

# PARLIAMENTARY INQUIRY INTO THE REDEVELOPMENT OF MELBOURNE'S PUBLIC HOUSING TOWERS

## ABOUT INNER MELBOURNE COMMUNITY LEGAL

Inner Melbourne Community Legal (**IMCL**) is an independent community legal centre working for social purpose. Since 1978, we have served the inner Melbourne area.

We are a small but dedicated team of lawyers, administrative and project staff supported by volunteer law students and pro bono corporate partners. Our lawyers are experts in community law.

We are funded by government and philanthropic grants and donations.

### Who we help

People experiencing chronic disadvantage (such as homelessness, mental illness or low literacy) are more likely to experience a cluster of legal and non-legal issues. This can result in more frequent interactions with the justice system, which impacts their wellbeing and ability to achieve stability. We aim to minimise this impact.

Adverse circumstances in a person's life (such as ill health, relationship breakdown or unemployment), can put them in an acutely vulnerable position and trigger legal issues, putting them at further risk of longer-term, entrenched disadvantage. We aim to break this cycle.

For our clients, legal issues often do not occur in isolation, but are inter-related with other non-legal issues. We work holistically and tailor solutions to achieve sustained outcomes for our clients.

### How we work

We provide free legal help in the form of information, advice, casework and representation. We provide help in our office and through integrated outreach services to reach people who face barriers in accessing help. By reaching people earlier with their legal issues, we prevent problems from escalating.

We work in partnership with other community organisations that are committed to improving community health and wellbeing. Together we strengthen the impact of each other's work. Our partnerships include homelessness services, hospitals, community health services and maternal and child health services.

We are informed by our work with clients and community partners. Through our casework, we identify systemic issues and work with others to come up with solutions and influence decision makers.

To make sure we are effective in what we do, we continually monitor and evaluate our work.

#### Our legal outreach partners

- Ozanam House – VincentCare Victoria
- Flagstaff Accommodation – The Salvation Army
- The Royal Melbourne Hospital
- The Royal Women’s Hospital
- Peter MacCallum Cancer Centre
- City of Melbourne – Family Services
- Hester Hornbrook Academy – CBD

Our lawyers also provide a duty lawyer service twice per week in Family Violence Intervention Order matters at the Melbourne Magistrates’ Court.

#### Our connection to Flemington and North Melbourne public housing estates

Inner Melbourne Community Legal provides legal support, advice and representation to residents who live in the Flemington and North Melbourne public housing estates. We run regular legal outreaches at North Melbourne and Flemington, work with local services and organisations.

Following the shock announcement that the Flemington and North Melbourne public housing towers were to be demolished, residents approached us for legal assistance and to represent them in a class action to seek answers from the Government. The legal proceedings are still on foot. Submissions to the proceedings can be found on the Supreme Court website.<sup>1</sup> Our submission will not cover these proceedings that are still underway.

## SHARED PRINCIPLES

IMCL has worked with other community legal centres who provide legal assistance and support to communities impacted by the decision to redevelop Melbourne’s public housing towers to develop an agreed set of Shared Principles to inform this Parliamentary Inquiry.

These Shared Principles (**Appendix A**) have been endorsed by 37 legal centres, community organisations and local services, and submitted to the Parliamentary Inquiry as a joint submission from these organisations.

We call on the Committee to adopt these Shared Principles as recommendations. The recommendations cover nine key principles:

- 1. Significant impacts of relocations & displacement must be recognised**
- 2. Public housing should be retained & protected**
- 3. The rights of renters who relocate must be safeguarded**
- 4. Government decision-making should be open & transparent**

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<sup>1</sup> [Public Housing Towers Group Proceeding \(Class Action\) | The Supreme Court of Victoria](#)

5. **Government should centre impacted communities in consultations**
6. **Consideration of housing models should consider human impacts**
7. **Building standards should reflect needs of people living there**
8. **Self- determination in housing**
9. **Public housing should stay in Melbourne's inner city**

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## RECOMMENDATIONS

Our submission builds on the recommendations made in the Shared Principles and provides the following further recommendations:

