

RISK GOVERNANCE: Renter Appeals Policy

Policy Statement

Haven Home Safe (HHS) values and respects the right of Renters to lodge an Appeal in specified circumstances, and to be heard in an open and respectful manner.

Purpose

This Level 3 Policy provides guidance to Renters to understand what decisions can be appealed, who can lodge an Appeal, and how to lodge an Appeal against a first instance decision, and how HHS will manage the Appeal process.

Guiding Principles:

HHS respects the right of Renters to Appeal decisions without disadvantage, and will handle Appeals consistently, transparently, efficiently and according to natural justice.

HHS will uphold a Renters' right of Appeal, subject to meeting specific criteria:

- Only a Renter or their authorised/Legal Representative is eligible to lodge an Appeal.
- A Legal Representative must provide a copy of a signed consent or Power of Attorney to act for the Renter.
- An Appeal can only be lodged if a complaint has been lodged with HHS and investigated, and a decision provided to the Renter by HHS that the Renter does not agree with ("first instance decision").
- Appeals are limited to certain first instance decisions, and subject to time limitations.

Scope

This *Policy* applies to all Renters who have made a complaint to HHS and wish to Appeal a first instance decision. It also applies to all HHS staff responsible for receiving, managing, or responding to Appeals.

Responsibilities

CEO	Ensure Policy is in place and reviewed bi-annually
Executive	CBSO is the executive owner of this policy
Housing Leaders	Implement policy and ensure staff understand the policy
Housing staff	<ul style="list-style-type: none"> • Understand policy and related processes • Communicate with Renters to ensure clarity and manage expectations.
Compliance Team	<ul style="list-style-type: none"> • Oversee investigation process, liaising with relevant housing operations staff • Make recommendation to CBSO regarding outcome of Appeal • Communicate outcome to Renter or their Legal Representative

Definitions

Appeal	An Appeal is a procedure that allows a renter to seek a review of a first instance decision made by HHS.
False, Misleading or Deceptive Conduct	False, misleading or deceptive conduct relates to claims made about products or services that are not accurate, true or based on reasonable grounds.
First Instance Decision	A decision made by HHS in response to a Renter complaint following an investigation.
Legal Representative	A Legal Representative is a legal agent (including a holder of a Power of Attorney) appointed by the renter to act on their behalf in relation to the matter being appealed
Renter	A Renter is a person named on a current lease for a property owned or managed by HHS.
Statutory Obligations	Statutory obligations refer to requirements under State or Federal legislation related to tenancy management for residential properties in Victoria.

Recommended by: TOMI Working Group

Dec 2025

Approved by: Executive

Scheduled review:

Dec 2027

Policy level: 3 Version: v1

Risk Rating: MODERATE

This policy has been approved by Haven Home Safe CEO.

Signed:



Name/Position: Trudi Ray, CEO

15.12.25

Unconscionable Conduct	Unconscionable conduct is behaviour so harsh that it goes against good conscience. Under consumer law, businesses must not act unconscionably towards consumers or other businesses. (<i>Competition and Consumer Act 2010 (Cth) Schedule 2</i>)
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Details

The Appeals process provides the opportunity for a Renter to request a review of a first instance decision made by HHS (where the matter has not been referred to VCAT or another legal jurisdiction).

Who Can Appeal?

1. A person who is a Renter who is named on a current lease for a residential property owned or managed by HHS who seeks review of a first instance decision affecting them; or
2. A Renter's Legal Representative.

Who Cannot Appeal?

- Any person who is not a Renter under a current lease for the property that is the subject of a complaint with HHS.
- Members of the public, advocates, neighbours, friends, family or acquaintances of Renters of HHS owned or managed properties.

Appealing to HHS

Renters can Appeal a decision made by HHS that affects them personally with HHS if they believe all relevant information was not considered before HHS made the decision or did not deal with the Renter fairly, taking account of the circumstances. Appealable decisions include those related to:

- applications for the provision of housing in limited circumstances
- eligibility for a particular type of housing
- a request to modify a property
- property entitlements
- the size or existence of a debt
- A breach of the *Residential Tenancies Act 1997 (Vic)*

There is no general right of Appeal against rental provider decisions under Australian Consumer Law (ACL). However, Renters can rely on ACL protections for False, Misleading or Deceptive Conduct or Unconscionable Conduct by challenging rental provider conduct through:

- VCAT
- Consumer Affairs Victoria
- Or any other relevant legal jurisdiction.

Appealing through VCAT

Renters can also challenge a decision made by HHS by making an application to VCAT if they reasonably believe HHS has:

- Engaged in Unconscionable Conduct
- Engaged in False, Misleading or Deceptive Conduct
- Has failed to meet its Statutory Obligations under the *Residential Tenancies Act 1997 (Vic)* (repairs / safety / minimum standards)

What decisions cannot be appealed?

