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housing

# APPEALS POLICY

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|---|---|
| POLICY TYPE | Group Management Policy |
| APPLICABILITY | **Company**<br>EchoRealty NSW & ACT Limited<br>EchoRealty Vic Limited |
| POLICY REFERENCE | GRC003 ER |
| POLICY OWNER | Group General Manager Growth, Governance, Legal & CoSec |
| APPROVED BY | Group Executive Team |
| APPROVAL DATE | 08.2025 |
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# APPEALS POLICY

## 1. PURPOSE

This Policy outlines the approach of Evolve Housing Limited and its controlled entities, as described in Details Table on Page 1 of this policy, (collectively referred to as "the Company") to managing Appeals received from housing Applicants and Tenants, and determining which decisions can be appealed.

## 2. SCOPE

This Policy applies to all housing Applicants and Tenants of Evolve Housing Limited and its controlled entities described in clause 3 of this policy (referred to as the Company.

For the purpose of this policy, an Appeal is defined as:

*A disagreement by an Applicant or Tenant with a decision made by the Company that affects their application for housing or their tenancy (whether current or prior), and which the Applicant or Tenant has requested be reviewed. An Appeal is not a Complaint.*

This Policy does not apply to Complaints which are covered by the Complaints Management Policy, or to Neighbour Disputes which are covered by Neighbour Disputes Policy.

### 2.1 Matters which can be Appealed

Applicants and Tenants are able to appeal decisions made by the Company regarding various matters including:

#### 2.1.1 Social housing provider eligibility

- General eligibility for, or removal from, a waiting list or the NSW Housing Register or Victorian Housing Register;
- Backdating of an eligibility date;
- Eligibility of people classified as unsatisfactory or ineligible former residents;

#### 2.1.2 Housing entitlements

- Size and type of dwelling;
- Modifications or special features of dwelling needed for medical reasons;
- Location need entitlements;

#### 2.1.3 Priority housing eligibility

- Eligibility for priority housing;
- Need for specific location or housing type;

#### 2.1.4 Succession of tenancy

- Eligibility to be granted succession of tenancy;

#### 2.1.5 Offers of property

- Whether an offer is considered 'reasonable' (eg. type, location, size);
- Whether an Applicant's or Tenant's reason for not accepting an offer is reasonable;

### 2.1.6 Transfers

- Eligibility for a transfer;
- Category of transfer approval granted;
- Eligibility for priority transfer;
- Location approved for a transfer;
- Relocation of a tenant for management purposes;
- Transfer of a tenant under relocation powers;

### 2.1.7 Rental Subsidy assessment

- Calculation of, change to, or cancellation of rental subsidy;
- Water charges related to subsidy;

### 2.1.8 Modifications to a property

- Need for modifications for disability/medical reasons only (not maintenance or upgrade issues);

### 2.1.9 Offers of a property transfer

- Whether a 'reasonable' offer has been made and the offer counted for the purposes of the offers policy; and
- Offers made to Tenants under relocation powers.

## 2.2 Matters which cannot be appealed

There are a number of matters which Applicants and Tenants are not able to appeal. These matters include:

- Decisions that are not directly related to the Applicant or Tenant, or the household;
- Matters that are the responsibility of other bodies or tribunals (such as repairs and maintenance which are the responsibility of the NSW Civil and Administrative Council Tribunal ("NCAT") or Victorian Civil and Administrative Tribunal ("VCAT");
- Company policies;
- Internal administrative and funding matters of Evolve Housing;
- Complaints about the way Evolve Housing provides or has provided a service;
- Programs not related to the provision of a service; and
- Decisions about providing more than the maximum service or benefit required under Company policy.

# 3. POLICY STATEMENT

The Company is committed to the fair and effective management of Appeals.

This Policy outlines the approach of the Company in managing Appeals lodged by Applicants and Tenants. An Applicant or Tenant has the right to lodge an Appeal with the Company if they disagree with a decision the Company has made that may affect their application for housing, or their tenancy. Applicants and Tenants will not be disadvantaged by lodging an Appeal.