- (A) The current Government commitment for a 10 per cent uplift in social housing is manifestly inadequate. A new commitment to residents in public housing and those waiting on the Victorian Housing Register must be:
  - i. No reduction of public housing on any of the public housing estates;
  - ii. If the redevelopment goes ahead there must be a demonstrated plan to get the Victorian Housing Register Waitlist down to zero, which includes growing public housing stock.
- (B) The Legal and Social Issues Committee should:
  - i. Ensure it has copies of reports and studies conducted in relation to recommendations 20, 21, 25, 27 of the Parliamentary Inquiry into the PHRP;
  - ii. Investigate the impact the PHRP had/is having had on the Victorian Housing Register;
  - iii. Request an evaluation of all PHRP sites to list how many public housing homes and bedrooms were demolished; the number of public housing homes and bedroom, community housing homes and bedrooms, and private housing homes and bedrooms built on the sites;
  - iv. Investigate what happened to residents who were relocated during the PHRH, how many returned and was the Deed Poll an effective mechanism for protecting their rights;
  - v. Recommend that residents of the Melbourne Public Housing Tower redevelopment (or the Plan) are provided with legal protections to protect the right of return, and the rent and conditions of renters in the public housing estate.
- (C) Homes Victoria should stop compelling residents to relocate until the revised and relevant relocation guidelines are developed and publicly available.
- (D) Relocating residents should be provided with certainty as to their rights and conditions including:
  - i. Legally enforceable right to return to publicly managed and owned homes on the new estate.

- ii. Legally enforceable guarantee that they will not be worse off, and if they go to community housing that they will continue to be considered public housing tenants during the relocation, with the same rights and protections that that status entails.
  - iii. That residents who return to the estates are not worse off; that the public housing policies, and procedures will continue to apply to them regardless of their tenure, including the rent setting mechanism.
  - iv. Relocating public housing renters should receive financial support from the Victorian Government to help with additional costs that arise in moving, including purchasing whitegoods costs that might be required in the new homes.
- (E) Homes Victoria should list all the public housing stock in the surrounding areas available for residents to relocate into.
- (F) Homes Victoria should explain how the decision to undertake the Plan was made and what alternatives to demolition were considered.
- (G) The Legal and Social Committee should call on the Government to publicly release the Submission to Cabinet dated 19 September 2023, and all reports referred to within that submission.
- (H) The Human Rights Charter assessments relevant to the Plan should be made publicly available.
- (I) Prior to signing contracts for community housing providers to move onto the public housing estates, the Victorian State Government should ensure there are consistent standards consistent standards for public and community housing renters.
- (J) The Victorian State Government should outline a plan to implement renter protections outlined in the Social Housing Regulation Review, including (but not limited to) implementing recommendations 2.1, 2.2, 3.2, 3.3, 3.4 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 4.2, 5.4, 7.1.
- (K) The Victorian State Government should respond to the Victorian Ombudsman's *Investigation into the complaint handling in Victorian social housing sector*.

## RECOGNISING THE SIGNIFICANT IMPACT OF RELOCATION AND DISPLACEMENT

### TERM OF REFERENCE (B)

Since the 1960s families from around the world have built communities and lives in Melbourne's public housing high-rise towers, adding to the vibrancy and culture of the inner city. The demolition of these iconic high-rises will do more than change the skyline of our city.

IMCL has two offices; one in Kensington just next to the Flemington towers, and the other in North Melbourne. We have many clients who live in the public housing estates, and we work closely with community organisations who provide support for public housing residents in the estates. We see

first-hand, how the public housing towers are more than buildings, they provide secure homes from which communities come together, learn, raise children and build (sometimes rebuild) lives.

As one resident from the Flemington public housing estate told us:

"When I was about to fall apart with everything in my life, it felt like a breath of fresh air to know that there's support out there and know I wasn't going to be homeless and riddled with stress and anxiety as a single mum. Living in public housing I said thank God I'm living in public housing – thank God for Australia. Knowing it's getting demolished is heartbreaking."

"Djerring Hub opening has opened my eyes and connecting with the single mums going through the same stresses as me - I felt a sense of belonging - I never felt that before."

"When I was living in private housing I didn't even know my neighbours."

Announced in a paragraph in the *Victoria's Housing Statement: the decade ahead 2024-34* (the Housing Statement)<sup>2</sup>, the plan to demolish and replace 44 high-rise public housing towers came as a shock to residents, who heard of this proposal first through the media. The redevelopment will have a profound effect on inner city communities, public housing renters, and homeless people in Melbourne who are waiting for homes; yet none of them were consulted.

## RETAINING AND PROTECTING PUBLIC HOUSING

### TERM OF REFERENCE (G)(IV) – THE FUTURE OF PUBLIC HOUSING

Victoria already has the lowest rates of public and community housing in Australia, making up just 2.7 per cent of Victorian homes; with the next lowest Queensland (3.2 per cent) and nearly 60 per cent less than NSW at 4.4 per cent of NSW housing provision.<sup>3</sup>

The Housing Statement commits to a 10 per cent increase in social housing. Our concern is that this is both inadequately small increase in social housing for the scale of the project and that it fails to guarantee that public housing will not be lost as a consequence of the redevelopment.

