



Aboriginal Housing Victoria

Housing Services Manual

Chapter 1 - Client rights and advocacy

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Chapter 1 –Client rights and advocacy

- **Tenant involvement and participation;**
- **Complaints and appeals;**
- **Clients' rights to confidentiality and privacy; and**
- **representation and advocacy of applicants and tenants**

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1. Client representation and rights – Policy and context

1.1 Purpose

The purpose of this policy is to outline the processes by which Aboriginal Housing Victoria (AHV) supports the rights of applicants and tenants to:

- privacy and confidentiality;
- fair, consistent and timely responses to their complaints and appeals of AHV decisions;
- representation and advocacy; and
- be informed of AHV services and to participate and provide feedback on the future directions of the organisation.

1.2 Scope

The policy applies to all AHV applicants and tenants.

1.3 Context

AHV aims to:

- provide appropriate, affordable and secure housing assistance for low-income Aboriginal people living in Victoria;
- wherever possible, support tenants to achieve housing stability and sustainable tenancies; and
- respect the rights of all AHV applicants and tenants:
 - to privacy;
 - to advocacy and representation; and
 - to express dissatisfaction with AHV and have their complaints recognised and considered in a fair and consistent manner.

1.4. Cultural statement

The First Nations people of Australia have the oldest continuous cultures in the world. AHV celebrates and takes pride in the rich and spiritual culture, values and practices of Australia's First Nations people. We celebrate the significant contribution made by Aboriginal and Torres Strait

Islander people and culture to the enrichment of Victorian society, and, we acknowledge and respect the special place of Victorian traditional owners as Victoria's First Nations peoples.

As an Aboriginal Community Organisation we acknowledge that our legitimacy is derived from the strong relationships we have with Victoria's Aboriginal communities and our success is through achievement of our shared vision and aspirations.

Our vision is that **Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities.**

We believe that achievement of our vision is through the provision of housing services which enhance the dignity of our clients and tenants and which respects and celebrates their cultural beliefs, values and practices.

Our policies and procedures are designed so that our practice and service delivery is in accord with this cultural statement.

1.5 Relevant legislative and regulation

- Residential Tenancies Act 1997 (Victorian State Act)
- Charter of Human Rights and Responsibilities 2006
- Housing Act 1983 (including amendments 2007) and Performance Standards August 2005
- Commonwealth Privacy (Private Sector) Amendment Act 2000 (Federal Act)
- Information Privacy Act 2000 (Victorian State Act)

1.6 Organisational context

Relevant AHV values that underpin our application and waiting list management policies include:

Respect and support for Aboriginal identity and culture and for our tenants and stakeholders

Integrity, trust and honesty in all our business activities

Collaborative relationships with our community, tenants, government and stakeholders

Kindness, compassion, courtesy and dignity in our relationships with our clients, our stakeholders and with each other.

Relevant AHV strategic objectives are to:

- Provide efficient and effective housing services for Aboriginal people;
- Develop constructive and mutually beneficial partnerships and relationships with the housing, community and corporate sectors;
- Advocate for, influence and deliver improvements in Aboriginal housing and other outcomes;

- Maintain high standards of accountability, probity and transparency to tenants, clients, the Aboriginal community, government and the public.

1.7. Key stakeholders

- Current and former AHV tenants;
- Aboriginal Victorians waiting for AHV housing; and
- Aboriginal Victorians, Aboriginal organisations, other community organisations and government agencies that have an interest in the delivery and outcomes of this policy.

1.8 Other relevant contextual factors

AHV is part of the social/community housing sector in Victoria. The sector provides long-term, secure rental accommodation to low-middle income Victorians through a large and diverse range of not-for-profit organisations. Community housing is highly regulated by government and as a social housing agency, AHV must comply with sector performance standards and demonstrate the capacity to manage a viable social housing business, including:

- managing and addressing complaints and appeals relating to the provision of housing services;
- actively consulting with tenants on issues that affect their housing; and
- observing the privacy of individuals dealing with the organisation.

1.9 Policy objectives

AHV recognises the legitimate right of clients to lodge complaints and appeals if they are dissatisfied with AHV's service delivery activities, processes, procedures and policies. AHV also considers the receipt of complaints and appeals as an opportunity to learn, review and continuously improve operational policies, processes and service delivery.

