



**BIRRIBEE
HOUSING**



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Allocations Policy

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1. About this document

1.1 Purpose of this policy

This policy is instructive to Birribee Housing staff on how tenancy allocations are performed. It also provides an assurance to external stakeholders that Birribee Housing conducts allocations through a process that is identifiable and fair. Applicant matching will be inclusive of criteria for with general social housing properties, Aboriginal Housing Office social housing properties, transitional housing and Local Aboriginal Land Council properties.

This policy is intended to achieve compliance with legislative, regulatory and contractual obligations upon Birribee Housing, provide stakeholders with satisfaction that Birribee Housing is behaving ethically, and to support current and future tenants through challenging experiences related to their housing need.

1.2 Scope and context of the policy

This policy applies to all allocations to properties managed by Birribee Housing, including Social Housing, Aboriginal Social Housing, LALC Housing, and Transitional Housing.

There are allocation variations across these different housing products with potential for further variations if additional housing products are offered by Birribee Housing such as Affordable Housing. Crisis Housing is a product that if activated by Birribee Housing will have a separate allocation policy as the allocation process is significantly varied from the other housing products.

This policy critically governs how Birribee as an Aboriginal Community Housing Provider (ACHP) works in line with the HOMES NSW and NSW Aboriginal Housing Office's requirements for social and Aboriginal social housing allocations. Including intersections with Housing Pathways, NSW Housing Register and the NSW Community Housing Access Policy.

This policy provides the framework for how Birribee Housing will approach LALC housing allocations – noting that LALCs are able to separately require variances in the application of this policy to their portfolio which Birribee Housing will seek to accommodate as much as possible so long as the process does not detract from the purpose of the policy.

1.3 Terms and definitions

Term	Meaning
Aboriginal Community housing	The subsidised housing products and services provided by not for profit, non-government organisations, known as Aboriginal community housing providers.
Public housing	This is the social housing managed by the NSW Government. Note that the Government does not manage Affordable Housing, Transitional Housing, LALC Housing or Crisis Accommodation.



Term	Meaning
Housing Pathways	The system for applying for housing assistance, including social housing and private rental assistance in NSW. Under the system, applicants lodge a single application form to apply for assistance from government and participating community housing providers. This can be lodged online, by phone or at a local housing office.
Housing assistance	The subsidised housing products and services that community housing providers and the NSW Government provides to eligible people on very low, low or moderate incomes.
Social housing	This is the most common form of Housing Assistance provided by Community Housing Providers. Social housing managed by the Government is also referred to as Public Housing. Social Housing refers to both: • General Social Housing: social housing available to, but not specifically aimed at, Aboriginal people. • Aboriginal Social Housing: social housing owned by the Aboriginal Housing Office (AHO), another government agency or another Aboriginal community organization and managed by an Aboriginal Community Housing Provider (or by Government) and specifically used to house Aboriginal people in housing need. Social housing is used interchangeable and can be a reference to both General and Aboriginal Social Housing inclusive.
LALC housing	Housing that is owned by a Local Aboriginal Land Council (LALC) and managed by the LALC or by another organisation for the benefit of LALC members or another prescribed beneficiary as nominated by the LALC.
Affordable housing	Subsidised rental accommodation for people on very low, low or moderate incomes housing managed in accordance with the <i>NSW Affordable Housing Ministerial Guidelines</i> .
Transitional housing	Interim accommodation (generally from three to eighteen months) for people that are experiencing homelessness or people who are at risk of homelessness.
Crisis housing	Short term accommodation for a period of up to 3 months for people that are experiencing homelessness or people who are at risk of homelessness. Accommodation is provided under an occupancy agreement rather than a residential tenancy agreement.
LALC	A Local Aboriginal Land Council as constituted under the <i>Aboriginal Land Rights Act 1983 (NSW)</i> .
AHO	The NSW Aboriginal Housing Office as constituted under the <i>Aboriginal Housing Act 1998 (NSW)</i> . An agency now situated under the umbrella agency that is Homes NSW.
Homes NSW	The leading NSW Government agency responsible for social housing, situated within the Department of Communities and Justice.



