



Government of **Western Australia**
Department of **Housing and Works**

HOUSING

APPEALS

MECHANISM

August 2025

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HOUSING APPEALS MECHANISM

PREAMBLE

The right of appeal is integral to the Housing Authority's Customer Service Charter. The Housing Appeals Mechanism (HAM) offers customers a quick, informal, thorough, fair, and inexpensive means of appealing a decision unfavourable to their case. The sequential two-tier system ensures that applicants for and recipients of housing assistance have access to an independent appeal mechanism.

The Housing Authority is empowered to devise policies and procedures to ensure the proper delivery of its functions under the *Housing Act 1980*. Consequently, each of the two tiers of the appeals mechanism is required to review and make decisions within the framework of existing policy.

HOUSING APPEALS MECHANISM

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Timeline For Appeal

1. The Housing Authority's customer has the right to appeal a decision related to public rental housing and bond assistance within twelve (12) months of the decision being made.

Matters That Cannot Be Appealed

2. The appeals process cannot be used for the following matters:
 - The policy principles which govern the management of housing assistance. For example, rent calculation method and eligibility criteria.
 - Decision reached through legal action.
 - Decisions made by the Western Australian Ombudsman.
 - Decisions made by the Western Australian State Administrative Tribunal.
 - A decision to end a tenancy where a tenant is no longer eligible for social housing or has been offered alternative social housing premises.
 - Water consumption (usage) charges.

GUIDELINES

- 1.1 A decision made more than twelve (12) months ago may be reviewed and proceed through the appeals process at the discretion of the Regional Manager.
- 2.1 A customer can appeal how the policy has been applied to their individual circumstances.
- 2.2 Legal action in this instance means any notice or the commencement of proceedings through the lodgment of the required documentation with the Magistrates Court under the *Residential Tenancies Act 1987 (RTA)*. All notices issued under the *RTA* can be either rectified by the client or will result in being reviewed by the court should action progress.
- 2.3 A tenant can apply to the Housing Authority for an internal review of the decision in accordance with Sections 71A-J of the *Residential Tenancies Act 1987*.
- 2.4 Tenants disputing water consumption charges will have the charges reviewed through an internal investigation to determine if a property maintenance related issue contributed to excessive water use.
- 2.5 GROH Tenants cannot use the HAM to appeal tenant liability, private tenant rents, or decisions made by the client agencies. This must be pursued via the agency.

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Matters That Cannot Be Appealed (continued)

- A decision to enter into or end a fixed term tenancy.
- A decision to issue a tenant with a Strike for disruptive behavior.
- A decision made in relation to a request to add a household member, or any other person who is not a tenant, to the tenancy.
- The type and amenity of the Housing Authority's assets and how these assets are used by the Housing Authority.
- Any decisions made by Government Regional Officers' Housing (GROH) client agencies.
- A decision made in relation to a public housing applicant who was subsequently allocated housing by a community housing provider.

Appeal Review Factors

3. An unfavourable decision will be reassessed on the following basis:
 - (i) What are the facts of the case?
 - (ii) What policy was applied?
 - (iii) Was the policy relevant?
 - (iv) Was policy correctly applied to the facts?
 - (v) Was the customer situation given comprehensive consideration?
 - (vi) Was the Housing Authority's discretion fairly exercised, having regard to the facts of the case and policy?

- 3.1 These factors will be considered by reviewers at each tier of the appeal process.

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Unwritten Decisions

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| <p>4. A customer receiving an unfavourable decision in response to an informal enquiry will be advised of his/her appeal rights.</p> | <p>4.1 A counter or telephone customer will be given a full and clear explanation of the reasons in relation to policy for any unfavourable decision and be advised that he/she may receive a written decision and review by an independent officer.</p> <p>4.2 A customer wishing a review may request an opportunity to present his/her case to the reviewer otherwise the review will be conducted without representation by or on behalf of the customer.</p> <p>4.3 A customer seeking a written review will be advised of the outcome within seven days of the request.</p> <p>4.4 Reinstatement of applications – see Application Management Policy.</p> |
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Decision Making Process

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| <p>5. Before a written unfavourable decision is provided to a customer, the original decision must be reviewed.</p> | <p>5.1 Wherever possible, the reviewer will be an officer at a higher level than the original decision-maker.</p> <p>5.2 Where an unfavourable decision is provided to a customer it needs to include a copy of the following documentation:</p> <ul style="list-style-type: none"> a. Decision Review Form detailing the reasons for the unfavourable decision, b. The name(s) and contact telephone number(s) of the officer(s) involved in the review, c. A copy of the relevant policy and d. Information about the appeals process. |
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5.3 **Reinstatement of applications** – see Application Management Policy.

