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| Community housing complaints pathways |
|  Fact sheet  |

This ***Community Housing Complaints Pathways Fact Sheet*** is designed to be sent and accessible to tenants and members of the public who contact the Department of Health and Human Services (the Department) with a complaint about a community housing provider. This Fact Sheet aims to assist complainants to understand the avenues they have for matters, and to support them to direct their issue to the community housing provider in the first instance.

# Community housing

Community housing is:

* secure, affordable, long term rental housing for people on low incomes or with special needs
	+ provided by registered community housing agencies (housing associations and housing providers).

The Housing website has further information about:

* [Community housing](https://www.housing.vic.gov.au/community-housing) <https://www.housing.vic.gov.au/community-housing>
	+ Community housing is a type of social housing (with public housing) [Social housing](https://www.housing.vic.gov.au/social-housing) <https://www.housing.vic.gov.au/social-housing>

The list of registered housing agencies for community housing is on the [Housing Registrar’s website](https://chimes.force.com/publicregistrar) <https://chimes.force.com/publicregistrar>

# Feedback pathways

As registered community housing agencies (registered agencies) are independent businesses, complaints and other feedback are to be directed to the registered agency in the first instance.

Registered agencies are required to be responsive to complaints and are accountable for their decisions and actions under the Victorian Regulatory System for community housing.

There are strict statutory requirements on registered agencies to have robust internal complaints management systems in place to enable the resolution of most complaints without regulatory intervention.

If you have lodged a formal complaint with a registered agency and it remains unresolved after 30 days, you may contact the Victorian Registrar of Housing Agencies (the Registrar) for further information.

The purpose of the Registrar’s complaints management function is to ensure:

* + registered agencies have robust complaints processes in place which are followed consistently;
	+ unresolved rental housing complaints are addressed following identification of systemic failing;
	+ systemic issues and opportunities for improvement are identified and reflected in registered agency action plans; and
	+ registered agencies provide quality housing services to tenants and prospective tenants.

The Registrar has a complaints function under *Housing Act 1983* (Vic) (the Act). This function empowers the Registrar to accept and investigate complaints from tenants and prospective tenants about ‘rental housing matters’ that have been lodged with a registered agency through its internal complaints management system but have not been resolved. This function gives the Registrar oversight of complaints management in the community housing sector and, importantly, provides protection to vulnerable tenants and prospective tenants.

As part of the Registrar’s functions under section 79(e) of the Act, the Registrar may investigate general enquiries from third parties (including members of the public) that do not satisfy the definition of a complaint under the Act, but which contain information that evidences potential systemic failures of a registered agency to comply with the Actor Performance Standards. In these circumstances, the Registrar will use this information for internal regulatory purposes, including consideration of issuing instructions under section 132 of the Act, and will not generally report findings back to third parties.

The Registrar will not intervene in an unresolved rental housing matter that is referrable to a court or tribunal (such as Victorian Civil and Administrative Tribunal (VCAT) proceedings), except where the complaint identifies non-compliance with Performance Standards.

**You can make a complaint to the Registrar regarding a registered community housing agency via:**

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| Email: | housingregistrarcomplaints@dtf.vic.gov.au |
| Mail: | Housing Registrar, GPO Box 4379, Melbourne, Victoria 3001 |
| Telephone: | +61 3 7005 8984 (please note this phone line is not attended to 27/7 yet is checked on a regular basis by regulatory staff who will contact complainants who leave a message).  |

