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| 3. Eligibility Criteria |
| Operational Guidelines |
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# When do these operational guidelines apply?

These operational guidelines should be followed by designated service providers and social housing organisations when making decisions about an applicant’s eligibility for social housing under the Victorian Housing Register (the register).

These operational guidelines form part of a set of guidelines that together sit under the Eligibility Policy Framework.

# Purpose statement

The Eligibility Criteria Operational Guidelines outline the criteria that all people applying to the register must meet to be eligible for social housing.

This will ensure that all people applying to the register will be assessed according to consistent and transparent eligibility criteria set out in these guidelines.

Decisions about eligibility for social housing are separate from allocations to social housing. Allocations to social housing is the process of selecting an applicant from the register to be housed in a particular property.

Allocations will be made in accordance with each participating registered agency’s allocations policy and in line with the Community Housing Allocations Policy Framework.

# Human rights considerations

In deciding what action to take, staff must give proper consideration to the relevant human rights in accordance with the Charter of Human Rights and Responsibilities Act 2006 s38(1) (the Charter). This consideration should include the potential impact the proposed action they are undertaking through these operational guidelines may have on the person’s (and their household’s) rights under the Charter.

For more information see Making Client Focused Decisions Operational Guidelines.

# Eligibility criteria

There are five criteria an applicant must meet to be eligible for an allocation of a tenancy in social housing from the Register:

* proof of identity
* Australian citizen or Permanent resident
* Victorian resident
* income eligibility
* asset eligibility

Up-to-date documentation to confirm the above criteria must be provided. Income and asset documentation should be less than 28 days old.

## Identity

People applying for social housing must prove the identity of each person on their application.

Proof of identity is required for household members over 15 years of age and who are receiving an independent income. An independent income is an income paid directly to the person for their use and is not subject to a Centrelink parental income or assets test.

### Evidence to establish identity

All household members who are over 15 years of age and receiving an independent income must provide 100 points of identification to establish their identity. For more information see ‘Guides’ on the Proof of identity factsheet < http://www.housing.vic.gov.au/proof-identity >.

After receiving 100 points of identification, the ‘Checked ID’ box in the Housing integrated information Program (HiiP) client record must be selected.

Where children’s identities need to be confirmed this can be confirmed through:

* Medicare card, or
* Services Australia Health Care Card, or
* A copy of the birth certificate or extract.

Custody arrangements can be confirmed through:

* Centrelink documentation confirming a household member receives payments for the child or children.
* A solicitor’s letter where a dependent is not the child of a household member.
* If the applicant is requesting additional rooms for shared parenting arrangements, documentation from a solicitor, the Family Law Court, Centrelink income statement, or a statutory declaration from the primary caregiver is required to confirm the shared parenting arrangements.

#### Applicants who are homeless

Applicants or household members who are homeless are required to provide proof of identification as per other housing applicants.

Where identity cannot be established, a signed letter from the applicant’s support worker confirming the applicant's full name and date of birth can be accepted as proof of identity. The letter should also include the worker's full name and contact details. If possible, the applicant is to provide identification as early as they can.

#### Applicants who are in prison

Applicants or household members in prison may lodge an application without proof of identity.

Typically, applications are lodged by an Initial Assessment and Planning or Reconnect worker. A signed letter from a Corrections Victoria staff (or relevant outreach worker where confirmation of the applicant’s identity has been confirmed by Corrections Victoria staff) confirming the applicant's full name, date of birth, and earliest release date can be accepted as proof of identity. The letter should also include the worker's full name and contact details.

Photo ID for applicants in prison should not be accepted due to privacy issues.

If possible, the applicant is to provide identification upon their release from prison.

## Australian citizen or permanent resident

People applying for social housing must provide proof of being an Australian citizen, permanent resident or a special category visa holder (SCV) who is a protected SCV holder for every person on their application who is aged 15 years and over and receiving an independent income. An independent income is an income paid directly to the person for their use and is not subject to a Centrelink parental income or assets test.

### Exceptions to the permanent resident rule

If an applicant is not a permanent resident, they cannot apply to the register unless they can provide documentation to show that their application for permanent residency will be approved soon.

