

Non-disclosure and rental subsidy fraud

Tenant responsibilities

All NCCH tenants have a responsibility to disclose information that is relevant to their tenancy, particularly in relation to matters that may affect their eligibility for a rental subsidy.

Where, on the balance of probabilities, a tenant has provided misleading or false statements to NCCH, in order to obtain a higher level of rental subsidy than to which they are entitled, the tenant may be charged with fraud (Crimes Act, NSW). In extreme cases of rental subsidy fraud, NCCH may refer the matter to the Police for further investigation and prosecution.

Definition

A Failure to Disclose is where a tenant does not inform NCCH when:

- There are additional occupants residing at the property and the income and/or circumstances of those occupants would decrease the assessed subsidy for the household;
- There has been a change in the sources of income of members in the household
- There has been a commencement in employment of members of the household or a change in employment conditions (eg additional hours being worked and paid for, a move from casual or part-work work to permanent employment); or
- There are new sources of household income
- Lumpsum payments, or dividends, have not been previously declared
- The tenants owns accommodation that could be used to satisfy their housing need (and therefore are not eligible for a continuing rental subsidy)

All tenants are expected to disclose these changes to their circumstances within 28 days.

Generally, a 'Failure to Disclose' will NOT include any situation where NCCH would have access to information about the changes in the household income of any tenant but has chosen not to act, including:

- CPI and other regular adjustments made to existing Centrelink pensions or benefits
- The tenant has previously disclosed the income but NCCH has not assessed the income either under existing policy or through error
- Changes in exchange rates that affect pensions or other income from overseas
- Changes in Centrelink policy, eg deeming rates or payment types
- Household members who have turned 18 or 21

Acting on Reports and Information

NCCH will investigate all reports of tenants failing to declare all household members and all sources of income, including those reports received anonymously.

Where, on the balance of probabilities, there has been a Failure To Disclose by the tenant, the tenant's rental subsidy will be cancelled and the property market rent will be charged. Consideration can also be given to backdating the cancellation of the subsidy.

In the investigation and resolution of all such matters:

- The onus of proof rests with the tenant;
- The tenant will be treated fairly and be afforded natural justice, including the right to respond to all allegations made;
- The tenant's right to privacy and confidentiality will be respected;
- Where the tenant has failed to disclose information, any mitigating factors will be considered as part of the final decision or action to be taken by NCCH;
- The matter, including all decisions made, will be fully documented and retained on the tenants' file. This includes the allegations made, evidentiary proof collected, proof provided by the tenant and the reasons for the decision;
- The tenant has the right to appeal any decision made by NCCH in relation to a Failure to Disclose.

Procedures for NCCH staff

Procedures used by NCCH to investigate and determine matters of non-disclosure or rental subsidy fraud will ensure that tenants have a right to natural justice and due process.

Further information is available through:

[SCHEDULE OF DELEGATIONS FROM THE GENERAL MANAGER TO STAFF](#)

[PROCEDURE: ADDITIONAL, UNAUTHORISED AND ILLEGAL OCCUPANTS](#)

[PROCEDURE: CONDUCTING NON-DISCLOSURE INVESTIGATIONS](#)

[NON-DISCLOSURE REPORT AND ASSESSMENT FORM](#)

Tenants' Rights

Appeals

A tenant can appeal a decision made by NCCHC with respect to a non-disclosure investigation or outcome.

Information

NCCH will make available:

- make available the policies, rules and procedures for tenants in relation to matters of non-disclosure and rental subsidy fraud investigation matters
- information on tenancy advice and advocacy services
- information about other relevant support services

Use of advocates

Tenant will be encouraged to have an advocate present for any meetings to discuss any matters concerning non-disclosure or rental subsidy fraud matters.

INFORMATION	
Title	Non-disclosure and rental subsidy fraud
Section	Housing Services
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.2 Establishing and maintaining tenancies
Last review	31 May 2014
Next review	31 May 2016
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NCCH acknowledges the Bundjalung, Arakwal, Gumbaynggir and Yaegl peoples who are the traditional custodians of the land that comprises the Northern Rivers region.