

# Reviewing Decisions

October 2009



## Fact sheet



It is illegal for an officer of Housing NSW to ask for money or favours or other benefits of any kind in exchange for helping you with your housing needs.

It is also illegal for you or anyone else to offer money or favours or other benefits of any kind to an officer of Housing NSW in exchange for helping you. If you have any information regarding this please call 1300HOUSING and select Option 2. Housing NSW may refuse the provision of further housing services to anyone who has engaged or sought to engage in corrupt or illegal conduct.

### What is a review?

A review is a formal process to check that Housing NSW has made the right decision on a matter which is our responsibility.

If you think we have made the wrong decision about something that directly affects you, you should talk to the person who made the decision, or another Housing NSW staff member.

If you still think the wrong decision has been made, you can ask for the decision to be reviewed if you believe:

- we did not give enough consideration to your individual circumstances
- the decision was contrary to Housing NSW policy
- the policy was not interpreted correctly when the decision was made
- the way Housing NSW reached the decision was not fair and correct.

### What decisions can be reviewed?

These decisions include:

- eligibility for Rentstart or Special Assistance Subsidy
- eligibility for public housing
- eligibility for emergency temporary accommodation
- eligibility for priority housing assistance
- eligibility for succession of tenancy
- eligibility for transfer
- eligibility for mutual exchange
- eligibility for water allowances
- eligibility for an extension of your lease after review
- the location offered when housing assistance has been approved
- the type of lease offered
- the length of lease offered

- the amount of Rentstart assistance or Special Assistance Subsidy provided
- calculation of rent subsidies
- cancellation of rent subsidies
- requests for property modifications or improvements
- requests to purchase Housing NSW property
- requests to house an additional occupant
- requests to be absent from your dwelling
- classification of a rejected offer as 'reasonable'
- removal from the housing register or backdating of applications
- ineligibility for an extension to a lease
- relocation to alternative premises.

### What decisions can't be reviewed?

You can't ask Housing NSW to review matters for which the Consumer, Trader and Tenancy Tribunal (CTTT) is responsible (eg. decisions about maintenance and repairs, or termination of your tenancy for breach of your tenancy agreement).

Other decisions you cannot appeal include:

- decisions that do not directly relate to you or your household. For example, the allocation of housing to another person
- Housing NSW policies, rather than how the policy has been applied to your circumstances
- matters for which you cannot make an application to Housing NSW (eg. general housing upgrades)
- the calculation of actual water charges for your property
- offers made under Housing NSW's relocation policy. These offers are only appealable if you have rejected them and Housing NSW now intends to terminate your tenancy under Section 63G of the *Residential Tenancies Act*

- where Housing NSW has determined that a tenant has committed rental subsidy fraud and a criminal proceeding is being pursued.

## How do I have a decision reviewed?

The first step is to complete the attached form and send, or give it to your local Housing NSW office.

In most cases you must apply for a review within three months of the date the original decision was made. The timeframe is different if you request a review about the following:

### *The type and length of lease offered when you enter public housing*

You must apply for a review of the decision within 30 days from:

- the date of the offer, or
- the date you signed the lease, or
- the date the letter was received following the review of additional information.

### *The type or length of lease offered after we have reviewed your lease*

- If your 12-month lease or 2, 5 or 10-year lease is about to end, you must apply for a review of the decision within 30 days from the date the letter was received.
- If your 3 or 6-month lease is about to end, you must apply for a review of the decision within seven days from the date the letter was received.

### *Housing NSW's written advice of the intention to issue a Notice of Termination following your eligibility review. This is under Section 63D of the Residential Tenancies Act 1987*

- If your 12-month lease or 2, 5 or 10-year lease is about to end and you are no longer eligible for public housing, you must apply for a review of the decision within 30 days from the date the letter was received.
- If your 3 or 6-month lease is about to end and you are no longer eligible for

public housing, you must apply for a review of the decision within seven days from the date the letter was received.

### *Eligibility to continue living in social housing premises*

- You must apply for a review within 30 days after the notice is given.

### *Housing NSW's written advice of the intention to issue a Notice of Termination following your rejection of suitable alternate social housing premises. This is under section 63G of the Residential Tenancies Act 1987*

- You must apply for a review of the decision within 14 days from the date the letter was received.

You can provide any additional information that you think may help your request for review. If you provide supporting medical reports they must show how your medical problem affects your housing needs.

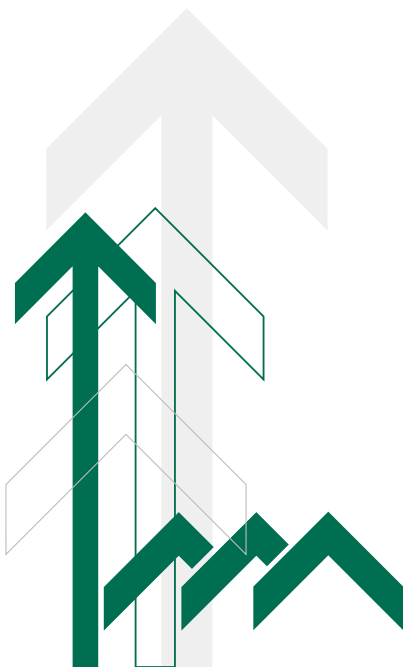
Only one review is allowed on each matter. There are two levels to the general review process as described below.