Social housing can be either community or public housing. The Housing Statement does not guarantee any public housing across 44 sites. While the Government has said the first two towers in Carlton will be rebuilt as public housing, it announced in March 2025 that the Flemington and North Melbourne estates will have no public housing on them.

From the recent Government announcement for the Flemington and North Melbourne estates, we understand that the plan is to build:

- 400 community housing homes and 300 private rentals on 120 Racecourse Rd and 12 Holland Court Flemington; and
- 300 Community housing homes and 500 private units, at 33 Alfred St North Melbourne.

<sup>2</sup> State of Victoria, Department of Premier and Cabinet. [Victoria's Housing Statement: The decade ahead 2024-2034](#) (2023)

<sup>3</sup> Council of Homeless Persons - <https://chp.org.au/article/victorias-last-place-ranking-on-social-housing-demands-answers/>

This means that for Flemington, the 360 public housing units will be replaced with only 400 community housing homes, a ten per cent uplift of social housing. A one hundred per cent decrease in public housing.

For Alfred St North Melbourne, the 143 public housing units will be replaced with 300 community housing units; a doubling of social housing and a one hundred per cent reduction in public housing.

Public housing matters. Public housing is owned and managed by the Government and provides proper safeguards for people and families who are doing it tough and with complex needs.

IMCL works closely with clients with complex needs; we know that those who live in public housing rather than community housing are more likely to sustain their tenancies.

More public housing is needed. The Housing Statement commits to only a 10 per cent uplift of social housing. In the middle of a housing crisis, the plan to redevelop the public housing tower estates will displace thousands of people, putting more pressure on rents and the Victorian Housing Register waitlist. An increase of 440 social homes over 28 years is not enough.<sup>4</sup>

The Parliamentary Inquiry into the Rental and Housing Affordability Crisis has called for the Government to build 60,000 social homes in 10 years.<sup>5</sup> If the redevelopment of this scale is to go ahead, it should work towards getting the Victorian Housing Register Waitlist down to zero.

## RECOMMENDATIONS

- (A) The current Government commitment for a 10 per cent uplift in social housing is manifestly inadequate. A new commitment to residents in public housing and those waiting on the Victorian Housing Register must be:
- i. No reduction of public housing on any of the public housing estates;
  - ii. If the redevelopment goes ahead there must be a demonstrated plan to get the Victorian Housing Register Waitlist down to zero, which includes growing public housing stock.

## A CASE STUDY: PUBLIC HOUSING RENEWAL PROGRAM

### TERMS OF REFERENCE G

In 2018 the Victoria Government undertook to ‘renew’ the walk-up public housing apartments in Melbourne. The project is now seven years old. In our community we have seen the Victoria St in Flemington, Abbottsford St. in North Melbourne and Dunlop Avenue in Ascot Vale projects completed with no public housing built back on the estates.

Like the Melbourne Public Housing Tower redevelopment, the Government promised an uplift of 10 per cent social housing under the Public Housing Renewal Program (PHRP). Analysis of the sites in our

<sup>4</sup> “We will take a 10 per cent uplift in the work that we do to deliver an increase from 6660 public housing units up to 7100”. An increase in 440 units. Victoria, [Parliamentary debates](#), Legislative Council (3 October 2023) 2956 (Harriet Shing, Minister for Housing).

<sup>5</sup> Recommendation 30 in Legislative Council of Legal and Social Issues Committee, Parliament of Victoria [Inquiry into rental and housing affordability crisis in Victoria: Report](#) (28 November 2023)

community shows that while there has been an overall uplift in social housing unit numbers, there has been a reduction in capacity as 2 - 3 bedroom units have been replaced with 1 - 2 bedroom units.

	Before redevelopment		Redeveloped sites				
	Public Housing units	Public Housing Bedrooms	Community Housing Units	Community housing Bedrooms	Private homes	Private bedrooms	Public Housing
Dunlop Ave	80	160	88	141	212	Unknown	0
Abbotsford St	112	248	133	213	167	334	0

After a construction period of over five-years and dislocation of residents, the project amounted to a reduction in social housing capacity on the Dunlop Ave site by 19 bedrooms, and on the Abbotsford St site by 17 bedrooms. And a one hundred per cent loss of public homes on the sites.

Finding information on the PHRP is difficult. Particularly whether housing capacity has increased or not, and the rental terms of community housing residents on the sites.

The Legal and Social Issues Committee (**the Committee**) conducted an inquiry into the PHRP in 2018.<sup>6</sup> The roll-out of the redevelopment of the public housing towers does not appear to have taken the findings of this Committee seriously, nor been informed by an evaluation of the PHRP. This is particularly evident in relation to the Committee's recommendations on how consultation and engagement with public housing residents should have occurred, and how the Department made a commitment to improve this in the future.

