

# CatholicCare Victoria Housing Ltd - Complaints, Appeals and Feedback – Renter support guide

## Other Supplementary Support Organisations

Complainants may refer their complaints to the Registrar of Housing Agencies (**Housing Registrar**) for investigation if the initial complaint is not resolved by CatholicCare Victoria Housing Ltd within 30 days of being made.

### Housing Registrar

The Registrar of Housing Agencies, supported by the Office of the Housing Registrar, is established and authorised under the *Housing Act 1983* (Vic) and sits within the Department of Treasury and Finance.

In addition to the Housing Registrar's responsibilities for registering and regulating CHOs, the Housing Registrar is empowered to investigate renter complaints that are not referable to the Victorian Civil and Administrative Tribunal (VCAT) under the *Residential Tenancies Act 2021/2021* (Vic) (RTA) and not resolved by a CHO within 30 days of being made.

When investigating complaints, the Housing Registrar may request that CHOs produce relevant documents and provide responses to questions to assist in their investigation. In certain circumstances, they may inspect properties or offices, which may include taking statements and obtaining further evidence from renters, staff and other parties. A CHO must co-operate with an investigation conducted in relation to it by the Housing Registrar.

Following an investigation, the Registrar will determine based on the available evidence if further regulatory action is required.

The Housing Registrar has broad intervention powers available under the *Housing Act* to remedy non-compliance with Performance Standards, including giving directions to a CHO where it is unwilling or unable to resolve the non-compliance. CHOs are required to comply with directions given by the Housing Registrar following an investigation.

### Victorian Ombudsman

The Victorian Ombudsman (the Ombudsman) can enquire into or investigate administrative action taken by or in an authority which includes any public body. A public body includes a body that is performing a public function on behalf of the state or an authority (whether under a contract or otherwise).

The Ombudsman is empowered to make enquiries if a renter complains about the actions of an 'authority' for the purposes of the *Ombudsman Act 1973*(Vic) (the Ombudsman Act).

The Ombudsman has acknowledged that their jurisdiction over particular community housing organisations may be limited by the definition of '*public body*' in the *Ombudsman Act*.

Under the Ombudsman Act in its current form, Community Housing Organisations (CHO) are only required to comply with requests from the Ombudsman with regard to investigations where a summons has been issued to a person and the investigation relates to a CHO that may meet the definition of a '*public body*' under the Ombudsman Act, namely where the CHO:

- provides a specific service or function that is government-funded/supported; or
- provides a public function by the CHO on behalf of the State or an authority (under a contractual arrangement or otherwise); or
- the investigation relates to the actions of the Housing Registrar.

Before commencing an investigation, the Ombudsman must inform the CHO in writing that it intends to conduct an investigation. While it is not initially compulsory to participate in the investigation process, participation can be voluntary or compelled. Section 18 of the *Ombudsman Act* empowers the Ombudsman to issue a witness summons to a person to attend at a specified time and place on a specified date:

- to produce documents or other things to the Ombudsman; or
- to give evidence (answering questions) before the Ombudsman; or
- before the Ombudsman, to give evidence and to produce documents or other things.

Failing to comply with a witness summons issued by the Ombudsman without reasonable excuse is an offence (section 18G, *Ombudsman Act*). A person served with a witness summons may make the following objection to the Ombudsman:

- that they have a reasonable excuse for failing to comply with the witness summons including (but not limited to): refusing to give information if the information might tend to incriminate the person or make the person liable to a penalty in relation to:
  - a proceeding for an offence with which the person has been charged and that has not been finally disposed of; or
  - a proceeding for the imposition or recovery of a penalty that has been commenced against the person but not finally disposed of.
  - where required to produce a document or other thing, that the document or other thing specified in the witness summons is not relevant to the subject matter of the Ombudsman's investigation.

## VCAT

VCAT provides all renters (public, community and private) an independent and cost-effective avenue for resolving disputes where a rental provider is alleged to have breached a right or failed to fulfill a duty under the RTA or the residential rental agreement.

VCAT has the power to make binding orders compelling rental providers to pay compensation and/or take remedial action. All rental providers are bound to comply with directions made by VCAT in line with the Tribunal's powers under the *Victorian Civil and Administrative Tribunal Act 1998* (Vic).

## Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is an independent statutory body funded by the Victorian government with the purpose of protecting and promoting human rights in Victoria. VEOHRC undertakes a range of roles including a free, impartial dispute resolution service, an investigator function and a range of advocacy and review activity to address systematic issues.

All social housing renters can contact the VEOHRC directly for advice and to assistance in understanding and protecting their rights if they feel they have been discriminated against due to a protected attribute in the provision of social housing.

The Commission is not a tribunal or a court. It helps people to resolve complaints by mutual agreement. It does not prosecute, make judgements for or against either side, nor can it award compensation.

## Consumer Affairs Victoria

Consumer Affairs Victoria plays a role in administering the Residential Tenancies Act 2021 (Vic) and provides information about renters' rights and obligations, how to resolve residential tenancy disputes; and in certain circumstances offers dispute resolution services.

## Support and Advocacy Services

There are a range of government funded advice and advocacy services that all social housing renters can access for assistance to understand and enforce their legal protections. This includes the advocacy services of Justice Connect, Victoria Legal Aid and Tenants Victoria amongst other charities and community legal centres. CHIA Vic has circulated a template info sheet that CHOs can provide to renters outlining available support services and their roles.