



ACHVL Appeals Policy

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1. Introduction

Aboriginal Community Housing (Vic) Limited (ACHVL) Appeals Policy and Procedure outlines how we will handle dissatisfaction with our decisions, so that we have effective ways to:

- Register, investigate and record appeals
- Uphold customer rights
- Enable customer views to inform how we deliver our housing and other services

This policy applies only to appeals by customers. It does not include disputes and grievances of staff or management, complaints by a customer regarding another customer (or someone else outside the organisation), complaints about the organisation or our customers by people who are not service users, for example, neighbours, funding bodies, real estate agents.

2. Aim

The purpose of the ACHVL appeals policy is to:

- Give customers the right to appeal a decision
- Make it easy for customers to exercise that right
- Help us review what is and isn't working well in our organisation.

3. Principles of ACHVL Appeals Policy

3.1. Abbreviations and definitions

Term/ Abbrev.	Meaning
Appeal	A user of our service asks for a decision we made to be reviewed
CHP	Community Housing Provider
Complaint	A user of our service tells us they are dissatisfied with our service, standards, practices or policies
Customer	Generic term used to refer to a tenant or an applicant
Stakeholder	A person or organisation other than a customer that may be impacted on by the services delivered by ACHVL

3.2. Information and communication

ACHVL endeavours to:

- inform our customers about the Community Housing Standards and ACHVL's Code of Conduct
- give customers information about the Appeals Policy and procedure and how to access it, if they want to appeal a decision we have made
- intends for its Appeals Policy and procedures to be easy to understand and use for all our customers
- provide clear information in its procedures about who is responsible for processing and dealing with an appeal, how long it takes and how records are kept
- give customers information about the Customer Complaint Policy and procedure and how to access it if they want to make a complaint.

3.3. Fair, equitable and transparent processes

ACHVL seeks to:

- resolve any appeal fairly, without fear of recrimination
- encourage customers to involve their own advocate or support person at any point in the appeals procedure, making it easy for them to do so
- provide customers with information on how to lodge an appeal with an independent external body to ensure the basic social justice principal of a fair hearing

3.4. Commitment to tenant and applicant rights

ACHVL will:

- welcome appeals, and lets customers know this
- deal with appeals in the context of its broader customer relations strategy
- respond promptly and appropriately to any request for information about our service, or any concern or objection about our rules, practices or conditions, with the intention of firstly clarifying the customer rights, responsibilities and/or the services provided.

4. How ACHVL aims to achieve these policy principles

Customers have the right to ask us to review decisions they disagree with or think are unfair.

4.1. Decisions that can be appealed

The types of decisions that can be appealed include (but are not limited to):

- rental rate assessment
- rejection for rehousing
- not eligible for housing
- not selected for housing
- allocated inappropriate property
- request for property improvements rejected
- complaint handled poorly

4.2. Grounds for appeal

The grounds for making an appeal are that we have not followed our policies and procedures or an applicable regulation or requirement, that our policies and procedures are not fair or that we made a decision without the right information.

4.3. Customers right to lodge an appeal

A customer has the right to lodge an appeal if they disagree with a decision, and the decision is believed to breach the law (e.g. The Residential Tenancies Act, or Anti-Discrimination legislation), regulatory requirements and/or ACHVL's policies and processes. Customers may also wish to lodge an appeal if they are not happy with the outcome of an investigation conducted under the ACHVL Complaints Process and review.

4.4. Process for making an appeal

The steps in the *Appeals Flowchart* are to be followed, unless the person making the appeal can give good reason why they are unable to use any part of the process. The *Appeals Flowchart* forms part of the ACHVL Appeals Procedure and contains the documents *How to Appeal: Information for Tenants and Applicants* and the *ACHVL Appeals Form*. These documents are also available separately for use by customers.

5. Related legislation, industry frameworks and standards, ACHVL policy and procedures

5.1. Standards

National Community Housing Standards
Department of Human Services Standards

5.2. Legislation

Aboriginal Land Rights Act 1983 No. 42 (NSW)
Housing Assistance Act 1996 (COM)
Housing Act. 1983 (VIC)
Housing Act 2003 (QLD)
Victoria Charter of Human Rights and Responsibilities Act 2006
Queensland Human Rights Act 2019

Related legislation, industry frameworks and standards, ACHVL policy and procedures (cont.)

5.3. Residential Tenancy Acts

Residential Tenancies Act. 1997 (VIC)
Residential Tenancies Act 2010 (NSW)
Residential Tenancies Act 1987 (WA)
Residential Tenancy Act 1997 (TAS)
Residential Tenancies Act 1995 (SA)
Residential Tenancies and Rooming Accommodation Act 2008 (QLD)

5.4. Codes, frameworks and agreements

The National Affordable Housing Agreement
OOH, Homelessness Assistance Program Guidelines and Conditions Funding 2006-2009 (VIC)
Consumer Charter for Community Managed Housing and Homelessness Services
Western Australian Community Housing Regulatory Framework
National Regulatory Code
Victorian Regulatory Framework
NSW Housing Appeals Committee Charter
The Human Rights and Responsibilities Charter Act 2006 (VIC)

5.5. ACHVL related policies and processes

ACHVL Housing and Homelessness Policies and Procedures
ACHVL Customer Promise
ACHVL Appeals Procedure
ACHVL Complaints Policy and Procedure
External Agencies: Complaints and Appeals

ACHVL Tenancy Manual

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