



# Housing Appeals Committee

## GUIDE FOR ADVOCATES

Advocates can help people know their rights when seeking housing services and how to appeal if they are unhappy with a decision made by Housing NSW or a community housing agency.

Advocates can also help people to present their case as well as possible and to understand the system of decision making and review.

## PERMISSION FOR AN ADVOCATE TO REPRESENT A CLIENT.

- If a client wants you to speak on their behalf to the HAC or receive copies of correspondence they will need to advise in writing prior to the hearing day.
- The form for your client to complete is called "**Authority for an Advocate to Represent**" and can be downloaded in PDF format from the HAC website.
- The HAC is not a legally based agency and therefore advocates do not provide legal representation.

## REMEMBER, THERE ARE TWO LEVELS OF APPEAL.

### 1. Internal Review.

- Usually has to happen before an appeal with HAC can be heard.
- A different officer should review the appeal than the original decision maker.
- Applications can be made via a **Reviewing Decisions Form on the HNSW website**.

### 2. Housing Appeals Committee

- Review is conducted by the Committee which is an independent review agency made up of members appointed by State Cabinet for their expertise in housing, health and social services.

## HOW CAN YOU BEST ASSIST YOUR CLIENT?

1. Get a clear decision.

A crucial first step is to find out exactly what decision has been made and make sure it is in writing. You have a right to have any decision explained, options outlined and have written reasons for the decision.

The policy basis for the decision should be available to the client and advocate. Housing NSW policies are available on the [www.housing.gov.au](http://www.housing.gov.au) website and many community housing agencies also publish their policies. You can ask for them. A client can also ask their housing provider if they want to see their file.

2. Encourage the client to appeal if they are unhappy with a decision.

It is the client's right to question a decision, to present additional information if necessary and to have their case considered fully.

Appeal processes are free, are informal and allow people to explore not only what they are requesting but all the options to resolve the housing problem they are experiencing.

3. Help document the case.

It is important to see how;

- All relevant medical and support documents should be provided. For example: Priority Housing Application
- How does the clients medical condition impact on their ability to secure affordable housing in the private rental market.
- Documentation of medical expenses can be crucial and the client where possible should collect receipts of medical expenses or ask the pharmacist for printouts of prescription medications.
- Show evidence that your client has sought private rental accommodation and has been unsuccessful.

4. Brief your client.

Talk to the client about what they can expect in the appeal process;

- Informal (not court or legal body)
- Time frames.
- Type of interview (phone or face to face)
- Interpreters if required.
- The HAC is independent of the Department of Housing and that no Department of Housing staff is involved in the process.
- The client should be aware that the Committee has recommendatory powers and cannot force the Department of Housing to change a decision.
- Be with the client during the interview process if possible. This can mean a telephone interview in the client's home, the advocates office or in person at the HAC

## **AFTER THE APPEAL.**

The HAC Report on the Appeal.

- The HAC produces a detailed report from the appeal hearing.
- This report is sent to the Department of Housing and to the client advising them of the outcome.

A copy of this report can be sent to the advocate upon request from the client.

Contact us!

**NSW HOUSING APPEALS COMMITTEE**

**FREECALL 1800 629 794**

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