The Victorian Government agreed in full to recommendations 20 and 21 – to release information about the land sale price and to demonstrate that this money went back into public housing – which would be valuable information to have as part of consider the redevelopment of Melbourne's public housing towers.

The former Department of Health and Human Services committed to a longitudinal study in relation to social outcomes at public housing estates (Recommendation 25) and to explaining the rationale between the final to public-to-private ratio build at each site (Recommendation 27). The stated aim of both recommendations was to use the insight to inform future social housing policy.<sup>7</sup> Notably in its explanation of its response to Recommendation 27, the Victorian Government stated that there would be a fifty per cent increase of social housing across the North Melbourne, Northcote and Preston estates (this does not appear to have happen for the North Melbourne Estates).<sup>8</sup>

It would seem prudent that before a further and larger scale redevelopment of public housing is commenced that DFFH (**Homes Victoria**) would have properly evaluated and learnt from the PHRP, including the impact on relocating residents and on the Victorian Housing Register Waitlist. We have

<sup>6</sup> Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into the Public Housing Renewal Program* (Final Report, June 2018)

<sup>7</sup> Ibid. xix

<sup>8</sup> Department of Health and Human Services. *Victorian Government Response to the standing Committee on Legal and Social Issues Inquiry into the Public Housing Renewal Program* (6 June 2019) 31

not seen the studies recommended by the Committee in 2018, nor been informed about how the lessons from the PHRP are incorporated in the current redevelopment.

Before more ‘renewal’, ‘retirement’ or redevelopment of public housing estates occur, residents wish to understand what happened last time, how the process is being improved, and how Homes Victoria is ensuring the Plan will look after residents and deliver the best outcomes for Victorians on the Victorian Housing Register waitlist.

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## HOW RENTERS’ RIGHTS CAN BE PROTECTED

The Legal and Social Issues Committee's inquiry into the PHRP made further relevant recommendations; Recommendation 16 called for the Government to confirm with PHRP residents that they would have a right to return to the renewed estates.<sup>9</sup> This, along with advocacy from legal and public housing advocates, resulted in the creation of a Deed Poll to protect renters’ right of return and rental conditions.<sup>10</sup> The Deed Poll ensured residents had:

- A right to return to the redeveloped estates to a property that met their needs;
- A guarantee that they would not be worse off:
  - Rent would be calculated in accordance with public housing policies; and,
  - The policy or practice manual of public housing would continue to apply to returning residents.

We would like to understand how effective this Deed Poll has been in protecting and clarifying the rights of relocated residents, and where it ensured that those who have moved back to the estates were able to retain their public housing rental agreements.

## RECOMMENDATIONS

(B) The Legal and Social Issues Committee should:

- i. Ensure it has copies of reports and studies conducted in relation to recommendations 20, 21, 25, 27 of the Parliamentary Inquiry into the PHRP;
- ii. Investigate the impact the PHRP had/is having had on the Victorian Housing Register;
- iii. Request an evaluation of all PHRP sites to list how many public housing homes and bedrooms were demolished; the number of public housing homes and bedrooms, community housing homes and bedrooms, and private housing homes and bedrooms built on the sites;
- iv. Investigate what happened to residents who were relocated during the PHRP, how many returned and was the Deed Poll an effective mechanism for protecting their rights;
- v. Recommend that residents of the Melbourne Public Housing Tower redevelopment (or the Plan) are provided with legal protections to protect the right of return, and the rent and conditions of renters in the public housing estate.

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<sup>9</sup> Recommendation 16. Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into the Public Housing Renewal Program* (Final Report, June 2018) at xviii

<sup>10</sup> *Ibid*, 83.



## TERMS OF REFERENCE (B) AND (H)

Residents were contacted in the days and weeks after the announcement and asked to sign relocation forms indicating their transfer preferences. This request was made despite the lack of clear information about the Plan, what rights they had as renters, and the potential impact of moving into community housing on their existing rights.

During the PHRP there were specific relocation guidelines provided by Homes Victoria to meet the needs of residents. IMCL was advised in November 2023 – after the relocation process had begun – that a new relocations guideline was being developed and would apply to residents. These new relocation guidelines were never provided, and IMCL was subsequently advised that the standard Department of Fairness, Families and Housing (DFFH) Relocation Manual applied. This was despite the guidelines falling short of answering questions for renters regarding their right to return to the estates as public renters upon completion of redevelopment, and informal arrangements such as reduced rental amounts for an undetermined period in community housing.

