be given a written response to your complaint.

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.

Appeals by public housing tenants

The Department also has an appeals policy, which you can use to appeal policy decisions. You must apply for a review within 28 days of the decision being made.

If you disagree with a decision the Department has made you should first contact your local Housing Service Centre to request a review of the decision. It is recommended that you do this in writing and keep a copy for your records.

If you are unhappy with the outcome of this review you may be able to seek a formal appeal.

There are two types of appeals: *legislative appeals* and *administrative appeals*. To apply you will need to fill out an *Application for Review* form which can

be found on the Department's website or at your closest Housing Service Centre.

You should submit the completed form, along with any supporting documentation, 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.

Legislative appeals

Legislative appeals involve decisions about your eligibility for social housing and the type or location of housing you are eligible for.

Legislative appeal decisions are made by the Housing Appeals and Review Unit within 28 days.

Administrative appeals

Administrative appeals relate to other policy decisions, for example decisions about rent assessments or rent arrears. There are a few exceptions which are discussed next.

Administrative appeal decisions should be made at a Housing Service Centre within 28 days of the decision you are appealing.

Matters you can't appeal

There are some matters that you can't appeal (non-appellable matters), which 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.

While you can't appeal notices for the recovery of rent arrears, you *can* appeal the amount of rent arrears the Department says you owe, or the arrangement for repaying arrears.

While you cannot appeal matters related to the RTRA Act, Housing Service Centre Managers and

Regional Directors have the authority to override the eviction process if they think this is justified.

This applies even after a warrant of possession has been 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 in dispute is covered under the RTRA Act you can use the dispute resolution service provided by the Residential Tenancies Authority. See the Tenants Queensland tenancy fact sheets or call the QSTARS tenant advice line.

Appeals by applicants

If you have applied for social housing you can appeal decisions made about your eligibility for housing, or the type and location of housing you may be offered. If you are applying for long term public or community housing, you can use the same appeal process as 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 did not take into account your individual circumstances you can lodge a complaint with the Queensland Ombudsman. You can contact the Ombudsman on 3005 7000 or 1800 068 908 (outside Brisbane) or make a complaint online at www.ombudsman.qld.gov.au.

How can I make a complaint?

All housing providers should have an accessible complaint process. You can make a complaint if you have concerns about your housing provider's services, decisions or actions.

*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 housing provider be reversed or changed.*

Complaints by community housing tenants

To make a complaint you should ask your lessor for a copy of their complaint policy. If you make a complaint the matter must be dealt with promptly by someone with no personal interest in the matter and your lessor must give you a written response.

It is always a good idea to put your complaint in writing and keep a copy.

If you believe your community housing provider has failed to provide an adequate response you can contact the Department's Housing and Homelessness Services on 13 74 68.

If you believe your community housing provider is in breach of the *Housing Act*, the *Human Rights Act*, their funding agreement with the Department, or they are acting unreasonably, you can make a complaint to the Housing and Homelessness Services on 13 74 68.

When you contact Housing Provider Management you will need to talk to the Service Officer who handles your providers funding agreement, to find out who this is you will need to tell Housing Provider Management who your housing provider is.

Complaints by public housing tenants

Under the Department's complaints policy you can make a complaint about any area of concern. You can lodge your complaint in person, by telephone, in writing, by fax or by email. However, we recommend you put your complaint in writing 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's 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*.

If you are unsure about your rights as a tenant or what sort of lessor you have, you can contact the QSTARS phone advice service for assistance.

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.

For free tenancy advice & further information contact:

Tenants Queensland (TQ)

www.tenantsqld.org.au

Queensland Statewide Tenant Advice Referral Service (QSTARS)

1300 744 263

<https://qstars.org.au/>

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

Further information:

Residential Tenancies Authority (RTA)

1300 366 311

www.rta.qld.gov.au

Tenants Queensland is a specialist community legal service for tenants that was established in 1986. Tenants Queensland also manages and delivers the QSTARS tenant advice service in collaboration with partner organisations. Tenants Queensland gratefully acknowledges funding from the Legal Aid Queensland Community Legal Services Program, and the Queensland Government, Department of Housing QSTARS program.

Disclaimer: This brochure provides information only and is not intended to provide legal advice.

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