

Friday, 19 December 2025

Residents must continue to be heard on the future of public housing

Today's judgement by the Victorian Court of Appeal is disappointing but does not mean the state government should continue to ignore the concerns of public housing residents.

While the three-member court has found in favour of the state government and Homes Victoria, the legal process that began more than two years ago has laid bare the disruption to the lives of residents caused by the failure to consult about the demolition of Melbourne's 44 public housing towers by 2051.

This was acknowledged Chief Justice Richard Niall in comments made in court today.

Inner Melbourne Community Legal, which ran the class action and an appeal on behalf of lead plaintiff Jason Mallard and other members, accepts the court's judgement but calls on the government to proceed in a more consultative manner than it has to date.

The appeal was lodged after Justice Richards in April decided in favour of the Homes Victoria.

Lawyers acting on behalf of the residents and lead plaintiff Jason Mallard will review the full judgement and consider the option of appeal.

In the meantime, IMCL calls on Homes Victoria to desist from issuing any notices to vacate to remaining residents in the towers until all legal proceedings are resolved.

Quotes attributable to lead plaintiff Jason Mallard:

"People have rights. You can't just pull the rug under somebody and expect them to go somewhere that you want them to go."

Quotes attributable to Louisa Bassini, Managing Lawyer – Housing and Tenancy, Inner Melbourne Community Legal:

"Plans to demolish these 44 towers will have a profound impact on the future of public housing in Victoria and the rights of residents living within them.

"While we are disappointed with the outcome of the judgement made by the Court of Appeal today, we are immensely proud of public housing residents Barry Berih, Jason Mallard and the many others who had the courage to ensure residents' voices were heard. Our clients will consider their appeal options at this point.

"This class action has given public housing residents a voice that they were denied by the government and Homes Victoria when it unilaterally announced its plans to demolish all 44 towers without any consultation or communication with the people most affected.

“Residents should be commended for their determination not to allow this decision to be made unchecked. They have stood up for their rights and forced the government to be accountable for its actions.

“During the trial, the court has heard compelling evidence of the failure of Homes Victoria to consult with residents about a decision that has a major impact on their lives, uprooting from their homes and tearing apart communities.

“From this point onwards, public housing residents must be put at the centre of government’s plans for any redevelopment or refurbishment of the estates and have an opportunity to be heard *before* they are told that their homes are to be demolished.

“Public housing in Melbourne is at crisis levels, particularly in the inner city where it is accessible to hospitals and other services.

“The 44 towers make up about 10% of Victoria’s public housing stock, providing a roof over the heads of thousands of people, and their loss would have a profound impact.

“We urge the government to ensure that the demolition of these towers does not lead to a loss of public housing on these inner-city estates. Our city needs public housing and the rights of residents must be front and centre.

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