

# How to appeal

Most decisions made by the Department of Communities regarding housing services can be appealed. However, before lodging an appeal, you must first discuss the decision and the reasons for the decision with an officer from your nearest Housing Service Centre. If you are unsatisfied with the outcome of this discussion, you can appeal this decision using the appeals process.

## **You should lodge your appeal within 28 days of the decision being made.**

However, in certain circumstances appeals will be accepted outside this timeframe. There is no charge for appeals and they are treated confidentially.

To make an appeal, you need to provide written details of your concerns on an Appeal Application Form, available from your nearest Housing Service Centre, from the department's Housing Appeals and Review Unit, or from the department's website [www.communities.qld.gov.au/housing](http://www.communities.qld.gov.au/housing).

On the form, you will be asked to give details of the decision you are appealing against and why you are doing so. Also attach copies of any documents supporting your case.

If you need assistance to complete your appeal application you should contact your local Tenant Advice and Advocacy Service (Qld) (TAASQ) worker.

## **What will happen to your appeal?**

Your application form will be sent to the department's Housing Appeals and Review Unit in Brisbane to register the appeal. You will be sent a letter acknowledging your appeal within one week of it being received. Your appeal will be considered on the basis of the information provided in your appeal application, and a response will be provided within 28 days.

If you would like more information or have any concerns about the appeals process, telephone the Housing Appeals and Review Unit on 1300 364 560.

## **What type of decisions can you appeal?**

- Eligibility for housing assistance (including your level of housing need, bond loans and long term housing).
- Offers of accommodation (including location and type of housing).
- Decisions made under the debt review process.
- Property management decisions – priority and timing for planned maintenance.
- Cancellation or penalisation of applications.
- Rent assessments – the way your rent is calculated.
- Tenancy management decisions.
- Repayment agreements for bond loans, housing loans, rent arrears or maintenance debts.
- House transfer decisions.

### What cannot be appealed?

- The department's policies, such as the rent or allocations policy.
- Matters covered by the *Residential Tenancies and Rooming Accommodation Act 2008* or other legislation.
- Decisions not made by the department.
- Decisions made usually more than 12 months ago.
- Debts can only be appealed once you have asked the department to complete a 'debt review'.

If you are unsure if a matter can be appealed, contact your nearest Housing Service Centre or the Housing Appeals and Review Unit.

### Legislative appeals

There are three decisions which are identified in the *Housing Act 2003*. These are:

- eligibility for social housing
- the type of social housing provided, and
- the place where the social housing is provided.

Appeals on these matters are reviewed by the Housing Appeals and Review Unit. Legislative appeals are independently examined to determine if housing policy and procedures were correctly applied and whether the decision will be changed.

### Administrative appeals

The information you provide on the form will be examined by a manager other than the original decision-maker. The manager will determine whether the decision made was in line with departmental policy guidelines, and may change the earlier decision.

For both legislative and administrative appeals, you can discuss your appeal with a member of the Housing Appeals and Review Unit.

### Unhappy with the appeal decision?

If you are still unhappy with the outcome after going through the appeal process, and you wish to have the matter examined further, contact:

The Queensland Ombudsman's Office  
Level 17, 53 Albert Street, Brisbane QLD 4000  
GPO Box 3314, Brisbane QLD 4001  
Tel: 3005 7000 or 1800 068 908

If the decision relates to obligations and responsibilities of the department as a landlord under the *Residential Tenancies and Rooming Accommodation Act 2008*, contact:

The Residential Tenancies Authority  
33 Herschel Street, Brisbane  
Tel: 1300 366 311

### More information

Housing Appeals and Review Unit  
Department of Communities  
GPO BOX 806, Brisbane 4001  
Tel: 1300 364 560