



Registrar of  
Community Housing

# NSW Registrar of Community Housing

## Enquiry and Complaint Procedure

The functions of the Registrar of Community Housing (the Registrar) include investigating complaints about the compliance of registered community housing providers (CHPs) with community housing legislation – *Community Housing Providers (Adoption of National Law) Act 2012* Section 10 (e).

Complaints, enquiries and disclosures may identify a systemic failure by the community housing provider or a serious one off failure which requires regulatory intervention.

This document sets out the procedure for dealing with enquiries and complaints for staff at the Registrar of Community Housing.

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# 1. Tenant Enquiries and Complaints

Generally tenant complaints should be addressed by CHPs without the involvement of the Registrar.

CHPs are required to have in place mechanisms for dealing with complaints from tenants or their representatives. The CHPs process for making a complaint should be easily accessible and available.

Where a tenant or their representative's complaint relates to dissatisfaction with a CHP's services, accommodation or staff, they will be asked whether they have raised the complaint directly with their CHP. If the tenant or their representative has not, they will be encouraged to do so.

Where a tenant requires additional assistance to make a complaint, or requires specific advice about tenancy laws, the complaint enquiry officer could refer them to a tenant advocacy service for further assistance.

Where the matter relates to a decision made by their CHP, and the tenant or their representative has not made an appeal, they will generally be advised of the provider's internal appeals process and the external avenue for appeal if appropriate.

Tenants or their representatives should be advised that it is important when making a complaint to keep written evidence of the concerns and any ongoing developments, in case the matter is not resolved.

If it is more appropriate for the matter to be handled by another organisation, the person lodging the complaint may be advised of the most appropriate organisation and provided that organisation's contact details.

## 2. Assistance Available for Applicants and Tenants

### 2.1 Tenants NSW

Tenants NSW is the peak for tenants advice and advocacy services which provides advice for all tenants in NSW including tenants in community housing.

The Tenants NSW website provides fact sheets on a range of issues covering most aspects of tenancy and also contains contact details for tenant advocacy services. A tenant can enter their postcode or suburb to find the details of the closest service which can provide advice and advocacy.

Contact Details:

Website: <https://www.tenants.org.au/>

## 2.2 Housing Appeals Committee

Where the tenant or applicant is unhappy with a decision made by the provider about their tenancy they may be able to lodge an appeal against that decision.

In the first instance the applicant or tenant will be required to lodge an appeal with the provider regarding its decision. The provider's appeal policy and procedures should be easily available to tenants and applicants.

If the outcome of the first tier appeal to the provider is not satisfactory the applicant or tenant may lodge a second tier appeal with the Housing Appeals Committee.

Examples of the types of decisions the Housing Appeals Committee can review include:

<b>Water Charges</b>	Grant of a water usage allowance as per policy Method of calculation of water charges HAC cannot hear appeals on actual water usage charges for tenants with separate meters these may be heard by NCAT
<b>Charging Rent</b>	Calculation of rent subsidies Cancellation of rent subsidies Eligibility for a rent subsidy
<b>Eligibility for Social Housing</b>	Eligibility for social housing/community housing Removal from the social housing register Reactivation of a closed application Eligibility of people classified as unsatisfactory or ineligible former tenants
<b>Housing Entitlement</b>	Type and size of dwelling  Modifications or special features of dwelling needed for medical needs
<b>Priority Housing Eligibility</b>	Eligibility for priority housing Locational need
<b>Offers of a Property Transfer</b>	Whether 'reasonable' offers are made and an offer counted for purpose of offers policy Offers made to tenants under relocation of a tenant for management purposes.
<b>Succession of Tenancy</b>	Eligibility to be granted succession of a tenancy
<b>Recognition as a Tenant</b>	Eligibility for recognition as a tenant Eligibility for a provisional lease
<b>Matching and Offering a Property</b>	Whether an offer is considered 'reasonable' (eg. type, location, size)  Removal of the applicant from the housing register for refusal of offers