AHV undertakes the systematic recording and investigating of complaints and appeals for the purposes of service improvement, transparency, accountability, due diligence, governance and compliance, while maintaining the complainant's right to confidentiality.

As an Aboriginal community controlled organisation, AHV has a sound understanding and a strong commitment to the involvement of tenants in the planning, delivery, evaluation and management of the organisation. AHV actively seeks ways to increase tenant participation and involvement.

AHV recognises that some clients may require representation and support to achieve sustainable AHV tenancies and AHV will work with agencies and individuals who are supporting clients, while maintaining clients' rights to confidentiality.

1.10 Responsibilities

Board	Approves the policy, sets strategy, monitors policy implementation and performance, and, reviews policy when necessary
CEO with the Executive Management Group	Oversees and monitors policy implementation and approves procedures to implement the policy
Director of Operations	Administers the policy and ensures staff and contractors comply with the policy
Housing Officer	Provides information to current and prospective clients and tenancy management services to existing tenants.
Team Leader Tenancy	Day to day supervision and support to housing staff delivering tenancy management services.
Team Leader Client Services	Day to day supervision and support to housing staff delivering waiting list, allocations and maintenance compensation management services. Coordination of AHV's Complaints processes.

1.11 Definitions and acronyms

Aboriginal person	Aboriginal and Torres Strait Islander person
ACCC	Australian Competition and Consumer Commission. Commonwealth statutory authority responsible for the enforcement of the <i>Competition and Consumer Act 2010</i> and a range of additional legislation, promoting competition, fair trading and regulating national infrastructure.
AHV	Aboriginal Housing Victoria
ASIC	Australian Securities and Investments Commission. Australia's corporate, markets and financial services regulator.
CEO	Chief Executive Officer
Consumer Affairs Victoria (CAV)	Victorian government consumer affairs regulator. Provides advice to AHV in relation to storage of goods left in vacant AHV properties by former tenants.
Director of Housing (DoH)	Director of Housing. The DoH is a body corporate created under the <i>Housing Act 1983</i> . The DoH is the owner of public housing stock in Victoria and provides indirect funding to housing agencies to deliver social housing services.
EPA	Enduring power of attorney. The representative (attorney) under an EPA is appointed by the person to be represented (donor) at a stage where they are competent to make that decision.
<i>Housing Act 1983</i>	Victorian legislation governing the administration of social housing services, including the provision of housing stock and the financial framework for the social housing sector.
Housing Registrar	The Housing Registrar is a business unit within the Victorian Department of Treasury and Finance. The Housing Registrar oversees the registration and regulation of rental housing agencies including AHV, providing services to low income Victorians.

Legal action	Where AHV makes application to VCAT to seek a determination relating to rent arrears, TRMC or other tenancy breaches.
Legal agreement	A VCAT order directing the tenant to repay rental arrears in regular instalments.
Legal personal representative	A legal personal representative of the deceased sole tenant is the executor of the deceased tenant's will to whom probate is granted or if there is no will, the administrator to whom letters of administration have been granted.
Local agreement	A local agreement between AHV and a tenant to pay rental arrears or Tenant Responsibility Maintenance Compensation in instalments.
Next of kin	Family member identified by a tenant as their closest relative and who may act on their behalf.
<i>Residential Tenancies Act 1997 (RTA)</i>	Victorian legislation that outlines the respective rights and responsibilities of tenants and landlords in Victoria and prescribes the general provisions and terms of tenancy agreements.
Residential Tenancy Agreement	An agreement signed between landlords and tenants at the commencement of the tenancy, which specifies terms and conditions in accordance with the RTA.
TRMC	Tenant responsibility maintenance compensation. Compensation sought by AHV in circumstances where tenants are responsible for damage to AHV properties.
VCAT	Victorian Civil and Administrative Tribunal. The jurisdiction that includes the Residential Tenancy List.
VCAT Determination	The decision or order made by a Chairperson at VCAT (Residential Tenancies List) after hearing evidence regarding a tenancy matter. A copy of the determination/order is sent to both parties.

