

Complaint handling

Information for Tenants

November 2018

This fact sheet provides guidance on how to make a complaint about a Community Housing Provider (CHP) registered under the National Regulatory System for Community Housing (NRSCH).

In the first instance you should raise your concerns directly with your CHP. Generally complaints will be addressed by the CHP without the involvement of the relevant Housing Registrar. It is important when making a complaint to keep written evidence of your concerns and any ongoing developments, in case the matter is not resolved.

What is a complaint?

A complaint is an expression of dissatisfaction by one or more individuals or organisations with any action, decision, or service, provided by a CHP.

Obligations of Registered Community Housing Providers

CHPs must have a mechanism in place for dealing with tenant complaints as well as providing tenants with information and guidance on how to raise complaints with them. The NRSCH requires that CHPs be *'fair, transparent and responsive'* in *'managing and addressing complaints and appeals relating to the provision of housing services'*

If you believe a complaint to be of such a serious or sensitive nature that it needs the direct involvement of the Housing Registrar (or other regulatory body) without prior notification to the CHP, then you should contact your local Housing Registrar's office. That office will then decide the best way to progress any complaint.

How do I make a complaint?

1. If you are a tenant, or authorised to act on behalf of a tenant, and have raised your concerns informally with the CHP but are not satisfied with the result, you may need to make a formal complaint to the CHP via the CHP's formal complaint handling processes and policies.

2. The CHP will then progress the matter in accordance with those policies.
3. If, after you have received a response to your complaint you believe your concerns have not been appropriately addressed by the CHP, or that the CHP has not followed its policies and procedures, you may wish to explore other avenues, such as;
 - Seeking the support and advice of a tenancy advocacy service; or
 - Finding out about the CHP's appeal's policy and procedure and lodging an appeal with the CHP; or
 - Appealing to the local appeal body within your State or Territory about the CHP's decision. These appeal bodies are the main way to have issues such as significant membership or tenancy disputes reviewed. Your local appeal body may choose to endorse, or overturn a decision made by the CHP. Sometimes they may direct the CHP to take alternative measures; or
 - Lodging a claim with your local Residential Tenancy Tribunal within your jurisdiction for matters relating to tenancy, rent, or maintenance issues which cannot be settled amicably between the CHP and the tenant; or
 - Contacting your local Housing Registrar in those instances where you believe matters are of a serious or sensitive nature. In most cases this will be the Housing Registrar in the State or Territory where the housing property is located. Please refer to the attached list of contacts.

Evidence based approach and confidentiality

Wherever possible, complaints and allegations should be supported by evidence and/or supporting statements from witnesses. Housing Registrars recognise that this is not always possible and that sometimes complainants may wish to remain anonymous. While complaints can still be progressed with little supporting evidence, the nature of the complaint and the evidence that supports it will influence how a complaint or allegation is progressed.

How do Registrars respond to complaints?

One of the functions of Housing Registrars is to investigate complaints about the compliance of CHPs with the National Law. Housing Registrars will assess complaints and prioritise them according to their urgency and seriousness, including assessing them to see whether or not they fit within the Housing Registrars scope, are minor in nature and do not require the Housing Registrar's involvement, or are more appropriately dealt with by another body.

Housing Registrars or their delegates will attempt to advise complainants of the outcome of these considerations, or any investigations that have been undertaken, within 30 days of receipt of the original complaint, or earlier if the matter is deemed to be urgent.

Investigation of complaints

The purpose of an investigation is to gather evidence to determine compliance or non-compliance with the National Law. In some instances we may need to put an investigation on hold while we wait for another body to deal with all or part of the complaint so that outcome can be taken into account. Once the evidence obtained during the investigation process has been considered, the matter will be closed with one of the following outcomes:

1. No further action – if the CHP demonstrates it is complying with the National Law, or if the CHP provides evidence of an effective response to the allegations of non-compliance;

2. Review on scheduled compliance assessment – if there is an indication of non-compliance by the CHP and the appropriate time-frame for review is at the next scheduled compliance assessment of the CHP; or
3. Compliance assessment – if there is an indication of non-compliance that warrants immediate regulatory engagement with the CHP.

Note that if non compliance is found then the Registrars will consider whether to exercise any of their enforcement powers under the National Law.

Additional information and contacts

Additional information on the NRSCH can be found at: <http://www.nrsch.gov.au/>

For additional information on how different types of complaints might be dealt with, as well as a broad overview of the role of various regulatory and review bodies' roles and functions, refer to the following fact sheets:

- *Complaint handling - Information for Community Housing Providers.*
- *Complaint handling – Information for neighbours and related parties.*

To contact your local Housing Registrar's office, please see the attached list of contact details.

Housing Registrars offices may also be contacted using the on-line form located at:

http://www.nrsch.gov.au/complaint_form

<p>Australian Capital Territory Human Services Registrar Quality, Complaints and Regulation PO Box 158 Canberra ACT 2601 Phone: (02) 6207 5474 Email: quality@act.gov.au</p>	<p>New South Wales Registrar of Community Housing Locked Bag 4001 ASHFIELD BC 1800 Phone: 1800 330 940 Fax: (02) 8741 2522 Email: registrar@facs.nsw.gov.au</p>
<p>Northern Territory Department of Housing and Community Development Registrar of Community Housing GPO Box 4621 DARWIN NT 0801 Email: nrsch.dhcd@nt.gov.au</p>	<p>Queensland Regulatory Services Level 19 41 George Street BRISBANE QLD 4000 Phone: (07) 3008 3450 Email: NRS-Housing-Registrar- QLD@hpw.qld.gov.au</p>
<p>South Australia Office of Housing Regulation GPO Box 1669 Adelaide SA 5001 Phone: (08) 7424 7206 Email: OHRcommunityhousing@sa.gov.au</p>	<p>Tasmania Tasmania has an agreement whereby New South Wales will investigate complaints about the compliance of registered community housing providers with community housing legislation. Please contact New South Wales if you require assistance.</p>