Term	Meaning
Aboriginal person	Birribee Housing is a subsidiary of the NSW Aboriginal Land Council and formed to work towards the betterment of Aboriginal peoples in NSW. Birribee adopts the term “Aboriginal” and uses this as an inclusive term which in regards to housing products does include mob from the Torres Strait Islands who we celebrate and welcome into our service. Birribee also recognises that within NSW, as across Australia, the rich diversity of Aboriginal peoples and language groups makes us collectively stronger and is not seeking to dismiss the unique specificity of Aboriginal identity and connection to a specific language group. For the purpose of accessing products limited to an Aboriginal person Birribee will seek supporting evidence consistent with the property owner’s requirements (LALC requires LALC membership, AHO can include a statutory declaration)

1.4 Related documents

- [Birribee Housing Eligibility for Housing Assistance Policy](#)
- [Birribee Housing Complaints and Appeals Policy](#)
- [NSW Community Housing Access Policy](#)
- [AHO Housing Services Policy Framework](#)
- [AHO Eligibility for Services Statutory Declaration Form](#)
- [Finding Your Way Transitional Housing Guidelines](#)

1.5 Relevant legislation, regulations or standards

- [Housing Act 2001](#)
- [Aboriginal Housing Act 1998](#)
- [Residential Tenancies Act 2010](#)
- [Aboriginal Land Rights Act 1983](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Community Housing Providers \(Adoption of National Law\) Act 2012](#)
- [NSW Affordable Housing Ministerial Guidelines \(2023\)](#)



2. Social Housing allocations

2.1 Housing Pathways Application and Assessment

Community housing providers allocating social housing properties are required to abide by the policies, procedures and guidelines applicable to [Housing Pathways](#). Housing Pathways is the single-entry point for people experiencing housing stress on low to moderately low incomes who are unable to resolve their own housing needs. Applications can be completed online, by phone or through the local housing office or community housing provider as per the No Wrong Door Policy.

Birribee housing will only allocate social housing properties to people who meet eligibility criteria for social housing and have live applications on housing pathways. Birribee Housing allocations to social housing will be predominately targeted at Aboriginal peoples due to the eligibility requirements of AHO properties, and the understanding from Homes NSW that Birribee Housing will focus on Aboriginal housing outcomes including in any stock owned by Homes NSW.

2.2 Access to Social Housing managed by Birribee

Birribee Housing will make offers of housing to applicants listed on the NSW Housing Register in accordance with relevant Housing Pathways policies, procedures and guidelines and Birribee Housing's scale of priority. As noted earlier, Birribee Housing will be focused on allocations to Aboriginal people but has limited circumstances in which it can provide allocations to non-Aboriginal people.

When we make allocation decisions, applicants can expect us to:

- Be fair, efficient and consistent in the decisions we make about suitable allocations
- Confirm the applicant's current situation to make sure the offer meets the applicant's current need and reflects what has been listed on their housing pathways application to determine if their circumstances have remained the same.
- Confirm that applicants continue to meet the eligibility requirements for Social Housing, including a confirmation of Aboriginality document with a common seal. Consider all tenant information and documentation before any offers are made, including relevant medical requirements and applicants at who's needs meet the highest levels of priority that match properties being assessed.
- Promote stable communities and sustainable tenancies
- Offer the property to the applicants once a suitable match has been identified
- Explain the Homes NSW offer policy, the options available and what will happen when an offer is accepted or rejected
- Understand that an applicant has a right to reject an offer of housing without being penalised and to appeal an offer if they think it wasn't reasonable.
- Applicants that decide the offer is unreasonable and choose to appeal this decision will promptly be provided with the appropriate pathways to do so.

2.3 Allocations of Vacant properties

The allocation of vacant properties, particularly in the context of social housing is a structured process managed



by community housing providers to match eligible applicants with available homes based on the need, location and property suitability. The integrity of this process is critical not just to Birribee but also the sector.