The objective of the Appeals process is to ensure that:

- There is a fair mechanism for decisions to be reviewed, if those decisions cannot be considered by other bodies, such as NCAT or VCAT; and

- The correct decision has been made in each individual case under review.

The Company also considers the Appeals process as an opportunity to:

- Gain feedback from Tenants and Applicants;
- Demonstrate that the Company is open to receiving the views of Tenants and Applicants; and
- Review and improve the Company's policies, processes and procedures where necessary.

# 4. APPEAL STAGES

## 4.1 Appealing a decision

Applicants and Tenants can appeal decisions made by the Company, including decisions about eligibility for community housing and offers of housing, decisions to decline an application or to transfer a Tenant, and decisions about eligibility for a rental subsidy. All Appeals must be lodged with the Company within 3 months of the Applicant or Tenant being notified by the Company of the original decision.

## 4.2 Frontline Staff Handing

Applicants and Tenants who are not satisfied with a decision made by the Company are encouraged to first speak to the staff member who advised them of the decision. Applicants and Tenants may also ask to speak with a Team Leader, if they remain unsatisfied (or are uncomfortable raising directly with the relevant staff member).

If the Applicant or Tenant remains unsatisfied with the decision, there are two tiers of Appeal available (assuming the matter is able to be appealed):

- The first-tier Appeal, which involves an internal review by the Company; and
- The second-tier Appeal – where the Applicant or Tenant lodges the Appeal with an external independent review body, either the NSW Housing Appeals Committee or the Victorian Housing Registrar.

## 4.3 First Tier Appeals

### 4.3.1 Receipt of Appeal

First Tier Appeals should be made in writing and can come through many channels. An Appeal can be made through the following channels addressed to the 'Appeals Officer':

| CONTACT TYPE | CHANNEL |
|---|---|
| Appeals Form | Website or hard copy |
| Letter | Via post to:<br>Henry Dodd House<br>9-13 Argyle Street<br>Parramatta NSW 2150; or<br>Via email to:<br>appeals.inbox@evolvehousing.com.au |
| Email | appeals.inbox@evolvehousing.com.au |
| Tenant Portal | https://ehgroup.service-now.com/csp |

Applicants and Tenants are encouraged to ask a staff member for advice on whether their issue can be appealed, as not all issues are eligible to be reviewed (refer to list at section 1.1 above). The staff member may also help the individual to complete the form and provide other assistance. The staff member who was involved in making the decision, which is being appealed, will not be involved in providing this assistance.

### 4.3.2 Assessment of Appeal

Upon receipt, an internal review of the Appeal will be conducted by an Appeals Officer, who is designated by the Company to oversee the Appeals process and who is not involved in making the original decision, being appealed. The recommendations of that officer will then be considered by a senior member of staff, who will make the ultimate decision on the first-tier Appeal.

All written Appeals received by the Company are to be acknowledged within two (2) business days of being received.

### 4.3.3 Response to Appeal

In most cases, first tier Appeals will be decided within twenty (20) business days from the date the Company receives the Applicant's or Tenant's written Appeal and a written response sent to the Applicant or Tenant advising of the outcome of the Appeal. Exceptions to this timing may be where the Company is waiting on further information from the Applicant or Tenant, or another person or organisation.

If the Applicant or Tenant is dissatisfied with the outcome of the Appeal and has new evidence/information in relation to their Appeal, they can seek a review.

## 4.4 Second Tier Appeals

If an Applicant or Tenant believes the decision made by the Company, in the first-tier review, is incorrect and they remain dissatisfied, they can refer the Appeal to the following external appeal bodies, to review the decision:

NSW

- the NSW Housing Appeals Committee, an independent agency that can review appeals from individuals who are dissatisfied with decisions made by social housing providers such as the Company

  **NSW Housing Appeals Committee Details**

  Telephone: 1800 629 794

  Email: hac@homes.nsw.gov.au

  Post: PO Box 1030
  Westfield Burwood NSW 2134

VIC

- the Victorian Housing Registrar, a government entity who regulates Victoria's community housing sector and can undertake reviews and support appeal processes.