Applications from people who are born overseas who are not yet permanent residents of Australia may also be approved to the register in the circumstances below.

#### Partners who are temporary residents

Partners and dependent children who are temporary residents awaiting permanent residency may be included in the household of an eligible person who is an Australian citizen or permanent resident.

#### Participating registered agencies providing accommodation for asylum seekers and refugees

Participating registered agencies who have a particular role in providing long term housing to people who are not permanent residents can approve applications for these individuals or households to the register on a case-by-case basis.

#### Sponsored migrants

Sponsored migrants are not eligible to apply for social housing while under sponsorship or assurance of support arrangements even though they may be permanent residents. However, they may be included in the household of an eligible person.

Applications from sponsored migrants can be approved if the sponsorship arrangement has expired or broken down and the applicant is in receipt of an independent income. Generally, if the sponsorship has broken down Centrelink will grant the person a statutory income (generally known as the Special Benefit).

Sponsored migrants are required to provide a letter from the Department of Immigration and Border Protection setting out the terms of the sponsorship arrangement, including the expiry date.

#### People escaping family violence

In exceptional circumstances temporary residents may be approved if they are escaping family violence (including where a child has been assessed to be at risk of harm from this situation) if no other accommodation options are available or where the applicant is currently housed in a women’s refuge. The application needs to be lodged by a designated service provider.

#### People subject to the Centrelink two year waiting period

Generally, newly arrived migrants with permanent residency are subject to the Centrelink two year waiting period for payments and benefits.

Newly arrived migrants with permanent residency status who are subject to the Centrelink two year waiting period for Centrelink entitlements are not eligible to apply to the register however may be included in the household of an eligible client who is an Australian citizen or permanent resident.

### Evidence to establish Australian citizenship or permanent resident

Proof that the applicant receives a primary support payment from Centrelink is sufficient to demonstrate they are an Australian citizen or permanent resident.

The following Centrelink payments are not considered primary support payments for the purpose of this policy:

* Foreign Pension
* Family Tax Benefits
* Paid Parental Leave
* Child Support
* income from interest, allocated pensions, etc.

Alternatively, proof can be provided through:

* a Certificate of Australian Citizenship
* a current Permanent Resident Evidence ImmiCard
* the Visa Entitlement Verification Online (VEVO) system or the myVEVO app. VEVO enables the applicant to send visa details directly from VEVO to any third-party email address. Applicants can use their foreign passport to access their visa details and work entitlements.

## Victorian resident

People applying to the register are generally required to be a resident of Victoria.

An application from people living in other states can be accepted where applicants:

* reside outside Victoria in a border area or town such as Albury and Moama in New South Wales, or Bordertown in South Australia
* have an offer of employment in Victoria
* are former Victorian residents (normally within the last ten years)
* need to return to Victoria to be reunited with their family
* have medical reasons for moving to Victoria
* are escaping family violence, serious harassment or threats of violence.

Applicants are required to provide proof of being a Victorian resident or demonstrate why they need to live in Victoria.

### Evidence to establish being a Victorian resident

In the case of applicants accepting an offer of employment they must also provide documentation to confirm they will be income eligible once they commence their employment.

## Income eligibility

Primary applicants must have an independent income to be eligible for social housing. An independent income is an income paid directly to the person for their use and is not subject to a Centrelink parental income or assets test.

### Income limits

To be eligible to be on the register the household income should not exceed the specified income eligibility limits.

The income eligibility limits are the limits gazetted by Homes Victoria and published on the Social housing eligibility page < https://www.housing.vic.gov.au/social-housing-eligibility>

Income limits are determined by household type and are different for Priority Access applications, and for Register of Interest and Transfer applications.

The income limit for Transfer applicants is the Register of Interest income limit.

Eligibility for group households or extended families is determined by the income of each family unit within the household.

To determine total household income, the assessable incomes of the household are added together to determine whether the household meets the relevant income limit. If the total household income is less than or equal to the maximum income limit for the category they are applying for, they are considered eligible for that category.

If Centrelink income is the only income received by each household member, the household is considered eligible even though their total income amount may be over the household income limit.

If a top-up Veterans Affairs payment in addition to a Centrelink payment makes an application ineligible discretion may be used to still approve the application.