## How does the review process work?

### Level one review

A Housing NSW officer who did not make the original decision will conduct the review and make a recommendation. That officer will consider the established and relevant facts and whether:

- the original decision was consistent with policy
- the policy was narrowly or harshly interpreted
- your circumstances show that the decision was inappropriate
- your circumstances and all relevant information were fairly and properly considered
- there was any bias or prejudice involved on the part of the original decision maker



- any irrelevant information affected the decision
- the original decision was made within the appropriate legal framework
- any relevant new information is available.

Once the officer has made a recommendation a more senior officer will decide if the recommendation is correct and can:

- reverse the original decision and put a new decision in its place
- maintain the original decision
- change the original decision in part
- withdraw the request for review if you ask for it to be withdrawn
- find an alternative solution.

Generally, the reviews are completed within 20 working days of receipt of your request. You will always receive notification of the decision in writing.

The exceptions are:

- reviews of decisions made under Section 63D of the *Residential Tenancies Act* are completed within 20 calendar days of receipt of your request
- reviews of decisions made under Section 63G of the *Residential Tenancies Act* are completed within seven days of receipt of your request.

## Level two review

Generally we will send you a form that explains how you can appeal to the independent Housing Appeals Committee if the first level decision is not in your favour. You can then ask the Committee to review the decision.

If the first level decision made under sections 63D or 63G of the *Residential Tenancies Act 1987* is not in your favour you do not have to ask the Housing Appeals Committee to review the decision. Your appeal is automatically sent to the independent Housing Appeals Committee as part of the one review process.

The Committee will consider whether the decision:

- was fair and reasonable
- was made according to policy and guidelines
- fully considered your circumstances.

## The final decision

The Housing Appeals Committee might decide the decision was correct or they might recommend that Housing NSW change the decision in full or in part. The Committee can only make recommendations. While the final decision remains with Housing NSW, we will give careful consideration to all of the Committee's recommendations.

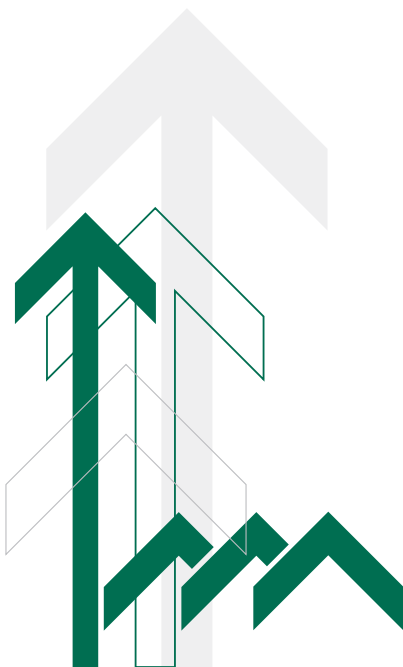
Generally, the level two review process takes six to eight weeks to complete. You are informed about the final decision within two weeks of the decision being made.

The exceptions are:

- the Housing Appeals Committee's reviews of decisions made under Section 63D of the *Residential Tenancies Act* are completed within 28 calendar days of receipt of your appeal. Housing NSW has a further seven days to finalise the review decision
- the Housing Appeals Committee's reviews of decisions made under Section 63G of the *Residential Tenancies Act* are completed within seven days of receipt of your appeal. Housing NSW has a further five days to finalise the review decision.

## What if I need help with my review?

If you need help in completing your form, or speaking with Housing NSW about the review, you can ask someone to do this on your behalf. For example, a relative, friend or a community worker.



## Interpreter Services

If you have difficulty understanding English, contact the Translating and Interpreting Service (TIS) on 131 450.

The Translating and Interpreting Service will telephone Housing NSW for you at no cost.

### Arabic

خدمة الترجمة الخطية والشفهية المجانية  
اتصل على الرقم 131 450

### Chinese

免費的翻譯傳譯服務  
致電 131 450

### Russian

Служба бесплатного письменного и устного перевода  
Позвоните по номеру 131 450

### Spanish

Servicio Gratuito de Traducción e Interpretación  
Llame al 131 450

### Vietnamese

Dịch vụ Phiên dịch và Thông dịch Miễn phí  
Điện thoại 131 450

## Requesting a review is different to making a complaint

Complaints will generally be about the way a service was provided to you rather than about a decision.

Housing NSW has a client feedback service for taking compliments, suggestions or complaints. For more information about this service, you should speak with your local office or phone 1300 HOUSING (1300 468 746). There is also a fact sheet, *Client Feedback*, available from your local office or our website.

## More information

If you have any questions about the information in this fact sheet or any other housing related matter, you can:

- visit your local office, Monday to Friday, 8.30 am – 4.30 pm (closed public holidays and 8.30 am – 1.00 pm on Wednesdays). Office hours may vary in some locations
- phone 1300 HOUSING (1300 468 746), 24 hours a day, 7 days a week
- go to Housing NSW website [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)