1.12. Policy details – Client confidentiality

AHV's *Code of Conduct* commits all staff and AHV Board of Directors to protecting the privacy of personal information, consistent with the principles of the Victorian Information *Privacy Act 2000* and the *Health Records Act 2001*.

AHV *Privacy* policy outlines how AHV meets its legislative obligations under the Commonwealth *Privacy Act 1988*. AHV only collects personal information where it is reasonably necessary for, or directly related to, one or more of its functions or activities.

AHV uses personal information provided by applicants and tenants for the purposes of providing personalised services, maintaining accounts and records, reference checking, liaising with government departments, and assessing and evaluating the use of the AHV website.

AHV will only disclose personal information to third parties where permitted by the Act, and personal information will only be disclosed to AHV staff where necessary for the performance of their duties and where they are authorised to access it. For further details refer to AHV's *Privacy* policy.

1.13 Policy details - Tenant involvement and participation

AHV defines tenant involvement as opportunities for tenants to inform, review, comment and provide feedback on AHV services and activities.

AHV defines tenant participation as the development of formal structures that allow tenants as a collective group to provide advice on the direction and delivery of services.

Feedback from tenants is vital to AHV's planning and service provision. This information is used by AHV to improve service delivery and review aspects of AHV policy, procedures and practices.

Consistent with AHV's *Community Engagement Strategy and Communications* strategy, which relates to AHV's engagement with all stakeholders, the following principles are applied to AHV's approach to tenant involvement and participation:

- any engagement with tenants is planned with sufficient time for participants to make informed decisions;
- information to clients is accessible and presented in a way that is culturally relevant, easy to understand and free of bias;
- all interactions between AHV tenants and clients are based on openness, trust, fairness and respect;
- feedback from tenants is valued and continuous improvement is informed by monitoring performance and satisfaction of tenants with AHV services.

AHV is committed to the ongoing provision of information on tenants' rights and responsibilities and changes to policy and housing sector issues, along with the opportunities for feedback through both formal and informal processes.

As part of AHV's ongoing commitment to improving our services, AHV continues to seek the most appropriate ways to engage with our tenants. AHV recognises that there may need to be different approaches taken to respond to the range of community needs across and within metropolitan and regional Victoria. Engagement with tenants therefore incorporates a range of formal and informal processes to encourage participation and involvement.

AHV's formal provision of information to all tenants includes:

- an information "start up" kit at the time a Residential Tenancies Agreement is signed between the tenants and AHV, informing tenants of their rights, responsibilities and how tenants can participate and be involved;
- clear and accessible Complaints and Appeals processes;
- regular newsletter "Mia Mia", sent on a bi monthly basis;
- AHV Annual report;

- Annual rent review letter;
- a Tenant Satisfaction Survey with the purpose of identifying areas of improvement;
- tenancy home visits by AHV staff; and
- tenant engagement forums/community meetings delivered in each of the twelve metropolitan and regional areas where AHV provides housing twice per year.

Informal opportunities for AHV to engage with tenants include:

- a feedback proforma for tenants to make comments on the AHV website;
- social media and website updates;
- phone calls, face to face discussions or meetings;
- property inspections and home visits by AHV staff;
- invitations for tenants to participate in monthly random maintenance surveys; and
- tenant attendance at local regional meetings, outings or social gatherings;

Other ways that AHV supports tenant engagement include:

- consulting with tenants over major operational changes directly affecting tenants;
- seeking tenant participation in focus groups, planning days, forums and meetings;
- addressing potential barriers to participation, eg, provision of transport and other resources, including training to supports tenants' attendance and active participation at forums and meetings;
- publishing results of surveys, questionnaires and evaluations via the AHV newsletter or website;
- empowering tenants by actively listening to their ideas and feedback;
- supporting tenants to lobby and advocate at all levels of government on any areas of concern;
- embedding a commitment to tenant participation in the AHV's core culture.

1.14 Policy details - Complaints

Any person who has access to AHV services or has any dealings with AHV has the right to lodge a complaint about AHV processes and services and to appeal an AHV decision.