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Tier 1 Review

6. A client dissatisfied with the outcome of the Decision Review has the right to have that decision reviewed at Tier 1. A Tier 1 review is an independent review conducted by a senior Housing Authority officer who was not involved in the original decision-making process.
7. The appeal will be considered resolved if the Tier 1 decision overturns or partially upholds the original decision.
8. Tier 1 decisions that are completely unfavourable will be automatically referred to Tier 2 review to be heard by the Regional Appeals Panel.

Tier 2 Regional Appeals Panel

9. An appeal will proceed to Tier 2 review to be reviewed by the Regional Appeals Panel where:
 - The Tier 1 review is completely unfavourable.
 - The Tier 1 review is partially upheld, and the client requests a Tier 2 review for the remaining charges within 7 days of the Tier 1 decision.

GUIDELINES

- 6.1 A Decision Review Form must be completed before the decision is reviewed at Tier 1.
- 6.2 An unfavourable decision made by the Housing Authority Executive may be appealable.
- 7.1 A partially upheld decision is considered resolved and the appeal will only proceed if the client requests a Tier 2 review of any remaining charges within 7 days of the Tier 1 decision.
- 9.1 A Tier 2 Regional Appeals Panel will be maintained in each of the Housing Authority's regions of the State. Usually to facilitate attendance, an appeal will be heard by the Panel located nearest to the home of the client. Exceptions to this general rule are hearings in the metropolitan area and appeals against decline of priority and priority transfer, which will be heard by the Regional Appeals Panel in the client's preference zone.
- 9.2 Where a Regional Appeals Panel is not located within travelling distance of the client, arrangements will be made for a hearing by conference telephone, or video. A customer may request a hearing by telephone or that the hearing be held at a neutral

location.

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Tier 2 Regional Appeals Panel (continued)

- 9.3 The client has the right to attend the Tier 2 hearing and to have an advocate or support person in attendance. Where the client nominates an advocate, a minimum of 2 weeks' notice of the hearing date will be given to the customer and advocate.
- 9.4 The Housing Authority will provide an interpreter for clients requesting this service.
- 9.5 If the client does not attend the hearing without timely and adequate reason, the Regional Appeals Panel may make its decision based on the documentation. A request for a re-hearing is at the discretion of the Regional Manager.
- 9.6 A Tier 2 Regional Appeals Panel considering upholding a decision made by the Housing Authority Executive, that is of a sensitive or contentious nature, should adjourn the appeal. The Chairperson of the Panel should bring the concerns to the Regional Manager to present to the Executive Director prior to the Regional Appeals Panel making their decision.
- 9.7 The client will be advised of the Regional Appeals Panel decision in writing within one month of the client lodging the appeal application.

Composition of Appeals Panel

10. A Tier 2 Appeals Panel will comprise a senior Housing Authority officer not involved in the original decision-making and two independent community representatives.

- 10.1 The Housing Authority representative on the Tier 2 Panel will be an officer appointed by the Regional/Branch Manager who is senior to the officers involved in the Decision-Making Process.

Composition of Appeals Panel (continued)

- 10.2 The independent panel members will be selected from a pool of community representatives appointed by the Regional/Branch Manager in consultation with Housing Authority staff.
- 10.3 Members will be selected based on demonstrated qualifications, experience, knowledge, skills and abilities and/or interest in the fields of community welfare, public housing, and/or cultural and Aboriginal affairs.
- 10.4 Appeals Panel members must ensure they are able to hear an appeal without bias and disqualify themselves from considering an appeal, if they have knowledge of the customer or customer's family which might be considered prejudicial to a fair hearing.
- 10.5 An Appeals Panel may adjourn its sitting to obtain additional information.
- 10.6 In the case of a Regional Appeals Panel upholding a customer's appeal, all officers who were involved in reviewing the case will be advised in writing of the Regional Appeals Panel decision that upholds the customer's appeal.

11. Regional Appeals Panels should be broadly representative of the community they serve and comprise members from a wide variety of culturally and linguistically diverse backgrounds.

