

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

Understanding the Appeal Process

Appeals Process

The Appeal Process for the Resilient Homes Program (**RHP**) is outlined in the [Resilient Homes Program - Program Guideline \(RHP Guideline\)](#) as well as the Appeal Process Fact Sheet which is available at www.nsw.gov.au/resilienthomesprogram.

Privacy confirmation

You are providing this personal information so that the Reconstruction Authority can process your application.

This information will only be used to process your application for the Resilient Homes Program, *but otherwise will be kept private and confidential*. It will be stored and protected appropriate to the sensitivity of this information and will not be used for any other purpose without your prior consent.

Your personal information will only be shared between the Reconstruction Authority, its employees, contractors and other services providers, and other NSW Government agencies, for the purpose for which you have provided it. The Reconstruction Authority will not disclose your personal information to anybody else unless required or authorised by law, such as by court order.

The Reconstruction Authority will store and protect your personal information for record keeping purposes. Subject to any other legal requirements regarding information retention, your information will be retained for seven years.

More information

This privacy notice applies only to the information you are providing in this form. If you would like to know more about how the Reconstruction Authority meets its regulatory obligations in collecting, using, sharing and storing personal and health information, you can read their complete Privacy Policy or Privacy Management Plan on [Privacy policy - Department of Regional NSW | NSW Government](#).

You have the right to access your personal information held by or on behalf of the Reconstruction Authority, without excessive delay or expense. You also have the right to have your personal information corrected if it is inaccurate or out-of-date.

If you would like to access or correct your personal information, please contact the Reconstruction Authority by emailing info@reconstruction.nsw.gov.au

You may also contact the Reconstruction Authority if you have any questions about this privacy notice.

Background

Personal information

Personal information is any information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

Health information

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

Health information is a specific type of 'personal information' which may include information about your physical or mental health or disability. It includes information you provide to a health organisation, information about any health services you receive or have received in the past, and certain organ donation and genetic information.

Privacy and Personal Information Act 1998

NSW Government Agencies must comply with the Information Protection Principles (IPPs), which are outlined in the *Privacy and Personal Information Act 1998* (PIIP Act). These regulate the collection, storage, use and disclosure of personal information held by Government Agencies.

Health Records and Information Privacy Act 2002

NSW Government Agencies, public and private health organisations and providers and large businesses that hold health information must comply with the Health Privacy Principles (HPPs), which are outlined in the *Health Records and Information Privacy Act 2002* (HRIP Act). These regulate the collection, storage, use and disclosure of health information.

When can a homeowner appeal or seek an internal review?

RHP decisions that can be reviewed or appealed

A homeowner can seek an internal review or appeal the following RHP decisions:

- 1.The Reconstruction Authority has decided, after assessment, that a homeowner does not qualify for assistance under the RHP and the homeowner disagrees with that assessment;
- 2.The Reconstruction Authority makes an offer to a homeowner under a particular RHP stream (i.e. the Home Buyback stream, the Home Raising stream or the Home Retrofit stream) and the homeowner disagrees with that allocation;
- 3.The Reconstruction Authority makes an offer to a homeowner under the Home Buyback stream and the homeowner disagrees with the amount of the offer; or
- 4.The Reconstruction Authority makes an offer to a homeowner under the Home Raising stream or the Home Retrofit stream and the homeowner disagrees with the scope of works proposed in the Reconstruction Authority's offer.

Bases of Appeal

There are three bases on which a homeowner can appeal:

- 1.The homeowner has additional information which the Reconstruction Authority previously did not have at the time of the relevant RHP Decision.
- 2.The Reconstruction Authority had incorrect information at the time of the relevant RHP Decision.
- 3.Individual or exceptional circumstances apply, in accordance with the Reconstruction Authority's policy (available at www.nsw.gov.au/resilienthomesprogram).

These are described in more detail below.

Additional information which the Reconstruction Authority previously did not have.

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

- A homeowner may appeal if they have additional information in relation to any of the RHP Decisions which the Reconstruction Authority did not have at the time of its assessment or offer. This can include information relating to a matter outlined in the Reconstruction Authority Individual and Exceptional Circumstances Policy.
- For any appeal on this basis, the homeowner will need to provide:
 - in the case of RHP Decision 1, information which the Reconstruction Authority did not have at the time of its assessment and which the homeowner says would make them qualify for assistance under the RHP;
 - in the case of RHP Decision 2, information which the Reconstruction Authority did not have at the time of its offer and which the homeowner says would support a change in their stream allocation;
 - in the case of RHP Decision 3, information which the Reconstruction Authority did not have at the time of its offer and which the homeowner says would support a higher offer amount than the amount in the Reconstruction Authority's offer; or
 - in the case of RHP Decision 4, information which the Reconstruction Authority did not have at the time of its offer and which the homeowner says would support a scope of works which is different from the scope in the Reconstruction Authority's offer.
- The homeowner will also need to explain how and why the additional information fits within one of the four descriptions above.