Birribee Housing will prioritise the allocation of vacant properties within its social housing portfolio inclusive of AHO, Homes NSW and Birribee owned capital stock as follows:

1. Priority Management Transfers – where a tenant’s property is uninhabitable due to fire, flood, damage, or is subject to an estate renewal program. Or alternatively if a tenant is required to relocate for safety reasons they are offered the next available suitable property that meets their household requirements.
 - a. Moves above may be temporary to ensure safety while a property is repaired and the tenant is then able to return to the original property – this arrangement will be known and agreed to at the time of the Priority Management Transfer.
 - b. Tenants in an Estate Renewal Program (i.e. Tolland & Waterloo South) may also be subject to a “right to return” that will be explored with the tenant and offers of re-location back into the Estate will be made consistent with the arrangement in place for that Estate Renewal Program.
2. Priority Approved Transfer Applicants – Priority indicates that clients with this assessment require housing on an urgent basis. Assessing Priority approved transfer applicants ensures that responsibilities as a social housing provider to current tenants can be managed appropriately.
3. Priority applicants – Clients with an urgent housing need meeting low income and asset eligibility requirements. Urgent housing need may arise from circumstances including:
 - Homelessness
 - Family violence
 - Disability or significant support needs
 - Special housing needs
4. General waitlist applicants – Clients who are eligible for social housing, and on the NSW Housing Register

For both priority applicants and general waitlist applicants, two types of allocations may be made: standard and non-standard.

Standard allocations will be made according to date of application and the suitability of the property available, unless circumstances warrant a non-standard selection.

A **non-standard allocation** is an allocation from the Register based on other considerations. A non-standard allocation may be considered for reasons including:

- To meet internal strategic objectives
- Nominations from support agency partners

Reasons for non-standard allocations must be supported by evidence and documented. They can only be approved by the Chief Executive Officer. Non-standard allocations may also be subject to Local Allocation Strategies (LAS) and local area or business requirements. As per Housing Pathways “No Wrong Door Policy” where an applicant not on the Register, but is suitable for priority access, Birribee Housing will assist the applicant to make a housing application and provide other required support.



Social housing managed by Birribee Housing is provided as continuous tenure, subject to a tenant complying with the requirements of their residential tenancy agreement. Where applicable, tenants transferring to Birribee Housing management under a management transfer program will remain on their fixed term lease with all current terms and conditions until the term of the lease expires. After this time, Birribee Housing can apply its own (continuous) tenure policy to any new lease arrangement. Birribee Housing can by exception and with the approval of the Tenancy Lead provide short or fixed term leases for tenants where additional factors relating to the tenancy justify this approach, in these instances the tenant will be notified by Birribee in writing about the basis for the fixed term lease.

2.4 LALC and other Aboriginal community-owned housing managed by Birribee Housing

Birribee Housing will apply its scale of priority for allocation unless a different allocation process is requested by the LALC (or other Aboriginal community owner) and agreed as part of the service agreement between Birribee Housing and the LALC.

In instances where the LALC holds and relies on a waiting list, Birribee will utilise the waiting list and ensure suitability of the applicant to the available household before making offers.

2.5 Local allocation strategies

There may be times when we develop a local strategy for allocations in a particular area. These may be a response to:

- High concentration of social housing
- High concentration of tenants with multiple health, social or economic issues
- Existing tenancy management issues or the potential for them to develop (place management strategies)
- A mismatch of supply and demand making a property hard to let
- Estate Renewal Programs that are requiring a re-location strategy for affected households.

2.6 Transfers

A tenant who is experiencing a change in circumstances that affects their housing needs may request a transfer to another property. The assessment of this request will include assessing any risks to tenants or household members remaining in the current property. Requests for transfer can be made using the [Community Housing Tenants – Transfer Application form](#) which can be found online, or requested from your tenancy officer. Your tenancy officer will work with you to determine if your household is suitable for a transfer and assist you in gathering appropriate documentation to determine your eligibility and if property modifications will be required.

Dependent on household circumstances, in extreme cases tenants may be eligible for a priority management transfer, in which Birribee will determine if there is a vacant, or soon to be vacant property that suits the households requirements and transfer the tenancy without the requirement of being placed on the NSW Housing Register. If Birribee Housing has no suitable property available within its portfolio and there is an urgent need for transfer to another location, Birribee Housing will provide the tenant with support to gather required documentation and discuss eligibility for a High Priority Transfer application with the tenant. Tenants are required to meet a set of eligibility criteria set out by Housing Pathways that determines whether or not they are eligible



for a high priority transfer. This is not at the discretion of Birribee to decide, it is determined by the tenants' circumstances and provided supporting evidence.