AHV's *Complaints and appeals* policy commits AHV to:

- providing accessible information to assist clients to lodge a complaint and/or appeal, including:
 - written information to tenants/clients;
 - prominent display of information in office foyers and other areas accessed by clients/tenants; and
 - promotion on the AHV website (ahvic.org.au)
- dealing with complaints promptly, respectfully, fairly, effectively and in accordance with AHV privacy policy and relevant legislation;
- ensure that services provided to the complainant, if a client or prospective client, are not compromised as a result of the client exercising her/his right to make a complaint; and
- treat all matters pertaining to complaints and appeals as private and confidential.

At times, a potential or current AHV applicant or tenant may be dissatisfied with the outcome of their interaction with AHV, or an AHV decision or action that may affect their application for housing or their AHV tenancy. In these circumstances, AHV encourages clients to register their dissatisfaction and to seek a review of the AHV action/decision by lodging a formal complaint with AHV.

In some instances, the person may lodge their complaint with an external party, such as the Victorian Civil Administrative Tribunal (VCAT) or the Housing Registrar. In some instances, a third party may require the complainant to have taken their complaint through the AHV complaints process before they will investigate further.

Complaints and appeals can only be addressed under this policy when they relate directly to the actions of AHV. Matters which are the responsibility of other organisations, including partner agencies must be addressed directly by that organisation. AHV assists clients with advice on complaints processes of other agencies, should they may wish to pursue a formal complaint process with a partner or other organisation.

1.14.1 Definition of complaints

For the purposes of this policy, complaints are defined as registered dissatisfaction expressed by clients or their advocates, or other members of the public (eg neighbours of AHV tenants) in respect to AHV services, standards, practices, or policies.

A complaint is further defined as:

- a registered expression of dissatisfaction with AHV lodged by a complainant or their representative; and
- made verbally (including by phone), in writing or anonymously; and
- related to a specific risk, episode, occurrence or failure in the provision of a service that has resulted in an impact on an individual or group.

1.14.2 Receiving and identifying a complaint

AHV differentiates between an enquiry, an expression of concern, a complaint and other formal feedback process.

Prospective and current applicants and tenants may wish to raise an issue, or express some dissatisfaction without necessarily instigating the formalised complaints management process. In the first instance, AHV attempts to resolve issues directly with the dissatisfied person, in an informal way. This may involve providing additional information/assistance to clarify the reason why AHV took a particular course of action, or applies a particular policy.

If the complaint cannot be resolved immediately, AHV will provide the client with details of the AHV formal complaints process. Advancing an issue or concern to the status of a formal complaint only occurs at the request of the complainant.

If the client indicates that they may wish to pursue a formal complain, AHV provides the following:

- a timeframe for review of the complaint;
- a contact person for further information/advice;
- details of AHV's complaint investigation processes; and
- assistance with the completion of the *Complaint* form, as necessary.

AHV receives verbal, written (including email) and anonymous complaints. In all cases, AHV records the complaint.

In the case of a verbal complaint, an AHV staff member completes the *Complaint* form on behalf of an applicant or refers to the form to document all relevant information.

All AHV staff members are authorised to deal with issues of dissatisfaction by clients, and to provide information on the AHV complaints policy and assist clients complete a *Complaint* form. However, investigation of the complaint is undertaken by a senior AHV staff member (Team Leader or above).

1.14.3 Anonymous complaints

A complainant may choose to lodge an anonymous complaint either in writing, via telephone or in person.

Depending on the method of lodgement of the complaint, the identity of the complainant may be known to the AHV staff member receiving the complaint. However, if the complainant has indicated a preference to remain anonymous, AHV respects their right to do so and does not record the name of the complainant on the *Complaint* form.

In the case of an anonymous complaint received via telephone or in person, the complainant is advised that AHV:

- will respect the complainant's wishes to remain anonymous and no contact details will be included on the record of complaint;
- will investigate their complaint by referral to a Team Leader or higher level of authority within AHV who will decide what action is to be taken; and
- cannot provide them with a response or any feedback about the outcome of their complaint as AHV will have no record of their contact details.

The AHV staff member assisting the complainant will record as many details as possible on a *Complaint* Form and will read the recorded details back to the client, to ensure that it represents an accurate record of their complaint.

1.14.4 Written and verbal complaints

In the case of written or verbal complaints, AHV:

- asks the complainant to complete and sign a *Complaint* form; or,
- offers to complete a *Complaint* Form on the complainant's behalf, read the details recorded back to the complainant, correcting any inaccuracies, and ask the complainant to sign the form.