It is worth noting that the PHRP operational guidelines have now been removed from the Departments' website stating the 'guidelines have been removed as they are currently under review'.<sup>11</sup> Given many of the PHRP sites are still being constructed, it would be a concern if the relocation guidelines were changed in a way that may limit protections and rights for these public housing renters.

Despite assurances in community meetings and emails, and the CEO of Homes Victoria providing evidence to Parliament that there will be a 'right of return for everybody',<sup>12</sup> the actual documentation of this "right" appears to be limited, with residents advised:

- in a Q+A in October 2023: "Where possible, there will be an option for you to return to new homes in your current neighbourhood when they are complete, should you choose to do so"<sup>13</sup>
- In more recent correspondence: "In relation to returning to the redeveloped site, renters will have a right to return to their current neighbourhood when the redevelopment is complete based on ongoing needs, eligibility and the suitability of new homes."<sup>14</sup>

For residents, the expanding caveats around the ability to return to their estates is problematic, especially for those that moved under the public assurances provided by Homes Victoria representatives that they would actually have the right to return.

Furthermore, there were no assurances made that residents could return to their estates as public housing renters, and it is now clear that this will not be possible.<sup>15</sup>

Despite the lack of clarity over their rights, within a month of the announcement of the Plan residents were asked to sign relocation forms. Relocation forms contain little detail for residents, and seemed poorly considered. For example, the form enabled residents to select to relocate into rooming

<sup>11</sup> Department of Families, Fairness and Housing webpage: [providers.dffh.gov.au/relocation-manual](https://providers.dffh.gov.au/relocation-manual) "Public Housing Relocation Program operational guidelines" Accessed: 31 March 2025

<sup>12</sup> Victorian Parliament, Legislative Council Legal and Social Issues Committee, Hansard (10 October 2023) 83.

<sup>13</sup> Homes Victoria, "Relocation Flemington & North Melbourne Renters – Q&As" (October 2023)

<sup>14</sup> Homes Victoria, correspondence to public housing tenant (March 2025)

<sup>15</sup> Premier Jacinta Allan, "Landmark Renewal Project Delivering Hundreds of Homes" (Media Release, 11 March 2025)

houses. Many residents felt pressured to sign the relocation forms when Homes Victoria presented at the door of their homes. IMCL has been contacted by clients and community members who have instructed our service to write to Homes Victoria to rescind their “consent” to relocation. The reasons given have included:

- that an interpreter was not present during the meeting;
- the housing preferences reflected in the Relocation Agreement do not accord with the preferences they communicated in the meeting (or intended to communicate); or
- that the housing preferences they communicated in the meeting were based on inaccurate or incomplete information or statement.

Though the relocations occurring under the Plan are presented as voluntary, the reality is that many residents have felt compelled to move into community housing homes, or otherwise into housing that is not located in their preferred catchment area, particularly if they wish to remain public housing renters. The relocation of residents has been pursued with great urgency, despite there being an unresolved class action legal challenge to the Plan.<sup>16</sup>

Our clients have consistently been told in meetings with Homes Victoria that:

- they will need to accept transfers into community housing homes if they wish to remain in inner-city areas;
- their family unit may need to consider separating into two homes given the lack of availability of larger homes; and
- that reasonable offers will be made in line with the DFFH relocations manual i.e. they will be evicted if they refuse two valid offers of alternate housing.<sup>17</sup>

One right that has been clearly articulated is that rents will not change. A Q+A provided to residents stated:

“Renters who relocate into housing managed by Community Housing Providers will continue to enjoy the same rental rights and you will not be out of pocket in respect to your rental payments.”<sup>18</sup>

The CEO of Homes Victoria outlined this arrangement in more detail to the Legal and Social Issues Committee in October 2023, stating that the arrangement will stay in place “as long as they [residents] are in those properties.”<sup>19</sup> These assurances provided comfort to relocating residents who were anxious about the shift. It is a concern then that the Minister for Housing recently suggested that the rent setting is limited until the redevelopment of the estates is concluded.<sup>20</sup> This is a particular concern for public housing residents at the Flemington and North Melbourne estates, who have been recently advised that they will not have an option to return to public housing on the redeveloped estates.

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<sup>16</sup> [Public Housing Towers Group Proceeding \(Class Action\) | The Supreme Court of Victoria](https://www.supremecourt.vic.gov.au/areas/group-proceedings/Berih) Available at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/Berih>

<sup>17</sup> Department of Fairness, Families and Housing. *Relocation Manual 'Move Out'* found at: <https://providers.dffh.vic.gov.au/relocation-manual>, February 2015 (accessed 31 March 2025)

<sup>18</sup> Homes Victoria, *Relocations – Flemington & North Melbourne renters Q&A* (October 2023).