Birribee Housing will only process Housing Pathways transfers for tenants if they meet the following eligibility criteria:

- Household is currently paying rent consistently and has <\$500 in arrears.
- Property is well maintained with minimal property care concerns.
- Household has had a recent property inspection within the last 4 months.
- Household has no complaints of unauthorised additional occupants, or serious incidences where occupants of the household have caused illegal activity or serious Anti-social behaviour from the property.
- Household still meets the income threshold for social housing

The above is a guideline for housing transfer applications, some cases may be considered for out of guidelines approval. Birribee Out-of-Guidelines transfers are determined by the Chief Executive Officer

Documentation required for a Community Housing Transfer includes;

- [Application for Transfer – Community Housing Tenants](#)
- Additional occupants' forms detailing all members of the household
- Income confirmation for all occupants over the age of 18
- Bank statements for the last 3 weeks of all accounts for all occupants over the age of 18.
- A Housing Pathways medical assessment form for all occupants who may require a modified property
- Any additional supporting documentation from support providers to detail any extenuating circumstances the household may be experiencing.

Additional information may be requested by Birribee dependent on the circumstances surrounding the household, the transfer and the grounds on which the transfer is being applied for. All information requested will be held confidentially and in line with this policy and NSW Housing Pathways policies.

Anyone wishing to transfer with the head tenant must be listed on the tenancy for the household with Birribee. If they are over 18 they will be assessed to pay rent as part of the household.

2.7 Verification of Supporting evidence for Housing Applications and Transfers

Birribee Housing seeks to work in partnership with applicants for housing, there are times supporting evidence will be required both by Birribee or for other external outcomes such as the NSW Housing Registry. Birribee can verify elements from the source provider of the report if it is deemed necessary to process the application.

If there are any concerns noted by Birribee in relation to the evidence supplied this will be explored with the applicant. Birribee will work with the applicant to secure suitable supporting evidence that can advance the housing applications.



2.8 Housing registerable persons

Birribee Housing will comply with the Social Housing Assistance Policy for persons who are registerable on the NSW Child Protection Register. Registerable people are entitled to access social housing as anyone else within the community who meets social housing eligibility criteria. Considerations will be made in the allocation of properties in line with any restrictions placed on the registerable person. Including considerations for current community composition particularly in high density housing.

If Birribee Housing receives information that an applicant is on the NSW Child Protection Register the information will be considered sensitive and only used for the purposes of allocating a property and managing a tenancy. Information must not be disclosed to any other parties other than NSW Police or NSW Child Protection Services.

Birribee has the expectation that all Registerable Persons accessing social housing through Birribee will be transparent with any existing restrictions. If a Registerable Person is housed by Birribee without disclosing their restrictions, Birribee maintains the right to terminate the tenancy on these grounds.

The responsibility of processing and recommending an application for a registerable person will be the responsibility of the Tenancy Officer. Allocation of a property will be the responsibility of the Tenancy Lead with final approval of the allocation with the Chief Executive Officer.

Birribee's Transitional Housing program does not presently have the capacity to support a registerable person and as such will not be proposed for allocation into the households.

2.9 Transitional housing

Transitional housing comprises short term tenancies, generally up to 12 months, where tenants do not have to be on the NSW Housing Register and are instead nominated by a support provider including internal nominations by the Birribee Homelessness program.

Allocations to transitional housing will be based on the specific criteria associated with the use of the properties under the program. Properties will be allocated to eligible households and targeted to the identified client group. Tenants in transitional housing will be issued with fixed term residential tenancy agreements that are 3 months in length and subject to renewals through to the period of permitted transitional housing.

Where available Birribee Housing will delivery Transitional Housing as a joint program initiative that includes Tenancy and Homelessness teams in Birribee. In this instance Birribee will conduct the allocation following a nomination by the Homelessness team, with the allocation to be determined at a joint meeting of program areas to ensure the client is a fit for the property and current composition and all household members are given the best opportunity for success.