#### Non-custodial parent with shared parenting arrangements

Where a non-custodial parent has shared care of their children and the children live with the non-custodial parent on a regular basis (typically at a minimum of every second weekend and half of school holidays), the income limit used for determining eligibility is based on the household including those children.

#### Carers

If care is provided by a spouse, family member or friend, the application is assessed in the same way as for other applications.

The Register of Interest income and asset limits for a carer can be applied regardless of which Priority Access category is being applied for where;

* They are in receipt of a Centrelink or Department of Veteran Affairs Carer Allowance, and
* Documentation has been provided from a treating health professional confirming that full time care is required, as well as detailing the type of care required to support their ongoing health and wellbeing.

Rostered attendant care provided by either rostered carers from an appropriate organisation or by two or more nominated family members or friends will not be included in an application or listed as a resident when housed.

#### Family violence

If the primary reason for the application is family violence the Register of Interest income limit can be applied, if necessary, to provide appropriate assistance.

Generally, an applicant should meet the income limits to be eligible for the register. However, where a person and their household are experiencing family violence and need access to ongoing housing in order to be safe, they are also eligible to be on the register.

#### Applicants and partners subject to the Centrelink two year waiting period

Where an applicant subject to the Centrelink two year waiting period is receiving income from wages,

self-employment or child related payments, they are not considered to have an independent income for social housing eligibility purposes.

Where a partnered couple apply for social housing, but one partner is ineligible because they hold a temporary spouse visa or they are permanent residents but subject to the Centrelink two year waiting period, the relevant couple income limit is applied when determining income eligibility.

### Income included in assessing eligibility

Assessable income is income that is used to determine whether the household meets the relevant income limit.

#### Centrelink entitlements

If an applicant or household member is not receiving a Centrelink benefit or pension, they are entitled to, the amount to which they are entitled is counted in the assessment when calculating income eligibility, unless the applicant can provide documentation confirming that they are not entitled to the income.

Where an applicant’s Centrelink income is temporarily reduced due to an activity test or administrative breach, their income eligibility assessment is still made on the applicant’s full Centrelink entitlement.

#### Applicants in prison

Applicants or household members that include people who are in prison are not required to provide income documentation for that person until they are released from prison. Income eligibility can be assessed once the applicant is released from prison.

#### Assessable income

* Age Pension
* Austudy, Abstudy
* Blind Pension
* Centrelink Working Credits Scheme
* Compensation payments
* Dad and Partner Pay
* Defence Force Income Supplement (DFIS) – paid to clients whose main Centrelink income has been reduced because they receive a Department of Veterans’ Affairs (DVA) War Disability Pension. DVA pays DFIS to these clients to make up the shortfall
* Disability Support Pension
* Domestic Allowance
* Family Tax Benefit Part A for the first 5 dependants (oldest), including those received by clients for 16 – 24-year-old dependants
* Farm Household Allowance
* Gifts of regular income to assist with general living expenses
* Incentive Allowance
* Income Support Supplement (paid by Veterans’ Affairs)
* Income received by Ministers of Religion
* JobKeeper Allowance
* Lump sum compensation payments (the component for loss of wages is assessed as regular income)
* Mature Age Allowance
* Overseas Income including Overseas War Service or Veterans Affairs Pensions
* Parenting Payment Partnered
* Partner Allowance
* Rent Assistance
* Self-employed income – income derived from a business
* Sickness Allowance
* Status Resolution Support Services payments
* Sustentation Retirement Benefit
* Veterans’ Affairs Pensions
* War Widows Pension
* Winnings
* Work for the dole – only amounts less or more than the basic rate
* Asylum Seekers Allowance
* Australian Service Pension
* Carer’s Payment
* Children’s Trust Funds where the household member is a signatory to the fund
* Clean Energy Supplement
* Deductions made by Centrelink to pensions or benefits due to overpayments are counted back into the income entitlement and considered as assessable income
* Defence Force Reserve Payments
* Disability Wage Supplement
* Family Tax Benefit Lump Sum Supplements
* Family Tax Benefit Part B
* Fringe Benefits
* Gross wages, (including overtime, shift allowances, bonuses, site, dirt, height, risk allowances and ‘one off’ payments)
* Income generated from funds or assets (includes real estate)
* Income generated from applying Centrelink’s deemed interest on investments and savings (including assets over $10,000 gifted in any one year)
* Jobseeker Allowance
* Lump sum compensation payments (the component for pain and suffering is assessed by applying the Centrelink deemed interest rate)
* Maintenance Payments (includes payments ‘in-kind’)
* Net profits (for self-employed)
* Paid Parental Leave
* Parenting Payment Single
* Payments ‘in kind’ (i.e., where goods or services are received in lieu of wages or maintenance payments)
* Salary Sacrificed’ income
* Sheltered Workshop Payments
* Special Benefits
* Superannuation payments
* University Grants and Bursaries
* Veterans’ Affairs War Disability Pension (Defence force income supplement)
* Widows Allowance
* WorkCover and TAC payments – loss of income component (TAC Impairment annuity benefits are non-assessable)
* Youth Allowance for jobseekers