Authority of Tier 2 Panel

- 12. The three members of the Appeals Panel will have equal powers, and their decision will be binding upon the Housing Authority.
- 12.1 Every effort will be made to ensure that the Panel comprises of a male and female member. When this is not possible, a customer of the opposite gender to the members is to be offered the opportunity of a rescheduled hearing. It is essential that a female member hears an appeal involving domestic violence.

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Authority of Tier 2 Panel (continued)**12.2 Failure to agree on a decision.**

Should the three Panel members fail to reach a majority decision, the reasons for the disagreement are to be recorded; and:

- (i) Appeals involving charges for tenant liability items, if the item or items under dispute amount to \$100 or less, the sum will be waived;
 - if the item or items under dispute amount to more than \$100, another Panel will be convened to consider the disputed item/s and the customer encouraged to attend the second hearing;
 - In the event the reconvened Panel fails to reach a decision, the reasons for the disagreement are to be recorded and the disputed amount of the item/s waived.
- (ii) Other Appeal Categories
 - A new Panel will be reconvened if two members disagree, and the third member is undecided;
 - Should the reconvened Panel fail to agree, the appeal will be considered upheld in favour of the customer.

13. A customer or advocate may challenge the right of a panel member to hear an appeal, if they have a perception regarding the member's ability to remain impartial. In such circumstances the Panel member will be excluded from hearing the appeal.

13.1 Where the customer wished to maintain privacy and the panel member is known to them personally.

13.2 Where the panel member represents an organisation that has contact with the customer, regarding the substance of their appeal.

13.3 Where the customer believes that the member may be antagonistic towards them or their situation.

13.4 Where a challenge reduces the number of panel members below the minimum required, the appeal will be adjourned

to the next sitting and a suitable replacement found.

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Authority of Tier 2 Panel (continued)

People Receiving a Benefit From the Housing Authority

14. Independent Regional Appeals Panel, members must not:

- a) Be employed by the Housing Authority
- b) Be employed by an entity that receives funding from the Housing Authority
- c) Have previously been employed by the Housing Authority
- d) Be residing in a property owned by the Housing Authority or
- e) Have resided in a property owned by the Housing Authority.

Backdating Favourable Decisions

15. Decisions for priority housing that are overturned by the Tier 1 Senior Review Officer, or the Tier 2 Regional Appeals Panel are to be backdated to the date that the original decision was made.

Record Keeping

16. A permanent record of appeals will be kept.

GUIDELINES

13.5 In situations where limited availability of community panel members causes an increased risk of conflict of interest, the Region concerned should seek options for the appeal to be heard by another region via correspondence or (if the customer chooses) to have a hearing heard at another Regional office.

14.1 Regional Managers may apply discretion in allowing the appointment of panel members where the application of Clause 14 results in an outcome that fails to meet the intent and purpose of Clause 11.

15.1 If new evidence provided demonstrates a change in circumstances, then the customer will be re-assessed, and the case will not be reviewed under the Housing Appeals Mechanism. If the reassessment results in a favourable outcome for the customer, then the decision is effective from the date that this assessment took place.

16.1 Documentation about individual appeals will be maintained on the customer's personal file or work file.

16.2 Monthly statistics will be maintained in each region by an Appeals Officer appointed by the Regional/Branch Manager

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and forwarded by the fifth working day after the end of the month to the Regional Appeals Coordinator for collation.

- 16.3 Where the Regional Appeals Panel identifies a policy or policies that have negative consequences for customers it will advise the Housing Authority through Service Delivery. The Panel will also make recommendations for policy changes where it considers existing policy is either deficient or ambiguous.

DOCUMENT HISTORY

Owner: Housing Operational Practice and Support
 Division: Housing Services
 Phone: 1800 176 888
 Email: Enquiries@dohw.wa.gov.au

Date	Reason
August 2025	Update on eligibility to sit as an independent panel member
July 2025	Update reference to 'Committee' to 'Panel' due to confusion over the use of 'Committee' in a government environment. Inclusion of new statement to reflect that all clients who have formerly or are currently receiving a benefit from the Housing Authority are not eligible to sit on a panel.
June 2024	Remove reference to GROH throughout procedure to support legal advice received.
July 2023	Changes made in May 2023 to Section 2 to include changes to policy around withdrawing prisoners from the Public Housing waitlist retracted.