Incorrect information

- A homeowner may appeal if the Reconstruction Authority had incorrect information at the time of the relevant RHP Decision.
- For any appeal on this basis, the homeowner will need to:
 - identify the information which the homeowner says is incorrect;
 - provide information which the homeowner says is correct and should replace the information which the homeowner says is incorrect;
 - provide evidence to support the homeowner's position; and
 - explain what difference the homeowner believes the correct information would make to the relevant RHP Decision.

Individual or exceptional circumstances

- There may be some circumstances where the Appeals Panel may determine that it is appropriate to reconsider an RHP Decision. These will typically only be on the basis of an "individual or exceptional circumstance". More information on these circumstances is available in the Reconstruction Authority's policy, available at: [Internal review and appeals | NSW Government](#).
- When assessing the appeal, the Appeals Panel is to balance the overall objectives of the RHP (as set out in the Guideline) with the exceptional circumstances outlined above.

In these circumstances, the Appeals Panel may elect to reconsider an RHP Decision.

Timeframes

For submitting your Appeal

A homeowner who wishes to lodge an appeal must do so within 90 days after the day on which they received the letter from the Reconstruction Authority notifying them of the relevant RHP Decision.

Can I extend the application timeframe for my internal review or appeal? Late applications will generally not be accepted unless the homeowner can demonstrate there

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

are extenuating circumstances. These extenuating circumstances must be submitted in writing by the homeowner to demonstrate why a late application should be accepted.

Outcome

Internal Review

The Reconstruction Authority will advise the homeowner of the outcome of the internal review in writing.

Appeals Panel decision.

The Secretariat of the Appeals Panel will provide written advice, including reasons for the decision, to the homeowner and the Reconstruction Authority about the outcome of the appeal.

Lodging an Appeal or Internal Review

* indicates a required field

Lodging an Internal Review or Appeal

Before lodging an appeal, a homeowner can submit to the Reconstruction Authority any comments and/or additional information relating to an RHP Decision.

The Reconstruction Authority will then consider those comments and/or additional information as it relates to the RHP Decision.

An appeal will be considered by an independent panel.

Are you lodging a *

Internal Review Appeal

Contact details

Name *

Individual Organisation

Organisation Name

Title First Name Last Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Phone Number *

Must be an Australian phone number.

Email *

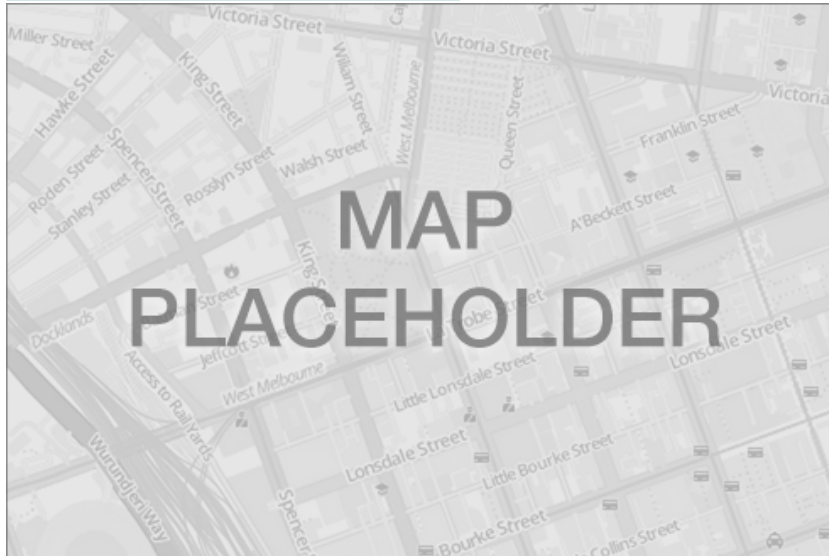
NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

Must be an email address.

Address of Property deemed to be non-prioritised by Reconstruction Authority *

Address



Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

Postal Address *

If different to the address of the property you are appealing

At the time of the February and March 2022 Flood, was the home *

- Owner Occupied Tenanted

Evidence will be requested

Is the homeowner currently living in home?

- Yes
 No - tenanted
 No - vacant

Appeal of Decision

What are you appealing? *

- I disagree with the decision by the Reconstruction Authority that I/my property do not qualify for assistance under the RHP
 I do not agree with the RHP stream that is being offered to me under the RHP
 I do not agree with the value of offer for the home buy-back under the RHP
 I do not agree with the Reconstruction Authority's proposed scope of works that is being offered to me
 I have not been informed of the Reconstruction Authority's indicative prioritisation decision

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

Bases For Your Appeal

Please advise which basis you are appealing and providing supporting documentation

- Additional information
- Incorrect information
- Individual and Exceptional Circumstance (can only be heard by Appeal Panel)

Please note, if you have selected an Internal Review but selected Individual & Exceptional Circumstances, the Internal Review Panel will refer this case to the Appeal Panel per the policy.