<sup>19</sup> Victoria, *Legal and Social Issues Committee*, Legislative Council, 10 October 2023, 83 (Simon Newport, CEO of Homes Victoria)

<sup>20</sup> Victoria, *Parliament Debate*, Legislative Council, 20 March 2025, 31 (Harriet Shing, Minister for Housing).

Additionally, while provision has been made to ensure relocating public renters do not pay additional rent in community housing during the relocation process, additional service management service fees can apply which residents did not anticipate.

Homes Victoria has covered the moving and relocation costs of residents, however there are additional unanticipated costs. For example, some residents who have relocated into neighbouring community housing have had difficulties fitting their furniture in the smaller dwellings (for example, fridge spaces have not been large enough) or have had other issues, such as no longer having communal laundry. While this laundry change may be convenient for some, it has been difficult for many who have been unable to afford a washing machine and found the absence of shared spaces isolating.

Additionally, some residents have raised concerns with the new apartments lack of disability access.<sup>21</sup> Since community housing has different policies to Home Victoria on disability modification, it can be difficult to get modifications that are necessary for renters and their families.<sup>22</sup> One resident who needed a modification to keep her disabled child safe, was unable to do so as she did not have access to an NDIS package.

## RECOMMENDATIONS

(C) Victoria should stop compelling residents to relocate until the revised and relevant relocation guidelines are developed and publicly available.

(D) Relocating residents should be provided with certainty as to their rights and conditions including:

- i. Legally enforceable right to return to publicly managed and owned homes on the new estate.
- ii. Legally enforceable guarantee that they will not be worse off, and if they go to community housing that they will continue to be considered public housing tenants during the relocation, with the same rights and protections that that status entails.
- iii. That residents who return to the estates are not worse off; that the public housing policies, and procedures will continue to apply to them regardless of their tenure, including the rent setting mechanism.
- iv. Relocating public housing renters should receive financial support from the Victorian Government to help with additional costs that arise in moving, including purchasing whitegoods costs that might be required in the new homes.

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<sup>21</sup> Jesse Thompson, "Dunlop Avenue social housing site's disability credentials wiped from website after tenant complaint" (ABC, 23 June 2024): available at: <https://www.abc.net.au/news/2024-06-23/accessible-social-housing-disability-melbourne/104005904>

<sup>22</sup> See *Social Housing Regulation Review* (Final Report, May 2022) 70-71

## TERMS OF REFERENCE (C) AND (I)

IMCL works with many residents directly impacted by the Plan. The way in which the decision to undertake the redevelopment was made and conveyed to affected residents, as well as the failure to provide transparency of that process, has been deeply concerning to our service.

The announcement of the Housing Statement, and the ‘retirement’ of people’s homes as part of that statement, was made by way of televised press conference. The failure to consult with, or provide notification to, those residents whose homes would be imminently destroyed prior to the press conference resulted in feelings of panic, anger and anxiety. IMCL immediately received an influx of inquiries; we were unable to provide any further information to our clients about the process, despite their requests for this.

One public housing resident told us:

“People are kind enough to help and support me when I need it - I don't want to lose that. There's a fear of us falling apart and spreading apart. I'm not sure where I'll end up.”

This same group of public housing residents had only recently experienced arbitrary decision making when the COVID-19 ‘hard lockdowns’ were imposed by the State Government in July 2020. The failure of the Government and Department of Health and Human Services (now Department of Families, Fairness and Housing) to effectively engage with public housing residents and consider their human rights has been documented in the findings of the Victorian Ombudsman’s report *Investigation into the detention and treatment of public housing residents arising from a COVID-19 ‘hard lockdown’ in July 2020* (December 2020). IMCL made a detailed submission into this inquiry.<sup>23</sup>

For these reasons, the implementation of the Plan has – from the outset – resulted in great consternation amongst the residents of those Towers announced as the first tranche to be demolished. The Plan has exacerbated feelings of distrust of Government bodies on the part of residents, and disenfranchisement from decisions that deeply affect their lives.<sup>24</sup>

Our clients have consistently sought further information about the decision-making process that led to the inception of the Plan. Instead, there has been a failure to provide transparency in the decision-making process, both at the time and retrospectively, including failing to make documents pertaining to the decision to demolish publicly available. Residents have questioned whether there is a structural necessity to the demolition program, and whether alternatives to demolition were properly considered in the instance that is not a structural necessity. They have further sought to explain to Homes Victoria the impact that the demolition program would have on themselves and their communities but were denied any opportunity to do so.