For transitional housing properties, our partner support agencies will nominate potential tenants who are linked with support and have an active application on the NSW Housing Register (unless the program specifically exempts applicants from meeting Housing Pathways eligibility). We will meet the policies/guidelines for the specific program and any service agreements when making these allocations.

Transitional Housing will include additional [household agreements](#) in addition to Residential Tenancy Agreement. Applicants will need to agree to these additional household agreements before being offered the tenancy.



3. Properties with specific features

3.1 Modified properties

We will only allocate properties that have been modified for people with a disability to people with a demonstrated need for these features, unless these properties are already available or have been vacant and Birribee is not able to make an allocation in a reasonable time. The person or their household member must have documentation from a medical professional or allied health care worker that supports their need for a property with modifications and the modifications must meet the needs of the person or their household. If a household no longer requires a modified property, for example if the additional occupant or head tenant requiring modifications no longer resides at the property, tenants will be supported to transfer to an appropriate property that meets their new household requirements. This is to allow appropriate stock allocations to be provided for people requiring necessary modifications.

3.2 Ground floor properties

We will only allocate ground floor properties or properties with level access to applicants/households with a demonstrated need for this feature, unless these properties are readily available or have been vacant for a long time. The applicant/household member must have documentation from a medical practitioner or allied health care worker consistent with their need for a ground floor or level access property.

Ground floor properties or properties with level access will also be targeted to seniors where appropriate, to allow seniors to age in their home.

3.3 Properties with planning restrictions

Some properties may need to meet certain planning criteria or policies. Where these apply, Birribee Housing will consider these criteria in allocating properties e.g. for properties under State Environmental Planning Policy (Housing for Seniors or People with Disability), residents must include:

- seniors (people aged 60 years or over)
- people who have a disability
- people who live in the household of a senior or person with disability
- staff employed to assist in the administration of and provision of services to housing provided under this policy



4. Entitlements

Birribee Housing will offer and allocate properties that are suitable for the person and their current household members. We will allocate properties to people based on the minimum bedroom entitlements, allocating bedrooms for children as shown in the tables below.

The Chief Executive Officer has discretion to approve other allocations.

It is noted that the AHO have an operating practice of allocating an additional bedroom if requested. Birribee supports the principle of this and the desire to maintain kinship connections, but acknowledges the constrained housing market and volume of persons on the housing register which makes such allowances difficult to sustain. In this instance Birribee is looking for a more sustainable bedroom allocation whilst exploring opportunities for activation of other spaces that will foster kinship connections.

4.1 Minimum bedroom entitlements

Household composition	Minimum bedrooms
Single person	Studio/one bedroom
Couple	One bedroom
Single person or couple with one other household member	Two bedrooms
Single person or couple with two other household members	Two bedrooms
Single person or couple with three other household members	Three bedrooms
Single person or couple with four other household members	Three bedrooms
Single person or couple with five or more other household members	Four bedrooms, or, if available, five or more bedrooms.

4.2 Allocating bedrooms for children

Situation	How we allocate bedrooms
Children 18 years of age or over	Children 18 year or older are considered adults when determining bedroom entitlement
Shared bedrooms	Same sex children who are under 18 years of age are expected to share a bedroom. Male and female children are expected to share a bedroom until one of the children reaches 8 years of age.



Situation	How we allocate bedrooms
Children who can't share a bedroom	We will allocate an additional bedroom where applicants can demonstrate a need for same sex children or children under 8 to have separate bedrooms. e.g. behavioural factors, or large gap between children's ages.
Future needs of children who may need a separate bedroom in 2-3 years time	We will, where possible, consider the future needs for children when allocating a property. This will be done on a case-by-case basis.
Children with special needs	We will allocate an additional bedroom where the tenant/applicant can demonstrate a need for same sex children or children under the age of 10 to have separate bedrooms
Shared custody/access visits from children	We will consider the children to be part of the household if they stay for 3 nights or more per week (includes a formula of 6 nights per fortnight).