  **Victorian Housing Registrar**

  Email: housingregistrar@dtf.vic.gov.au

  Post: GPO Box 4379, Melbourne, Victoria, 3001

- Tenants in VIC also have the right to approach the VIC Ombudsman about the decision made by the Company, or the Victorian Housing Registrar, by contacting:

  **VIC Ombudsman**

  Level 2, 570 Bourke Street Melbourne VIC 3000
  Telephone: 1800 806 314

## 5. CONFIDENTIALITY

When an Appeal is made, the Company will record information about you and the Appeal including, but not limited to:

- name and contact details;
- details of the decision being appealed; and
- The outcome of the Appeal.

The Company uses this information to review and respond to an Appeal. All personal and sensitive information collected in the Appeals process will be kept secure and managed in accordance with the Privacy and Personal Information Protection Act 1998 (NSW) or Privacy and Data Protection Act 2014, as applicable.

**For further information please refer to the Company's privacy policies.**

## DEFINED TERMS

| TERM | DEFINITION |
|---|---|
| Appeal | a disagreement by an Applicant or Tenant with a decision made by the Company that affects their application for housing or their tenancy (whether current or expired/terminated), and which the Applicant or Tenant has requested be reviewed. |
| Applicant | A person who makes a formal application for housing assistance. |
| Complaint | an expression of dissatisfaction with the standard or type of service provided by the Company, which is made by an external person or organisation (complainant), and where the complainant had expected or is requesting a different outcome or result.<br>An expression of dissatisfaction with the standard or type of service provided by the Company, which is made by a complainant |
| Neighbour Dispute | a dispute with a Company Housing Resident, which involves a possible breach by the Resident of their Residential Tenancy Agreement, and where an unsuccessful attempt has been made by the two parties to resolve the problem through either discussion or mediation |
| NSW Housing Register | a single list of approved applicants waiting for social housing. When a social housing provider approves an applicant for social housing, the provider places them on the NSW Housing Register. Homes NSW and community housing organisations use this register to offer housing when a suitable property becomes available. |
| Residential Tenancy Agreement (or Tenancy Agreement) | a written agreement between the Company and a Tenant, which governs the terms on which that Tenant occupies the Property described in the Agreement. |

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|---|---|
| Tenant | a person who signs a Residential Tenancy Agreement with the Company and who has certain rights and obligations under that Agreement (a Tenant is also a Resident.) |

## RELATED RESOURCES

| RESOURCE |
|---|
| Evolve Housing Complaints Management Policy |
| Evolve Housing Neighbour Disputes Policy |
| Residential Tenancies Act 2010 (NSW) |
| Evolve Housing Code of Conduct Policy |
| Residential Tenancies Act 1997 (Vic) |
| www.hac.nsw.gov.au |
| www.vic.gov.au/housing-registrar |
| Evolve Housing Complaints Management Policy |

*This Policy is subject to change from time to time at the discretion of the Company. Any approvals required under this Policy will be granted in accordance with the Company Delegations of Authority Policy. Further information on this Policy and other topics, is available on the Evolve Housing website www.evolvehousing.com.au. If you have any specific questions regarding this Policy, please contact Evolve Housing on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.*

## REVISION HISTORY

| DATE REVIEWED | POLICY REVIEWER | KEY CHANGES |
|---|---|---|
| 01.12.2013 | | Policy adopted |
| 31.10.2022 | Raylee Golding, GM GAL/ Co Sec | Application of policy extended to controlled entities |
| 01.08.2025 | Andrea Jeffrey, Commercial & Contracts Legal Manager | Updated to govern both NSW & VIC and better detail the stages in the Appeal process and include confidentiality. |