

## Appeals

### Policy

Date effective: 31 January 2017

#### 1. Policy Statement

The appeals mechanism is intended to reinforce the Department of Housing and Community Development's ('the Department') responsibility to apply policy in a fair and equitable manner and to be accountable for decisions made, particularly when exercising discretionary powers.

#### 2. Purpose

The purpose in having an appeal mechanism is to enhance the quality of service to clients by seeking effective resolution of disputes.

#### 3. References

*Residential Tenancies Act*  
Complaints policy  
Appeals Board Selection Criteria and Procedures

#### 4. Scope

##### 4.1. Distinguishing between a complaint and an appeal

- A complaint is dissatisfaction with a service provided by the Department.
- An appeal is dissatisfaction with a decision made by the Department.

In certain circumstances a complaint can become an appeal. When a client makes a complaint, the Department is obliged to make a decision regarding that complaint. That decision can be appealed as an inadequate response to the complaint. For more information, see the Complaints policy.

The Investigation and Appeals unit provides advice to Department staff to determine if a client is providing a complaint or requesting an appeal.

##### 4.2. What decisions may be appealed?

A client may appeal almost any decision which they believe will disadvantage them. This includes:

- Decisions impacting an ongoing tenancy
- Decisions concerning applications for the provision of public rental housing
- Decisions concerning applications for Bond Assistance
- The outcome of a complaint
- Termination of a tenancy agreement "without grounds" as permitted by the *Residential Tenancies Act*

#### 4.3. What decisions may not be appealed?

- Where legal action is being or has been taken
- Most Department decisions which were made more than two years ago
- Whilst the size or existence of a debt may be appealed, clients may not appeal the methods or timing of any debt repayment arranged by the Department
- Decision by the Minister for Housing and Community Development ('the Minister') to increase / decrease all Department rents
- Decision by the Minister, or the Chief Executive Officer (Housing) not to sell, lease or otherwise dispose of properties under his / her control to a specified person or body
- Any decision or Order from the Northern Territory Civil and Administrative Tribunal

An application for appeal will not be accepted if the matter is currently being reviewed by any of the following:

- Northern Territory Civil and Administrative Tribunal
- A court of the Northern Territory
- Northern Territory / Commonwealth Ombudsman
- Anti-Discrimination Commissioner
- Information Commissioner
- Minister for Housing and Community Development

#### 5. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
31/01/2017	1.01	Director Policy	all	Editorial amendments
2/09/2013	1.00	Deputy Chief Executive Urban Housing	all	New separate policy derived from Housing Operational Policy Manual, Chapter 16