Renters cannot lodge an Appeal:

- Where legal action has been initiated regarding the matter in dispute
- Where the first instance decision was made more than three (3) months earlier
- About the payment method or timing of any debt repayment arrangement
- Decisions to increase or decrease rents
- Decisions by HHS to sell, lease or otherwise dispose of properties.
- Any decisions made in accordance with an Order from the Victorian Civil and Administrative Tribunal (VCAT) or any other legal jurisdiction
- Decisions that do not directly relate to the Renter, or their rental property.

Managing Appeals

HHS will

- Endeavour to acknowledge, respond and resolve Appeals within 30 days (where possible)
- Engage and communicate with appellant Renters during the Appeal process
- Ensure staff involved in making the first instance decision the subject of the Appeal do not investigate, manage or decide upon the outcome of an Appeal. They may inform the investigation about facts and evidence. The Appeal will be directed to a designated representative, usually the direct manager of the person who made the first instance decision.
- Maintain accurate records of all communications relevant to the Appeal.

When reviewing the first instance decision, the following will be considered:

- Was the first instance decision consistent with HHS policy and relevant legislation or regulation?
- Was the policy narrowly or harshly interpreted?
- Were the Renter's circumstances and all relevant information fairly and properly considered?
- Was there any bias or prejudice involved on the part of the original decision maker?
- Was any irrelevant information used to inform the first instance decision?
- Was the first instance decision lawful?
- Whether any new, fact or circumstance has arisen that may impact HHS' consideration of the matter.

Renters can expect their Appeal:

- To be handled professionally and confidentially
- To be fully informed of their rights and responsibilities and have realistic expectations of what HHS can provide

Renters may involve their own advocate or support person at any point to assist them in the Appeals procedure, however advocates or support people have no legal standing in the Appeal process.

HHS recognises that in some instances the outcome of an Appeal may not be to the satisfaction of the Renter, or there may be other avenues the Renter elects to take in parallel to their Appeal. In this regard, the Renter may:

- Make a complaint to the Office of the Housing Registrar
- Lodge an application with VCAT
- Make a complaint to the NDIS Commission (NDIS participants only)

Lodging an Appeal regarding an HHS Decision:

Mail: Haven Home Safe Feedback and Complaints,
PO Box 212, Bendigo Vic 3552
Telephone: 1300 428 364

Email: compliance@hhs.org.au
Internet: havenhomesafe.org.au/contact/feedback-complaints/

Reporting Requirements

HHS has a range of reporting requirements arising out of Appeals, which may include internal reporting to Executive and Board, or to external regulatory or funding agencies.

Relativities

Legislation:

- *Residential Tenancies Act 1997 (Vic)*
- *Social Services Regulation Act 2021 (Vic)*
- *Social Services Regulations 2023 (Vic)*
- *Social Services Standards 2024 (Vic)*
- *National Disability Insurance Scheme Act 2013 (Cth)*
- *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*
- *Privacy Act 1988 (Cth)*
- *Privacy and Data Collection Act 2014 (Vic)*

Policies:

- Social Housing Rent Policy
- Affordable Housing Rent Policy
- Transitional Housing Management Policy
- Feedback – Enquiries, Compliments and Complaints Policy
- Hardship Policy

Advocacy and support:

- Tenancy Dispute, Consumer Affairs Victoria GPO Box 123 Melbourne Vic 3001 Phone 1300 40 43 19

For information on residential disputes:

Residential accommodation complaint - Consumer Affairs Victoria

- Specialist Disability Accommodation rental agreements: Complaints in SDA - Consumer Affairs Victoria
- Victorian Equal Opportunity and Human Rights Commission – 1300 891 848
- Homelessness Advocacy Service – 1800 066 256 or 8415 6213

- Tenants Union of Victoria – 1800 068 860 – Social housing assistance line.
- Rights Information and Advocacy Centre Inc. (RIAC) Geelong, Bendigo and Mildura: Call 03 5222 5499
- Disability Services Commissioner: 1300 728 187
- Council to Homeless Persons: 1800 825 955
- Kids Helpline: 1800 55 1800 (can help people up to the age of 25)
- Victoria Legal Aid – 1300 792 387

END

This Policy, together with the updated *Feedback – Enquiries, Compliments and Complaints Policy*, replace the *Feedback, Complaints and Appeals Policy*.

ATTACHMENT: Examples of Matters Which Can BeAppealed:

- *Failure of property manager to carry out urgent or non-urgent repairs.*
- *Rent increases without the lawful notice or contrary to the law.*
- *Bond related disputes (claiming bond unfairly, not lodging properly etc).*
- *Entry to the property by landlord/agent without required notice.*
- *Unfair conditions in the rental agreement (terms the law forbids).*
- *Illegal eviction attempts or notices to vacate without lawful grounds.*
- *Failure of trades or property managers to carry appropriate ID including Working With Children Checks when attending properties*