### Exempt income

Exempt income is income that cannot be used in determining whether the household meets the relevant income limit. It is particularly important to note the income types excluded during the COVID-19 crisis.

#### One-off income tax payment to address cost-of-living pressures

On 29 March 2022, the Commonwealth Government announced a tax-exempt one-off income tax payment of $250 to help Australians meet cost-of-living pressures. This payment will be paid automatically in April 2022 to all eligible pensioners, welfare recipients, veterans and eligible concession card holders. These payments are deemed as exempt from the income eligibility assessment.

#### Coronavirus Supplement and Economic Support Payments

Coronavirus Supplement and Economic Support Payments are not considered assessable income. Coronavirus Supplement payments will be provided as a regular income to eligible recipients. Currently this is for a period of six months effective 27 April 2020.

Economic Support payments will be provided as a two-time stimulus payment of $750, one being paid from 31 March 2020 and a second from 13 July 2020. The second payment will not be made to those eligible for the Coronavirus supplement.

#### Temporary early access to Superannuation

Where an applicant or household member has received payments due to the early access of their Superannuation as part of the Federal Government Economic response to the Coronavirus, these payments are deemed as exempt from the income eligibility assessment.

#### National Disability Insurance Scheme participants

National Disability Insurance Scheme (NDIS) amounts are not considered assessable income. Lump sum payments and any income generated from funds that are kept to pay for future disability expenses are also exempt from the income eligibility assessment.

#### Compensation arising from the Royal Commission

Compensation payments arising from the Royal Commission into Institutional Responses to Child Sexual Abuse are not considered assessable income. Any income generated from invested funds is also exempt from the income eligibility assessment.

#### Stolen Generations Redress Scheme payments

Commonwealth and state governments have opened applications for Aboriginal and/or Torres Strait Islander persons who have been removed by a government or non-government agencies. These payments are categorised as non-assessable incomes, however eligible recipients who elect to invest this payment may be charged a deemed interest rate on interested earned from that investment.

### No income

In limited circumstances, applications listing independent household members who do not receive any income can be approved and placed on the register, provided they meet all other eligibility criteria. However, applicants are required to provide documentation from Centrelink stating either:

* why they are not entitled to or in receipt of an income, for example they have temporary residency status or are on a two-year waiting period, or they have received a compensation payout or an employment termination payout
* they are entitled to an income but are not claiming it.

Applicants in receipt of no income may be referred to a designated service provider, to assist them with their housing application and any other needs.

### Evidence to establish income eligibility

Applicants are required to provide current income information for all household members receiving an income. This information can be provided in the form of a letter or statement from the source of the income. Applicants who receive Centrelink incomes have the option to give authorisation for information to be obtained directly from Centrelink. Applicants who choose to give this authorisation and who only receive Centrelink incomes do not have to provide a separate letter or statement from the source of the income.