If the complainant declines to sign the form, AHV still considers the complaint to be valid and proceeds with the investigation.

If the complainant wants to make a verbal complaint, AHV will:

- inform the complainant of the requirement to record the information for the purposes of investigation;
- record as many details as possible on a *Complaint* form; and
- offer to read the recorded details back to the client and correct any inaccuracies.

1.14.5 Investigation of complaints

At the time of receiving a complaint, clients are advised that:

- their complaint will be referred to the Team Leader within 24 hours for inclusion on the complaints database, and for an initial assessment to determine whether:
 - the complaint relates to a specific event impacting on the individual rather than a broader issue;
 - the complaints process is the most appropriate course of action;
 - the seriousness of the complaint requires immediate formal action;
 - the complaint is within the jurisdiction of AHV. If not, the complainant will be referred to the appropriate agency for further investigation.

AHV acknowledges receipt of the complaint in writing within 2 days, and advises the complainant (or their advocate) that investigation of the matter and advice of the outcomes may be expected within 30 days. Under the *Housing Act 1983*, AHV as a registered housing agency must conform to the Housing Registrar's performance standards including the conclusion of investigation of a complaint within 30 days of receipt of the complaint.

The Team Leader or senior officer manages the investigation of the complaint. In most cases the complaint will be referred to the relevant staff member to provide a report back to the Team Leader. A complaint is not referred to a staff member who may be the subject of the complaint.

Where the complaint indicates that AHV internal policies and procedures may require review, the issue will be discussed with the relevant Director and action taken as appropriate to review and improve policies and processes.

In all cases other than anonymous complaints, a written response is provided to the complainant advising of the outcomes of the AHV investigation.

1.14.6 Complaints register

AHV maintains a complaints register as required under the *Housing Act 1983*.

The information recorded on the complaints register includes:

- date the complaint was received;
- complainant's name and contact details, unless anonymity has been requested;
- a summary of the complaint;
- how the complaint was received;

- name of officer responsible for managing the complaint;
- action taken to address the concerns raised;
- time taken to finalise the complaint; and
- outcome and any further action to be taken.

1.14.7 Further options for lodgement of complaints by clients

Following the conclusion of the AHV's complaints process, if the matter has not been resolved to the satisfaction of the complainant, AHV will advise the complainant of any options that may be available for further investigation of their complaint by an external authority.

In the case of AHV clients, this may include the lodgement of a complaint to the Housing Registrar. The Housing Registrar is a Victorian government body charged with the responsibility of registration and regulation of community housing agencies, including AHV.

Client complaints in relation to a rental housing matter may be investigated by the Housing Registrar if:

- the complaint is about a service delivered or decision made by a registered agency about a rental housing matter; and
- the complaint has already been directed formally to the registered agency, and the agency has had at least 30 days to resolve the matter; and
- the complaint has not been resolved to the complainant's satisfaction.

Following investigation of a client's complaint by the Housing Registrar, AHV may be directed by the Housing Registrar to take action to resolve the complaint and/or to review AHV practices and processes, to minimise or avoid similar complaints in the future.

Where AHV has received a formal complaint from neighbours about an AHV tenant and the neighbours are not satisfied with the outcome of AHV's complaints investigation process, neighbours may be advised to contact the Housing Complaints Management Unit (CMU) of the Department of Health and Human Services, if they want the matter to be investigated further.

Depending on the type of complaint received, AHV may advise complainants to seek investigation by external bodies that have the responsibility for investigation of complaints, including:

- Australian Securities and Investments Commission (ASIC). Management and governance of companies (www.asic.gov.au or on 1300 300630);
- VCAT (Residential Tenancies List). Makes legally binding orders on a range of tenancy related matters in line with the *Residential Tenancies Act 1997* (RTA) (www.vcat.vic.gov.au or on 9628 9900);