<b>Transfer</b>	Eligibility for transfer Eligibility for priority transfer / Category of transfer approval granted Transfer - locational need Eligibility for tenancy reinstatement
<b>Tenant Charges</b>	Charges at vacation of dwelling where not covered by the NCAT orders
<b>Categorising a Tenancy</b>	Former tenant category Eligibility for Statement of Satisfactory Tenancy

For a full range of decisions which can be appealed see HAC website:

<http://www.hac.nsw.gov.au/what-is-an-appeal/what-can-be-appealed>

Contact Details:

Telephone: 1800 629 974

Email: [hac@fac.nsw.gov.au](mailto:hac@fac.nsw.gov.au)

Website: <http://www.hac.nsw.gov.au>

## 2.3 NSW Civil and Administrative Tribunal Consumer and Commercial Division

The NSW Civil and Administrative Tribunal (NCAT) is the main forum for resolving residential tenancy disputes between landlords and tenants in New South Wales.

Under the Residential Tenancies Act 2010, NCAT can make legally binding and enforceable decisions on a wide range of tenancy disputes such as rental bond, rent increases, unpaid rent, termination of tenancy agreements, compensation, repairs and other breaches of the residential tenancy agreement.

NCAT has jurisdiction to determine tenancy disputes up to \$30,000 for rental bond matters and \$15,000 for any other matter. Time limits vary according to the type of order sought.

NCAT can hear applications lodged by both community housing tenants and landlords. These can include tenants seeking to have the landlord carry out repairs and maintenance, excessive rent increases, a tenant's right to privacy etc.

Contact Details:

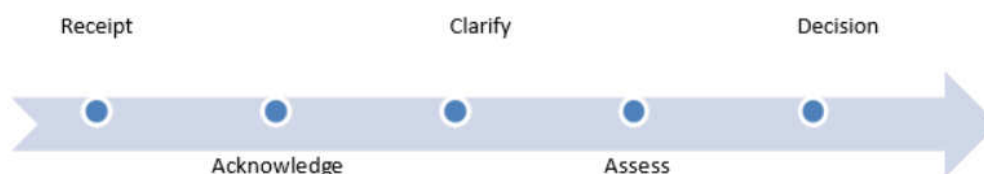
Telephone: 1300 00 NCAT or 1300 006 228 and follow the prompts

Interpreter Service (TIS): 13 14 50

National Relay Service: 1300 555 727

Website: <http://www.ncat.nsw.gov.au/>

## 3. Making a Complaint with the Registrar



### 3.1 Privacy & confidentiality

The Registrar must seek permission from a complainant prior to any personal information (including the complainant's name and address) being released to a CHP. The complainant may give verbal permission for their details to be disclosed to a provider, if so, this must be recorded in CHRIS.

Where the complainant does not wish to have their personal details disclosed to the provider this must be recorded in CHRIS. While this may have an impact on the action the Registrar can take, it does not mean that the issues raised can't be assessed and where necessary further action taken.

### 3.2 Lodging a complaint

Complainants may lodge a complaint with the Registrar about a registered community housing provider by:

Telephone: 1800 330 940  
Email: [registrar@facs.nsw.gov.au](mailto:registrar@facs.nsw.gov.au)  
NRSCH website: [http://www.nrsch.gov.au/complaint\\_form](http://www.nrsch.gov.au/complaint_form)  
Letter: PO Box 2236, Burwood North NSW 2134

### 3.3 Acknowledging a complaint

All complaints must be acknowledged within 10 days either by phone, email or letter to the complainant.

All complaints must be registered in CHRIS as a case. A TRIM container should also be created for any documentation associated with the Complaint Case.

Details of phone calls should be recorded on the CHRIS case in the case comments area or in a file note attached to the case.

Copies of any correspondence and supporting evidence should be attached to the CHRIS case and placed in the associated TRIM file.

### 3.4 Assessing a complaint

All complaints received will be referred to an appropriate officer for assessment. The assessment aims to identify whether the issues raised are a matter that the Registrar can or should investigate. If the assessing officer determines that the complaint is not within the Registrar's scope, the complainant will be referred to the appropriate body.