Stream Consideration

I wish to be considered for

- RHP Home Buy-back stream
- RHP Home Raising stream
- RHP Home Retrofit stream

In relation to your selection for Raising or Retrofit, if your appeal is successful, final determination will be informed by assessments completed on the home.

Please provide supporting information and evidence to strengthen your appeal

* indicates a required field

Additional Information

Please provide information which you believe the Reconstruction Authority did not have at the time of its assessment, or any information you have in addition to any available information, which may impact your prioritisation for assistance under the RHP.

You can include additional information relating to hardship, death, trauma or other as specified in the [Appeals Guidelines](#) and the [Individual and Exceptional Circumstances Policy](#).

Please provide information to support your appeal *

Please include information relating to the state of the property, i.e., severely damaged, destroyed, damaged.

Please provide supporting documentation relating to Additional Information

Attach a file:

Depending on the type of evidence required and its subject matter, this information will not be retained by the Reconstruction Authority once the Appeals process is finalised. Please use correct naming convention, e.g., 'Affected address - Document name'.

Incorrect Information that informed Reconstruction Authority's decision

Please provide context regarding the Incorrect Information to support your appeal

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

Please elaborate on the Incorrect Information that informed the Reconstruction Authority's decision.

Please provide supporting documentation demonstrating Incorrect Information

Attach a file:

Please use correct naming convention, e.g., 'Affected address - Document name'.

Individual and Exceptional Circumstances

Please select any circumstances that apply to you and affect your application.

Individual Circumstances

- Homeowner's age.
- Where the homeowner has a disability or medical condition that affects their physical or cognitive ability.
- Where the homeowner is a parent, guardian or carer of a dependent who resides in the home who has a disability or medical condition affecting physical or cognitive ability.
- Where the homeowner is a refugee or asylum seeker, and the Appeals Panel is of the opinion that a decision under the RHP may impact on trauma or a particular disadvantage that is experienced as a result of a homeowner's refugee or asylum seeker status.
- Where the homeowner is Aboriginal or Torres Strait Islander. This includes, for example, the impact of a decision under the RHP on 'sense of place' and cultural identity.
- Disadvantage associated with a homeowner's socio-economic status.

Please provide supporting documentation relating to Individual Circumstances

Attach a file:

Please use correct naming convention, e.g., 'Affected address - Document name'.

Exceptional Circumstances

- The homeowner is currently experiencing domestic and/or family abuse, and a Reconstruction Authority offer may assist the homeowner in reducing the risk of further abuse.
- The homeowner has been diagnosed with a serious psychiatric condition or terminal illness.
- The homeowner is at serious risk of homelessness as a result of the Flood Event and has exhausted other reasonably available assistance from the Commonwealth or State Government or not-for profit organisations.
- The homeowner is suffering from serious financial hardship as a result of the Flood Event such that the homeowner is unable to make required repayments to a mortgagee or other financial lender.
- Adjustments were made to, or planned for, the home due to physical or intellectual disabilities prior to the Flood Event which may affect stream eligibility (for example, a house raising may not be suitable for a person accessibility constraints).

Please provide supporting documentation relating to Exceptional Circumstances

Attach a file:

Please use correct naming convention, e.g., 'Affected address - Document name'.

Declaration and authorisation

By submitting this form I hereby declare that:

I have read and understood each of the acknowledgements, agreements, representations and warranties provided above, and that each of these are true and correct;

All information provided, including the responses to each question in the relevant sections of this proposal, is true and correct to the best of my knowledge;

Any information contained in this form may be disclosed to other government agencies, Reconstruction Authority staff, and other relevant external stakeholders (including consultants, lawyers and other advisers) as part of the assessment for the Resilient Homes Program;

I am authorised to submit this form on behalf of, and have the authority to represent and bind, the eligible homeowner;

- I understand that any false declaration may render this form ineligible/invalid; and

NSW RA - RHP - PUBLIC PATHWAY Stand Alone Appeal and Internal Review

Form Preview

- I understand that in order for the Reconstruction Authority to assess my eligibility for the Resilient Homes Program the homeowner may also be required to supply further documents or confirm information.

Name

Title

First Name

Last Name

Homeowner

I am the homeowner

I am the Authorised homeowner representative

Reconstruction Authority RHP Administrator Only. This form has been manually entered by the RHP Case Manager on behalf of the homeowner.

For POA or Legal Representatives please select the I am Authorised homeowner representative