- Tenants Union of Victoria. Advice on tenancy rights and potential support for preparation of an application to VCAT (www.tuv.org.au or on 9411 1444);
- Australian Human Rights and Equal Opportunity Commission. Investigates complaints of discrimination on the grounds of disability, race, sex or age (www.hreoc.gov.au or on 1300 656419);
- Australian Competition and Consumer Commission (ACCC). Investigates possible cases of misleading conduct, advertising or representations (www.accc.gov.au or on 9290 1800);
- Federal and State Privacy Commissioners. Investigate possible inappropriate use/release of personal information (www.privacy.vic.gov.au or on 1300 666444);
- Victorian Ombudsman. Investigates complaints about administrative actions taken by Victorian Government departments, public statutory authorities and by officers of municipal councils, including the compatibility of administrative actions with the *Charter of Human Rights and Responsibilities Act 2006* (www.ombudsman.vic.gov.au or on 1300 362072);
- Consumer Affairs Victoria. The Victorian government consumer affairs regulator. Provides advice to tenants and other consumers on their rights and responsibilities and conciliates disputes between tenants and landlords (consumer@justice.vic.gov.au or on 1300 558181).

1.15 Policy details - Appeals

For the purposes of this policy, appeals are defined as any expressed dissatisfaction by clients or their advocates in respect of a decision made by AHV.

Examples of AHV decisions that may be appealed include, but are not limited to:

- non-acceptance of an application to the AHV waiting list;
- removal of an application from the waiting list;
- an offer of a property that the client considers to be unsuitable or invalid;
- calculation of subsidised rent;
- refusal to rehouse an applicant;
- refusal to approve a transfer of tenancy;
- tenant's responsibility for outstanding charges including rent arrears and Tenant Responsibility Maintenance Compensation (TRMC);
- refusal for permission to make modifications to a property.

There is no external/independent appeal mechanism once it has been reviewed under the AHV appeals policy. However, AHV provides advice to appellants on other potential avenues for investigation of their complaint, as per the list identified in the *Complaints* section above.

1.15.1 Receiving an appeal

In all cases an appeal must be made in writing. AHV staff will provide assistance to the appellant to complete the *Appeal* form or will complete the form on the appellant's behalf, as required.

Appeals may be received by any AHV staff member, but AHV's investigation and findings of an appeal are conducted by the CEO or her/his delegate.

The appeal is recorded on the AHV database by the Team Leader within 24 hours of receipt. The Team Leader also undertakes an initial assessment to confirm:

- that the request represents an appeal and not a complaint, as per the respective AHV definitions; and
- the subject of the appeal is within the jurisdiction of AHV to investigate. If not, the complainant is referred to the appropriate agency, subject to the appellant's approval to do so.

The Team Leader then:

- acknowledges the complaint in writing within 2 days to the complainant (or their advocate); and
- advises that the matter is expected to be resolved within 30 days, to conform with the requirements of the Housing Act 1983.

In assessing an appeal, AHV determines to which decision, policy, procedure, standard or law the appeal applies. Where an appeal indicates a potential need for internal policies and procedures to be reviewed, the matter is referred to the CEO or CEO's delegate (Director of Operations). A review is then initiated which may include recommendations for changes to policy/procedures/processes. Subject to senior management and/or Board of Directors' approval, AHV will then implement the changes.

1.15.2 The Appeals register

AHV maintains an Appeals register as required under the *Housing Act 1983*.

The information recorded on the Appeals register includes:

- date when the appeal was lodged;
- appellant's name and contact details;
- a summary of the basis for the appeal;
- how the appeal was received;
- action taken to address the concerns raised;
- time taken to finalise the appeal; and
- outcome and any further action to be taken.

1.16 Policy details - Tenant representation and advocacy

AHV recognises that in some circumstances, applicants and tenants may require legally appointed representatives and/or guardians to manage some or all of their affairs, if they are unable to make reasonable decisions for themselves due to age, illness or disability. Appointed representatives may be individuals (eg. a relative, friend, solicitor or accountant) or organisations, eg. State Trustees Ltd, the Office of the Public Advocate or a private trustee company.