<sup>23</sup> Inner Melbourne Community Legal. *Submission to the Victorian Ombudsman Investigation into the Treatment of People and Conditions of Public Housing Lockdown*, August 2020 (<https://imcl.org.au/publications-and-media/submissions>)

<sup>24</sup> Sydney Lang, Graham Butler, “‘Breach of human rights’: Public housing residents file class action over demolition proposal” (SBS News, 14 February 2024) Available at: [North Melbourne public housing residents file class action against government | SBS News](#)

While the relocation program has been pursued with urgency and at pace (including by way of the exertion of pressure on residents to sign relocation forms), there has been a near refusal by Homes Victoria to respond to various inquiries we have made regarding the availability of housing stock, clarity around renters' rights and the mechanisms of enforcement of those rights.

One example is that legal services and their communities are still waiting for a response from the Minister to a letter requesting information and clarification for residents written to the Minister of Housing on 27 October 2023 (**Appendix B**). The letter was co-signed by nine community legal services with public housing towers in their service areas and who represent communities reliant on inner city provision of public housing.

## RECOMMENDATIONS

- (E) Homes Victoria should list all the public housing stock in the surrounding areas available for residents to relocate into.
- (F) Homes Victoria should explain how the decision to undertake the Plan was made and what alternatives to demolition were considered.

## HUMAN RIGHTS

### TERMS OF REFERENCE (C) (I) AND (H)

In Victoria, the *Charter of Human Rights and Responsibilities Act 2006* (**the Charter**) establishes that “it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.”<sup>25</sup> One such right is the right not to have one's home arbitrarily interfered with.<sup>26</sup> Any limitation on this right should be shown to be the least restrictive option available to achieve the objective. Our clients sought evidence that their rights had been considered under the Charter on multiple occasions and did not receive any substantive response. The matter was then pursued by way of the class action legal proceedings. Residents are awaiting the outcome of this trial.

Many of the documents that may explain how and why the decision was made have not been released by the Government. Homes Victoria undertook interlocutory court proceedings to stop residents seeing these documents, successfully relying on public interest immunity provisions that protect cabinet documents from being shared.

Given the impact of this decision on the lives of many individuals and families living in public housing, the Government should forego their immunity and release these documents.

## RECOMMENDATIONS

- (G) The Legal and Social Committee should call on the Government to publicly release the Submission to Cabinet dated 19 September 2023, and all reports referred to within that submission.

<sup>25</sup> *Charter of Human Rights and Responsibilities Act 2006* (Vic) s38(1)

<sup>26</sup> *Ibid.* s13(a)

- (H) The Human Rights Charter assessments relevant to the Plan should be made publicly available.

## RENTERS SHOULD HAVE EQUAL RIGHTS WHETHER THEY LIVE IN PUBLIC OR COMMUNITY HOUSING

### TERM OF REFERENCE (E)

The PHRP has sped up the Victorian Government's shift away from the provision of public housing to expanding community housing. However, this shift needs further scrutiny and residents need to be fully informed about the impact it may have on their rights.

The Homes Victoria Q+A document provided to renters in October 2023, stated:

*To ensure the new housing is right for you, a range of housing options will be provided and there will be no change in your rights.*

*Renters who relocate into housing managed by Community Housing Providers will continue to enjoy the same rental rights and you will not be out of pocket in respect to your rental payments.*

This statement is misleading for residents. It implies that rental rights are the same because both public and community housing renters are subject to the same provisions under the *Residential Tenancies Act 1997 (Vic)*. However, public housing renters' rights are not derived only from the *Residential Tenancies Act* – further important protections are provided through Homes Victoria's public housing manual, its policy and procedures.

One of the other ambiguities is the inconsistent application by community housing providers of the Charter and *Freedom of Information Act 1982 (Vic)*.<sup>27</sup> This has real impact on the policies and procedures developed by community housing providers and how they are applied.

The Social Housing Regulation Review (**the Review**) undertook a review of the social housing system in 2022. It found standards between public and community housing were inconsistent:

*"Depending on who their landlord is, tenants have different entitlements in relation to rent-setting rules, dwelling standards, tenancy conditions, customer service standards, maintenance arrangements, complaints and dispute resolution processes and likelihood of eviction.*

*"Choice is generally considered a positive feature in consumer markets. However, choice of social housing provider and dwellings in Victoria is largely theoretical, and therefore there is not a strong case for differentiation on these points."*<sup>28</sup>

Many public housing renters understand the difference. Of the renters in the Flemington and North Melbourne Estates, 152 elected to remain as public housing renters only, 318 elected to received offers of both public and community housing, and 0 elected to move into community housing only.<sup>29</sup>

<sup>27</sup> See Victorian Ombudsman, *Investigation into Victorian Social Housing complaints system* (2021) 63-65.