The types of incomes and documents required are detailed in the following table:

Table 1: Documented evidence of Income

| Type of Income | Information/Documentation |
| --- | --- |
| Pension or allowance (for example Centrelink payment, Austudy, overseas pension) | Letter or statement no more than two weeks old from Centrelink, Department of Veterans’ Affairs and/or the overseas pension organisation. |
| Wages or maintenance | Income statement or consecutive pay slips showing the date and total amount paid over the last 13 weeks by the employers.Seasonal workers must provide current information that confirms the income they are receiving at the time of application.Information from Centrelink, child support agency or a Family Court order showing weekly maintenance payments received. |
| WorkCover or superannuation payments | A current letter from WorkCover or the superannuation institution detailing the regular payments received. |
| Self employed | A 13-week profit and loss statement and/or an income tax assessment.Evidence of all other income including the most recent 8-week bank statement.Applicants who are part of the Income Confirmation Service do not need to provide a separate letter or statement from the source of the income. |
| Other income | Documentation providing details of the type of income, amount received, period of payment, source of income. |

## Asset eligibility

An asset is something of value owned by the household. The value of the asset is expressed as an amount of money.

### Asset Limits

To be eligible to be on the register the household assets should not exceed the asset eligibility limits set out in the [social housing eligibility](http://www.housing.vic.gov.au/social-housing-eligibility) <http://www.housing.vic.gov.au/social-housing-eligibility>.

Asset limits are different for Priority Access and Register of Interest applications, and for people requiring full or major disability modifications to the property. The asset limit for Transfer applicants is the Register of Interest asset limit.

The value of the assessable assets for an applicant’s entire household is calculated to determine if they are eligible for social housing. If households have assets that would mean they can afford other forms of long-term housing, they are not eligible for social housing.

To determine the total household assets, the value of the assessable assets of the applicant’s entire household are added together to determine whether the household meets the relevant asset limit. If the dollar value of the total household assets is less than or equal to the maximum asset limit for the category they are applying for, the household is considered eligible.

#### Family violence

If the primary reason for the application is family violence the Register of Interest asset limit can be applied, if necessary, to provide appropriate assistance.

Generally, an applicant should meet the asset limits to be eligible for the register. However, where a person and their household is experiencing family violence and need access to ongoing housing in order to be safe, they are also eligible to be on the register.

Note: where the family violence applicant owns or has interest in residential real estate and cannot make ‘effective use’ of the property, that is, they are unable to reside in the property or realise their equity, the property is exempt from the asset eligibility assessment.

#### Significant personal support

In recognition of the higher asset limits that previously applied for public housing, under the Supported Housing and Homeless with Support categories, a policy consideration can be applied to exempt households from the Priority Access asset limit that are in receipt of formal support as specified under the Significant Personal Support priority reason of the Supported Housing category. These applicants can instead be assessed against the higher asset limit which is the Register of Interest asset limit.

For this exemption to occur, the agency submitting the application on the household’s behalf needs to confirm that the household is at a significant disadvantage in the private rental market, their cash and readily realisable assets cannot, or will not, materially improve their prospects of securing private rental housing, and social housing is the only viable long-term housing option for them.

### Assets included in assessing eligibility

Assessable assets are assets used in determining whether the household meets the relevant asset limit.

The dollar value of each household member’s share in any of the following assets are added together to determine eligibility for social housing:

* Baby Bonus (formerly known as maternity payment)
* cash holdings and other investments, such as shares and realisable superannuation funds
* Family Tax Benefit Lump Sum Supplement – annual lump sum increase to the rate of Family Tax Benefit Part A and Family Tax Benefit Part B paid to families following reconciliation of entitlement at end of financial year
* mobile homes and recreational vehicles such as caravans and boats
* net fixed assets of a business
* shares in estates
* real estate including land
* Older Australian’s Bonus
* Pension Bonus scheme
* funds managed by a court appointed administrator
* loss of wages component of victims of crime lump sum compensation payment.

#### Ownership of property

An applicant or household member who owns or has an interest in commercial or residential real property (including land) within Australia or overseas is ineligible for social housing unless they cannot make ‘effective use’ of the property, including because:

* they are unable to reside in the property or continue to reside in the property;
* they are unable to generate any rental income from the property; or
* it is ‘unrealisable’, that is, they are unable to sell their equity in the real estate.

Examples of circumstances where the property cannot be put to ‘effective use’ include:

* family violence - documentation confirming this is required from a support worker who is providing support to person(s) experiencing family violence;
* the person cannot or should not occupy the property for medical or health and safety reasons and they are experiencing difficulty selling the property. For example, the property is unsuitable for a person with mobility difficulties; or
* the property is part of a contested property settlement and the household member cannot occupy it or sell their equity.