1.16.1 Legal and financial representation

Financial and legal decisions are the responsibility of attorneys under an Enduring Power of Attorney (EPA), and administrators appointed under a VCAT Guardianship List Administration Order. Where AHV is advised that the client has an attorney or administrator, AHV ensures that the attorney/administrator is advised of any tenancy matters that may require their action. These may include:

- providing income and/or asset documentation for a represented tenant or applicant for an application for AHV housing or subsidised rent;
- ensuring the payment of rent and related charges from the income or bank account of a tenant. This may include;
 - altering the amount of a rent deduction or periodic rent payment due to a change in rent;
 - negotiating a repayment agreement according to AHV debt management policy and procedures;
 - arranging a repayment agreement for Tenant Responsibility Maintenance Compensation (TRMC);
- signing documents of a legal or financial nature, on behalf of the represented person, such as:
 - Residential Tenancy Agreements;
 - statutory declarations regarding ownership of property;
 - rental subsidy applications;
 - outstanding charges/debt agreements;
 - direct debit applications;
 - bond loan scheme applications and agreements.

1.16.2 Guardianship

Decisions relating to lifestyle issues including housing, employment and health may be the responsibility of a guardian under either a Guardianship Order or an Enduring Power of Guardianship. The Guardianship Order will list any limitations to the power of the guardian and will set out the conditions with which they must comply.

A guardian may be responsible for acting on behalf of the client in relation to:

- nominating appropriate AHV waiting list preferences;
- completing applications;
- facilitating support to assist the person to maintain independent living, eg, home help, meals on wheels;
- negotiation with AHV on agreed courses of action to resolve maintenance issues, neighbour conflict or other tenancy issues; and
- termination of the Residential Tenancies Agreement.

1.16.3 Maintaining contact with the client

AHV liaises with applicants and tenants on a range of matters about which appointed representatives may need to be informed, either in writing or in person (telephone, home visit). AHV recognises the client's right to be informed of actions/decisions taken by AHV in relation to their access to AHV tenancy services, regardless of whether the client has an appointed representative.

In the case of clients with an appointed representative, AHV liaises with the client and the representative to identify the most appropriate recipient for correspondence and/or contact on particular issues. Given powers of representation are often limited to specific matters, the most appropriate recipient for some correspondence will often be the client.

As a general principle, AHV sends correspondence directly to the client, with a copy to the representative unless the client specifically requests that correspondence of a financial/legal/lifestyle nature be sent solely to their relevant representative.

Similarly, AHV will continue to maintain personal contact with the client, along with their financial representative/guardian, unless specifically requested by the client to direct contact on issues of a specific nature to their relevant representative only.

1.17 Policy details – Tenant advocacy and support

1.17.1 Identification of at-risk tenancies

During inspections of the property and discussions with the tenant, AHV staff may make an assessment that the tenant requires support to meet their tenancy responsibilities, and effectively sustain their tenancy. AHV facilitates early intervention and involvement of other services that may be available to support the tenant, subject to the tenant's agreement for AHV to take this action.

This may include:

- disability information and support;
- family violence services;
- drug and alcohol services; and
- mental health services.

AHV has its own program to support at-risk tenancies. The AHV *Life Skills* program aims to assist tenants to link into any supports they may require which will assist them to establish and maintain their tenancies with AHV. Where AHV staff consider that tenants may benefit from participation in the *Life Skills* program, the program is explained to the tenant and the tenant is invited to participate. Participation in the program is voluntary.

1.17.2 Tenancy breaches and outstanding charges

Wherever possible, AHV seeks to make local agreements with tenants to repay outstanding charges and/or remedy tenancy breaches. This avoids the need for tenants to attend a VCAT hearing which can be an intimidating experience for some Aboriginal people, who may have experienced negative contact with the justice system, either directly or within their extended family and community.

If local agreements with tenants have broken down and AHV is required to seek legal recourse at VCAT, AHV strongly encourages tenants to attend the VCAT hearing so that the VCAT Chairperson can take their circumstances into account when making a determination.

AHV provides tenants with information on available support and advocacy, eg referral to the Tenants Union of Victoria or the Victorian Aboriginal Legal Service.

If AHV considers that the tenant may not be fully cognisant of the seriousness of their situation and/or may have difficulty self-representing at VCAT, AHV may make an application to VCAT requesting that the tenant have access to a representative at the hearing.

1.18 Policy log

Version	Approval date	Approved by	Changes	Review Date
1	2008	AHV Board		
2			New policy format	June 2015
3	24 Sept 2015	AHV Board	Consolidation and re-formatting of Tenancy Services manual	September 2016