**Other organisations which may be able to help you are also listed below:**

* + The [**Dispute Settlement Centre of Victoria**](http://www.disputes.vic.gov.au/) has a free telephone service and will work with you to try to resolve your dispute with your neighbour. The centre can discuss the dispute with you, identify potential options, suggest negotiation strategies and organise mediation, if required. Telephone: **1300 372 888** Web: [Dispute Settlement Centre of Victoria](https://www.disputes.vic.gov.au/) <https://www.disputes.vic.gov.au/>
	+ **Local Council officers** can assist if tenants have caused waste or other materials to interfere with the use and enjoyment of your property.
	+ **Victoria Police** and **Local Council officers** can direct offenders to stop unreasonable noise. A direction can remain in force for up to 72 hours. Failure to comply with a police or council direction is an offence and offenders may be liable for on-the-spot fines. Directions can be issued at any time and are typically used for noise such as loud parties or other noisy behaviour.
	+ **Victoria Police**: any suspected unlawful activities should be immediately reported directly to Victoria Police. If Victoria Police takes your statement in relation to any reported event, such statements should be provided to the community housing agency to assist in substantiating your complaints.
	+ **Magistrates’ Court**:if a dispute with a neighbour escalates to assault, harassment, threats or property damage, you can apply for a personal safety intervention order at any Magistrates’ Court in Victoria. However, if you have a non-violent dispute, the court will encourage you to try mediation. Web: [Magistrates’ Court](https://www.mcv.vic.gov.au/) <https://www.mcv.vic.gov.au/>
	+ **Legal Aid Victoria**: provides advocacy support and assistance or free legal advice. Telephone: **1300 792 387** Web: [Legal Aid Victoria](https://www.legalaid.vic.gov.au/) <https://www.legalaid.vic.gov.au/>
	+ **Department of Health and Human Services** (DHHS): The Housing Appeals Office investigates complaints or requests for review about **applications for housing** under the Victorian Housing Register (VHR). Telephone: (03) 9096 7426 or email housingappeals@dhhs.vic.gov.au.

The Department is also able to provide general guidance on other avenues for complaint, however, is unable to directly investigate complaints unless the complaint is in relation to a service that the department has contracted the community housing agency to provide. Telephone: **1300 884 706** Web: [DHHS complaints](https://www.dhhs.vic.gov.au/making-complaint) <https://www.dhhs.vic.gov.au/making-complaint>.

* + **Victorian Ombudsman** receives and investigates complaints about the Victorian Housing Register (VHR) or concerns about how the Housing Registrar has responded to a complaint. Telephone: **9613 6222** or regional: **1800 806 314** Web: [Victorian Ombudsman](https://www.ombudsman.vic.gov.au/) <https://www.ombudsman.vic.gov.au/>.
	+ **Victorian Equal Opportunity and Human Rights Commission** (VEOHRC) will help resolve complaints for people who have been discriminated against, sexually harassed, victimised or vilified. Telephone: **1300 292 153** Web: [Human Rights Commission](https://www.humanrightscommission.vic.gov.au/) <https://www.humanrightscommission.vic.gov.au/>.
	+ **Consumer Affairs Victoria** provides information about tenants’ rights and obligations; how to seek solutions to disputes; and in certain circumstances offer dispute services. Telephone: **1300 55 81 81** Web: [Consumer Affairs Victoria](https://www.consumer.vic.gov.au/housing/renting/resolving-renting-disputes) <https://www.consumer.vic.gov.au/housing/renting/resolving-renting-disputes>.
	+ **Victorian Civil and Administrative Tribunal** (VCAT): VCAT has jurisdiction over residential disputes between tenants and landlords, residents and owners of rooming houses, renters and the Director of Housing, and about specialist disability accommodation and supported residential services under the *Residential Tenancies Act (1997)*. VCAT is not a court but it is able to make decisions that can be legally enforced. It is intended to be informal and cheap, and to resolve disputes quickly and fairly. It cannot hear disputes between tenants, co-tenants, residents, or disputes with neighbours. VCAT would also likely not accept disputes regarding allocation of housing. Telephone: **1300 01 8228** Web: [VCAT](https://www.vcat.vic.gov.au/get-started/renting-a-home) <https://www.vcat.vic.gov.au/get-started/renting-a-home>

**Advocates:**

* + **Victoria Legal Aid** (VLA): VLA is an organisation that provides information, legal advice and education with a focus on the prevention and early resolution of legal problems. Depending on the complainant’s circumstances, VLA may be able to:
	+ provide free legal advice – in person, by video conference or over the phone; and
	+ provide legal representations in courts and tribunals.

Tenants must be eligible for a grant of legal assistance. Complainants requiring legal advice including representation in VCAT should contact VLA.

T: 1300 792 387 | W: Victoria Legal Aid website

* + **Justice Connect:** Justice Connect provides pro bono legal services to people experiencing disadvantage and the community organisations that support them. It does so by matching organisations and individuals who are ineligible for legal aid and cannot afford a lawyer to lawyers and barristers willing to act on a pro bono basis

T: (03) 8636 4400 | W: Justice Connect website

* + **Tenants Victoria:** Tenants Victoria provides information, advice and legal representation to promote and protect the rights of Victorians who rent their homes.

T: (03) 9416 2577 | W: Tenants Victoria website

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