Where a complaint does not provide sufficient information to complete an assessment, the complainant should be contacted and asked for additional information and where possible evidence supporting their allegations.

Once sufficient information is received, the assessing officer will usually contact the provider to provide an explanation and evidence relating to the matter. This allows for procedural fairness in reaching an outcome.

The assessing officer should also review the provider’s history to identify any pattern relating to the issues raised in the complaint.

Complaints are to be assessed and a recommendation made to the Investigation Manager or Principal Compliance Officer regarding the appropriate action.

Where there is an indication of potential non-compliance that may be serious or urgent, or indicators of a pattern or trend are evident, then the complaint may need to be referred for further action. In order to do so, a case conference will need to be scheduled. The conference should include input where possible from the Registrar, Principal Compliance Officers, and Compliance Officers.

### 3.5 Closing a complaint

Once an assessment of the complaint has been carried out and the outcome has been approved, the complainant will need to be advised of the outcome. This will usually be done in writing and recorded in CHRIS by attaching the email or letter sent.

The outcome of a complaint can include:

<p><b>No further action</b></p>	<p>This decision should be clearly documented and would be considered where the issues raised are more appropriately dealt with by another agency, where the matter has been rectified by the provider, or the matter does not raise concerns regarding the CHP’s compliance with the Regulatory Code or National Law.</p>
<p><b>Review during compliance monitoring</b></p>	<p>In this case, the complaint raises some issues about the CHP’s compliance with the Regulatory Code; however, there is insufficient evidence to substantiate immediate action. These types of matters can be used for monitoring a provider’s compliance and as intelligence to focus the next compliance assessment.</p>
<p><b>Trigger a targeted compliance assessment</b></p>	<p>Consideration should be given to raising a targeted compliance assessment where a CHP is implementing strategies to address matters which were non-compliant or had the potential to become non-compliant and where it would not be prudent to wait for the next scheduled compliance assessment to check on whether the CHP has taken the necessary action.</p>



<b>Inspection</b>	In this case, the complaint raises issues which require more detailed examination to determine the CHP's compliance with the Regulatory Code or National Law.
<b>Investigation</b>	Where the assessment of the complaint reveals potentially serious non-compliance, or a pattern of potential non-compliance with the Regulatory Code or National Law, consideration should be given to commencing an investigation into these issues.

### 3.6 Recording enquiries and complaints

It is important to record tenant enquiries and complaints in CHRIS as this assists to provide a history of enquiries and complaints lodged by a particular party and also to provide insight into the number and type of enquiries and complaints received about a provider. This information may assist in future investigation or compliance actions.

Where the complainant or representative does not wish to provide their name, then the substance of the complaint should still be recorded in CHRIS.

## 4. Complaints about the Registrar's Complaint Process

### 4.1 Internal complaints and reviews

If a complainant disagrees with a decision made regarding a CHPs compliance with the *Community Housing Provider's (Adoption of National Law) Act 2012*, they should discuss the matter with the assessing officer. If they remain dissatisfied, they may request an internal review up until 28 days after the date of the decision. The complainant must be able to describe the grounds on which they are seeking an internal review. The review will consider the process adopted by the assessing officer and the merit of the conclusions drawn.

Complaints about the Registrar's complaint handling function must be recorded in CHRIS and referred to the Investigation Manager or Principal Compliance Officer.

Complaints about the Registrar's complaint handling function will be used to improve processes.

## 4.2 External complaints

If a complainant wishes to make a complaint to an external body about the Registrar's processes, they are to be referred to the NSW Ombudsman.

The NSW Ombudsman is an independent and impartial watchdog. Its job is to make sure that agencies it watches over fulfil their functions properly and improve their delivery of services to the public.

Contact Details:

Telephone: 1800 451 524

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Website: <https://www.ombo.nsw.gov.au>

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**W: [www.rch.nsw.gov.au](http://www.rch.nsw.gov.au)**