

Appeals Policy

Policy

Date effective: 1 April 2021

1. Purpose

The purpose of having an appeal mechanism is to enhance the quality of service to clients by seeking effective resolution of disputes.

2. Objectives

The appeals mechanism is intended to reinforce the CEO (Housing)'s responsibility to apply policy in a fair and equitable manner and to be accountable for decisions made, particularly when exercising discretionary powers.

3. Scope

This policy applies to all public housing tenancies.

4. Policy detail

4.1. Distinguishing between a complaint and an appeal

- A complaint is dissatisfaction with a service provided by the CEO (Housing).
- An appeal is dissatisfaction with a decision made by the CEO (Housing).

In certain circumstances a complaint can become an appeal. When a client makes a complaint, the CEO (Housing) is obliged to make a decision regarding that complaint. That decision can be appealed as an inadequate response to the complaint. For more information, see the Complaints policy.

The Investigation and Appeals unit provides advice to CEO (Housing) staff to determine if a client is providing a complaint or requesting an appeal.

4.2. What decisions may be appealed?

A client may appeal almost any decision which they believe will disadvantage them. This includes:

- Decisions impacting an ongoing tenancy
- Decisions concerning applications for the provision of public rental housing
- Decisions concerning applications for Bond Assistance
- The outcome of a complaint
- Termination of a tenancy agreement "without grounds" as permitted by the *Residential Tenancies Act 1999*

4.3. What decision may not be appealed

- Where legal action is being or has been taken
- Most CEO (Housing) decisions which were made more than two years ago
- Whilst the size or existence of a debt may be appealed, clients may not appeal the methods or timing of any debt repayment arranged by the CEO (Housing)
- Decision by the Minister for Territory Families, Housing and Communities ('the Minister') to increase / decrease all Public Housing rents
- Decision by the Minister, or the CEO (Housing) not to sell, lease or otherwise dispose of properties under his / her control to a specified person or body
- Any decision or Order from the Northern Territory Civil and Administrative Tribunal

An application for appeal will not be accepted if the matter is currently being reviewed by any of the following:

- Northern Territory Civil and Administrative Tribunal
- A court of the Northern Territory
- Northern Territory / Commonwealth Ombudsman
- Anti-Discrimination Commissioner
- Information Commissioner
- Minister for Territory Families, Housing and Communities

4.4. Submission on Relocation

Section 147 of the *Residential Tenancies Act 1999* provides that a submission on relocation can be made from public housing tenants and occupiers following the issuing of a notice of intention to terminate.

A submission under section 147 has the same effect as an appeal of a decision to relocate a tenant in public housing. Therefore, if a tenant or occupier has lodged a submission on relocation a further appeal of the decision cannot be lodged.

5. Decision-making (delegation)

The Chief Executive Officer (Housing) may delegate a power or function under the *Housing Act 1982* or other Act. Delegated officers may make decisions on behalf of the Chief Executive Officer (Housing) in line with the Department's Housing Delegations and Financial Management Delegations.

6. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

7. References

7.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999

7.2. Policies

Complaints policy

Discretionary decision making policy

Relocating a tenant in public housing policy guideline

Submission on relocation policy guideline

Transfers within public housing policy

7.3. Key related documents

Appeals Board Selection Criteria and Procedures

8. Document change control table

Release date	Version number	Approved by (position)	Section amended	Category
01/04/2021	1.02	Chief Executive Officer Housing	all	Revised
31/01/2017	1.01	Director Policy	all	Editorial amendments
2/09/2013	1.00	Deputy Chief Executive Urban Housing	all	New separate policy derived from Housing Operational Policy Manual, Chapter 16