

Overview

The community housing sector has a strong commitment to ethical and client-focused decision making and ensuring eviction is the avenue of last resort.

There is also recognition and commitment to uphold obligations under the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (the Charter) when making decisions that affect the lives of renters, including the requirements to consider and act compatibly with the human rights of renters.

The resources referenced in this guide aim to assist Community Housing Organisations (CHOs) to ensure they are equipped with the knowledge and resources needed for the practical application of these commitments in housing practice.

Background

The Charter enshrines a set of rights derived from the International Covenant on Civil and Political Rights and applies to all processes and decisions made by Victorian Government departments and other bodies exercising functions of a public nature.

Although the Charter does not explicitly name CHOs, the Victorian Civil & Administrative Tribunal (VCAT) has determined that CHOs are bound by the Charter and the sector has established policies and processes that promote fairness and recognise and protect the human rights of renters.

[Section 38 Conduct of public authorities](#) states that:

“it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”

There is a focus on the sector’s compliance with this requirement from government and independent review bodies. The Victorian Ombudsman, Social Housing Regulatory Review Panel and the Legislative Council’s Inquiry into Homelessness have all recommended strengthening obligations and oversight for the use of the Charter by CHOs.

Despite the sector’s commitment to the Charter, there is a wide variety of approaches to practice, some CHOs have adopted policies and processes that embed human rights focused decision making, others have not yet done so. CHIA Vic have received feedback

from some members that assistance is needed to understand the requirements and how to apply the Charter in practice.

Key areas where human rights must be considered include circumstances where CHOs are making decisions about ending a tenancy, or to take steps toward ending a tenancy. The key decision-making points include when making a decision to apply to VCAT for a possession order, and the decision to purchase a warrant of possession.

To aid decision making in these areas, CHIA Vic has worked collaboratively with the sector, sought feedback from tenancy advocates and engaged legal advice to ensure these resources meet the needs of the sector.

Human Rights Assessment and Eviction Approval Form Template

The purpose of this template is to provide guidance and document the decision making process when considering making an application to VCAT for a Possession Order, or when purchasing a Warrant of Possession.

The form is intended to support a consistent, fair, and person-centred decision making approach by stepping through all relevant considerations and ensuring:

- That all alternative options have been explored with the renter/s and that they are kept informed throughout the process;
- The human rights of the renters under the Charter have been given proper consideration, and that the decision is compatible with obligations under the Charter; and
- The relevant actions and recommendations have been reviewed and approved by senior decision makers with the appropriate delegated authority.

[Download Resource](#)

Other Resources

Members have identified a range of related additional resources are needed to support a consistent, fair, transparent and documented approach when seeking to sustain a tenancy at risk, and when pursuing eviction as an avenue of last resort. The following template policies and information sheet have been developed to support these needs:

Ending Tenancies Policy Template

This template policy details the arrangements, processes and considerations for ending a tenancy in line with leading community housing practice, the Charter, the *Residential Tenancies Act 1997 (Vic)* (RTA), and the Victorian regulatory system.

[Download Resource](#)



Arrears Management Policy Template

This template policy outlines the approach for preventing and managing rental arrears and debt recovery in line with leading community housing practice, the Charter, the RTA, and the Victorian regulatory system.

[Download Resource](#)

Anti-Social, Destructive or Dangerous Behaviour Policy Template

This template policy details the process for responding to anti-social, destructive or dangerous behaviour. It aims to balance the rights of renters with the rights of neighbours to create positive relationships and build strong communities. As with the other policies, it incorporates leading community housing practice as well as legislative and regulatory obligations.

[Download Resource](#)

Renter Support Services Information Sheet Template

To support a rights-based approach, renters should be supported to access independent advice, advocacy, and support. This template provides information about key tenancy support and advocacy services and can be adapted to include supports most relevant to each CHOs target cohorts and geographically specific services.

[Download Resource](#)

Training

CHIA Vic offers training in Human Rights in Housing Practice which aims to build a deeper understanding of human rights in a housing context and examines how the Charter of Human Rights and Responsibilities applies to community housing practice.

The learning outcomes of this course includes:

- Examine how the Charter of Human Rights and Responsibilities applies to housing practice;
- Apply human rights principles to housing practice in line with organisational policies and procedures;
- Adopt a housing management approach that focuses on sustaining tenancies.

This course can be booked via our website [All Training & Events - CHIA Vic](#). Should you have any queries about training, please contact learning@chiavic.com.au.



Further Assistance

Should you have any questions or comments in relation to the information in these resources please email leadingpractice@chiavic.com.au.

These resources will be periodically reviewed and continually updated based on sector feedback.

Thank you

Thank you to Homes Victoria for supporting the production of human rights resources through the Community Housing Sector Development Fund.

These have also been developed in collaboration with member organisations who have provided their resources and time to the project.