Appropriate documentation must be provided to support a claim that real estate cannot be sold, such as a letter from a solicitor or financial institution.

Where an applicant or household member is unable to make ‘effective use’ of the property and is unable to realise their equity, the property is exempted from assessment as an asset. However, if the applicant receives their interest or share in the real estate prior to being offered social housing and their assets are over the asset eligibility limits, the applicant is not eligible to be allocated a tenancy from the Register.

#### Applicants in prison

Applicants or household members that include people who are in prison are not required to provide asset documentation until they are released from prison. Asset eligibility can be assessed once the applicant is released from prison.

### Exempt assets

Exempt assets are assets that cannot be used in determining whether the household meets the relevant asset limit.

#### Superannuation

Where an applicant receives regular income from a superannuation or annuities income stream, and where the superannuation or annuity fund is realisable, the superannuation fund and invested lump sum are exempt from the asset eligibility assessment.

#### National Disability Insurance Scheme participants

NDIS amounts are not considered assessable assets. Lump sum payments or funds kept to pay for future disability expenses are also exempt from the asset eligibility assessment.

#### Compensation arising from the Royal Commission

Compensation payments, including lump sum payments, arising from the Royal Commission into Institutional Responses to Child Sexual Abuse are not considered assessable assets.

### Evidence to establish asset eligibility

Applicants must supply documentation stating the value of any assets in which they or other household members have an interest.

For applicants receiving a Centrelink income, asset information is taken from their Centrelink statement, and there is no need to supply bank statements or other asset documentation. All other applicants should provide bank statements not more than four weeks old showing cash holdings.

Households requiring major or full property modifications must have their treating health practitioner complete a Special Accommodation Requirements form*.*

For more information about how to assess applications see Assessing and Managing Applications Operational Guidelines.

## Discretion

Homes Victoria or participating registered agencies may use discretion to approve applicants to the register or allocate housing to persons who do not fully meet the eligibility criteria. Circumstances where this may be appropriate include:

* Where the applicant is a current social housing tenant and needs to be urgently relocated as their current property is unsuitable or unsafe, or is to be sold, upgraded, redeveloped, or could be better utilised.
* Where the applicant is a current social housing tenant who has been temporarily relocated for one of the purposes listed in paragraph (a) and is now returning to a social housing property.
* Where one of the social housing providers roles or objectives includes the allocation of housing to specific groups of people, and those people may not meet one or all of the eligibility criteria. For example, this may include:
	1. where a participating registered agency has a particular role in providing housing to a person whose income exceeds the asset or income limits (such as providing affordable housing to key workers);
	2. where a participating registered agency provides housing to people who are not permanent residents, such as those on a temporary protection visa (TPV) or Safe Haven Enterprise visa (SHEV); or
	3. where a participating registered agency has a particular role in providing long term housing to people who do not necessarily meet the independent income requirement.
* Where a person and or a member of their household is experiencing family violence and need access to ongoing housing in order to be safe.
* Where other exceptional circumstances apply

# Decision review

Applicants who are not recommended or have been assessed as ineligible for social housing may request to have the decision reviewed. For more information see Complaints, Appeals and Feedback Processes Operational Guidelines.

# Language link

This publication is about housing. If you speak a language other than English or have difficulty reading written information, you can get help over the telephone. For more information:

* visit [Housing.vic](https://www.housing.vic.gov.au/interpreter-services) Interpreter services https://www.housing.vic.gov.au/interpreter-services, or
* [contact your local housing office](https://www.dffh.vic.gov.au/contact-us) https://www.dffh.vic.gov.au/contact-us (See, Housing enquiries and offices), or
* call Language Link on (03) 9280 0799 for an interpreter.

For other languages, an interpreter is available through your local office.



For more information [contact your local housing office](https://www.dffh.vic.gov.au/contact-us) <https://www.dffh.vic.gov.au/contact-us> (See, Housing enquiries and offices)

To receive this document in another format, email the Victorian Housing Register <VictorianHousingRegister@homes.vic.gov.au>.

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