



Transfer appeals

This is a guide to appealing a decision by a social housing provider about a transfer request by a social housing tenant.

Social housing tenants who want or need to move from their current property can make an application for transfer. That transfer application is assessed by the social housing provider and either approved or declined. When a transfer is approved, it will be given a certain level of priority depending on the provider's assessment of the tenant's reasons for needing to move.

A tenant may disagree with a decision to decline a transfer or with the level of priority their transfer has been given and wish to appeal.

Approving transfers – levels of priority

The DCJ Housing website sets out the different ways in which an approved transfer can be categorised. These categories are also used by community housing providers when deciding transfer applications.

A transfer can either be categorised as 'wait-turn' or priority. Transfers can be given priority for the following reasons:

- 'at risk'
- under-occupancy (DCJ managed properties only)
- medical condition and/or disability
- serious and ongoing harassment
- employment
- compassionate grounds
- severe overcrowding
- family breakdown/separation
- tenancy re-instatement

Urgent need of housing

DCJ Housing's [Transfer Policy](#) sets out the criteria for each of these categories and the evidence needed to prove that a tenant is entitled to that categorisation.

DCJ Housing's policy does not indicate whether these different categories of priority also have varying levels of urgency, however it does say that once a transfer has been given a priority status the urgency of the tenant's situation will be considered.

First-tier review

If a tenant disagrees with a decision to either decline their request for transfer or the categorisation of their approved transfer, they can lodge a request for a first-tier review of the decision.

How that request for first-tier review is lodged depends on the housing provider, for instance DCJ Housing allow first-tier reviews to be submitted online or on a paper form.

In general, a tenant has three months from the date of the original decision to lodge their request for second-tier review, however you should always check the housing providers website to confirm the applicable timeframe.

The first-tier appeal can focus on describing the tenant's circumstances and the evidence that they have that supports their needs. It does not need to be written like a legal submission with quotes from the provider's policies etc and can be a straightforward description of the tenant's needs and how that is supported by the evidence. The tenant should include as much supporting evidence as they have been able to collect. The tenant can provide new information that was not part of their original application and that must be considered in the review.

TIP: See an example of a first-tier review letter on the [Community Worker Resource Hub](#).

The application for a first-tier review of the decision will go to an employee of the social housing provider who was not involved in the original decision to decline priority housing. They must consider the information provided by the tenant and decide whether the priority housing policies were correctly applied to the tenant's circumstances. Depending on the provider, they may organise an interview with the tenant to discuss their circumstances. If you think that an interview would benefit the tenant, you should ask the provider for an interview whether it is offered or not.

The social housing provider should give the tenant a letter setting out their decision and the reasons for that decision. If the provider is DCJ Housing, they have a template form that the appeal officer will fill out, along with the comments and decision of the appeal team manager. That template should include the relevant policies, the information that the provider considered and the reasons why the appeal was declined.

Second-tier review

If the tenants' first-tier review is unsuccessful, they can request a second-tier review and that will be conducted by the Housing Appeals Committee. The Committee process is relatively informal when compared to a Tribunal or Court, and there are options about how the tenant's information is presented to the Committee.

The request for second-tier review

In general, a tenant has three months from the date of the first-tier decision to lodge their request for second-tier review, however you should always check the housing providers website to confirm the applicable timeframe.

Our practice is to keep information on the application form brief. When describing the reason why the tenant disagrees with the housing providers decision, you can include a short statement describing the decision that was made and a summary of the reasons why the tenant disagrees. You can also upload or send copies of the original decision, the first-tier decision, and the documents that tenant gave to the housing provider.

Once the application is made, the Committee will contact the tenant to tell them the time and date of the hearing. Prior to hearing, we would provide the Committee with written submissions and any additional documents that the tenant wants the Committee to consider. The tenant is not restricted to only using the documents that they have already given the

housing provider; they can get new information and give it to the Committee.

Written submissions

The written submissions would address each of the criteria that the tenant has to meet to be eligible for a transfer or a particular transfer categorisation and include the specific parts of the policy that the tenant says the provider has not correctly applied. They would also include a detailed description of the evidence that the tenant has provided and provide quotes of the most important parts.

TIP: See an example of a first-tier review letter on the [Community Worker Resource Hub](#).

The purpose of the written submissions is to give the Committee a clear explanation of what the appeal is about and why the tenant believes that they are eligible for transfer or a higher categorisation. The Committee will read the submissions before the hearing, and it can help set a good foundation.

That is not the only way to approach the appeal, particularly if you have limited time. It is perfectly acceptable to just fill out the application form and then explain the tenant's reasons at the hearing. Whichever approach you take, the most important thing is for the tenant to provide the Committee with much information as possible from support workers, doctors etc that describes their circumstances and their needs.

The hearing

The hearing is held by two Committee members, one will be in the role of Chair and the other a general committee member. The Committee will have received a copy of the tenant's file from the housing provider prior to the hearing and will have looked through it. The housing provider does not attend the hearing and does not get to make submissions to the Committee.

At the hearing, the Committee will explain their role and what the hearing will be about. The Committee will usually then ask the tenant what they want to tell the Committee about the appeal. In our experience, it is best if the tenant can talk about their circumstances and what they think the provider has overlooked or gotten wrong in making their decision. The Committee usually like to hear from the tenant and their own explanation of their situation is usually more compelling than having it explained by an advocate. However, if the tenant does not feel comfortable or they are not able to explain their situation, the Committee will let the advocate speak for them.

The Committee may ask specific questions and again, if the tenant feels comfortable it is best if they can answer those questions.

TIP: The advocate should clarify what the tenant has said and to remind them if there is something relevant that they have not spoken about.

At the end of the hearing, take a more active role and go through the policy criteria and summarise why the decision should be changed. That might include emphasising things that the tenant has said, or specific parts of the supporting documents that they have provided, that best illustrate their circumstances.

The decision

The Committee will not make a decision at the hearing. They will tell the tenant that they will consider the appeal and send them a written report of their decision. That decision is usually provided within 7 - 14 days. If the Committee thinks that they need more information, they may give the tenant a short period of time to get that information and send it to the Committee.

The Committee can decide to either decline the appeal or recommend that the housing provider change their original decision. It is important to emphasise that the Committee cannot compel the housing provider to approve the tenant for priority housing, but providers usually comply with the Committee's recommendations.

Timeframes for transfers

Although there is a process for appealing decisions relating to transfers, there is no process to compel a social housing provider to make an offer of a new property within a specific period. This is understandably a source of great frustration to social housing tenants who need to move. Once a tenant has gone through the process to get their transfer appropriately classified there is no other formal step that they can take to make the provider move them.

TIP: If the person needs to be moved quickly, the best strategy can be to contact team leader of the local DCJ Housing office, the tenant's local State MP or the Minister for Social Housing's office.