4.3 Examples of evidence helpful in substantiating housing needs

Situation	Information required
Location within specific area e.g. for access to cultural supports, a special school, disability supports	Documentation substantiating need for the specific location
Shared custody	One or more of: • Documentation from Family Court • Statutory Declaration from applicant • Centrelink payment information
Bedroom allocation above standard entitlement	One or more of: • Medical assessment • Report or letter from health care worker • Evidence of special family or carer requirements



5. Offers of housing

5.1 Two reasonable offers

Allocations are made based on information provided by the applicant/tenant. Birribee Housing will provide applicants, including transfer applicants, 2 reasonable offers of housing.

Birribee Housing considers a reasonable offer one in which the property:

- Is appropriate for the person's current expressed household needs
- Won't result in immediate under or over-occupancy
- Is in the area which matches the applicant's needs and maintains connection to land/country
- Will not have a negative impact on a person's health or disability
- Is in a neighbourhood unlikely to have a negative impact on the new tenant's well-being; and
- Where the new tenant will not have a negative impact on neighbours

An offer is not reasonable if the property:

- May have a negative impact on a medical condition or disability of an applicant or a member of their household, or makes it harder for them to stabilize or improve their condition
- Places the applicant or their household in an area that will put them at risk
- Makes it difficult for the applicants and their household to remain together; or
- Makes it difficult for the applicants or their household to maintain connection to land/country

5.2 Possible outcomes of offers

Outcome	Circumstance
Offer is accepted	The applicant accepts the property and signs a tenancy agreement within 3 business days
Offer reasonable but rejected	The offer meets the matching requirements but is not accepted, and the person does not provide any new, substantiated information to us about their needs within the required timeframe. The person declines the offer for a reason that we consider to be a personal preference rather than a housing need, e.g.: • wanting gas rather than electricity • not liking the neighbourhood • wanting a specific street • wanting a different type of property The person declines the offer due to not liking, or being unwilling to accept, our requirements or the requirements of the housing program, e.g.: • the type or length of lease we offer • the need to pay rent in advance and/or bond at sign-up • any additional terms attached to the RTA One more reasonable offer will be made.



Outcome	Circumstance
Offer not reasonable/ offer withdrawn	The person doesn't accept the property and we determine the person's decision is valid because the property did not meet their needs. Their decision may be supported by evidence, for example • a doctor's letter • a support provider's letter • New information about the property that is of personal relevance to the potential tenant which was not previously known by Birribee and which would make the allocation unsuitable • This is a broad basis upon which Birribee will apply a flexible approach to housing to ensure allocations set up the tenancy to be successful. Included within this can be personal concerns for Domestic/Family Violence, Cultural Considerations, and observations by the Tenancy Officer during the showing of the property. Two more reasonable offers will be made.
Application suspended	The person provides information demonstrating that they are temporarily in a situation where they are unable to accept an offer due to circumstances beyond their control, including that they are: • ill or in hospital • cannot terminate a residential tenancy agreement • in prison

If an applicant refuses two reasonable offers, their application is removed from the waiting list.

Once a decision is made, the offer and the outcome will be updated on the NSW Housing Register using the Housing Pathways process.



6. Mutual Exchange

Birribee Housing does not support Mutual Exchange as a form of tenancy transfer. Homes NSW which is the primary manager of social housing in NSW does not support this for stock they manage across into a community housing provider such as Birribee Housing, thus limiting the practical effectiveness of this.

Birribee Housing has a limited portfolio which are also subject to different eligibility requirements based on the ownership of the property. Further limiting the effectiveness of this within Birribee's portfolio. Birribee Housing prefers to use the previously mentioned transfer processes to ensure fair and equitable transfers to be accessible to all tenants in the same manner.



7. Complaints and appeals

If a housing applicant or tenant is not satisfied with our service or does not agree with a decision we make, including decisions about allocation as outlined in this policy, they can ask for a formal review. Further information is available in the [Birribee Housing Complaints and Appeals Policy](#).

If a housing applicant or tenant is unhappy with the outcome of an appeal to Birribee Housing, they can lodge a second level appeal with the [Housing Appeals Committee](#). The Housing Appeals Committee is an independent agency that can review certain decisions made by Community Housing providers. For information on the Housing Appeals Committee, call 1800 629 794 or visit their [site](#).



Document information

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Notice of liability

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