<sup>28</sup> *Social Housing Regulation Review* (Final Report, May 2022), 56.

<sup>29</sup> FOI released document, Department of Families, Fairness and Housing, *Document for F24-2047* (November 2024)

Renters who are being asked to shift from public housing to community housing deserve to have their public housing rights protected during the relocation. We would be very concerned that a relocation initially presented to residents as temporary could become permanent without the full and informed consent of renters. The absence of a plan to build public housing on the Flemington and North Melbourne estates could compel people to shift to community housing permanently, even if this is not their preference – as there may be no alternative, particularly if they want to remain in the area.

Additionally, if renters become community housing renters during the relocation, or as a process of returning to estates that no longer have public housing on them, they should not have their rights reduced. Their rights could be protected by a legally enforceable agreement with the Government (like the Deed Poll for public housing renewal process as noted earlier), or through ensuring all community housing renters rights are strengthened to meet public housing protections.

Given the Victorian Housing Register waitlist includes both community and public housing it would be sensible to ensure equality between public and community renters, so people on the waitlist are not disadvantaged. Aligning the performance standards for public and community housing providers is a key recommendation of the social regulation review, which should be implemented.

The Victoria's Ombudsman's *Investigation into the complaint handling in the Victorian Social Housing Sector*<sup>30</sup> found serious failings in the complaint handling system. Two-years later the Victorian Ombudsman noted the lack of government response and the need for urgent action was needed. The report noted that community housing renters had fewer option to escalate complaints and the discrepancies in other safeguards for community housing renters. The Ombudsman concluded there was a 'pressing need for a fairer, more consistent, and simpler complaints process for all renters.'<sup>31</sup>

The Plan significantly speeds up the shift from public housing to community housing, which has been occurring over the last decade. To do so before these two major reviews into the social housing system have been considered and implemented seems imprudent. By not putting the proper regulation settings in place prior to significant growth, the risk is that they become unable to be established later after contracts have been signed and funding arrangements put in place.

## RECOMMENDATION

- (I) Prior to signing contracts for community housing providers to move onto the public housing estates, the Victorian State Government should ensure there are consistent standards consistent standards for public and community housing renters.
- (J) The Victorian State Government should outline a plan to implement renter protections outlined in the Social Housing Regulation Review, including (but not limited to) implementing recommendations 2.1, 2.2, 3.2, 3.3, 3.4 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 4.2, 5.4, 7.1.
- (K) The Victorian State Government should respond to the Victorian Ombudsman's *Investigation into the complaint handling in Victorian social housing sector*.

## PUBLIC HOUSING SHOULD STAY IN MELBOURNE'S INNER CITY

Finally, we conclude our submission with noting the integral importance of public housing in Melbourne's inner city: its beneficial impact on vibrancy, diversity, services and communities.

<sup>30</sup> Victorian Ombudsman. [Investigation into complaint handling in the Victorian Social Housing Sector](#) (July 2022)

<sup>31</sup> Victorian Ombudsman, *Social Housing complain handling – progress report* (March 2024) 7

Residents thrive in a home that is well connected to services, education and places of work – which can help address the experiences many have felt of marginalisation and the social isolation of poverty.

Often new social housing developments generate pushback from communities and Councils, this means finding new locations for social housing, particularly in well-connected affluent suburbs can be challenging.<sup>32</sup> If public housing estates were lost, it would be difficult to recreate the opportunity to build such valuable social infrastructure and housing in the heart of the city.

Having public housing in our city is incredibly valuable for the vibrancy and richness of our inner-city communities, but also for the well-being of public housing residents and families – who benefit from connection to quality health care services, education and public transport.

It is a privilege for IMCL to be able to represent and work with clients who live in public housing – their strength and determination, commitment to their communities is a continual inspiration. It would be incredibly sad to see families who call the public housing towers home leave the area forever.

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<sup>32</sup> Stateline, “Victoria needs more social housing. But some fear good plans can unravel when stigma takes hold” (ABC, 29 August 2024): available at: <https://www.abc.net.au/news/2024-08-29/nimby-community-social-housing-mental-health-torquay/104281188>



# APPENDIX A – SHARED PRINCIPLES

## APPENDIX B – LETTER TO MINISTER

# APPENDIX C – FACT SHEET

## PUBLIC OR COMMUNITY HOUSING – FOR RENTERS IT MAKES A DIFFERENCE

People on the Victorian Housing Register waitlist can be placed in community or public housing; yet their rights can be quite different.

Public housing is owned and managed by the Government. The policies and guidelines, while not perfect, have been developed over many years and provide best practice for renters' rights.

Community housing is housing managed, and sometimes owned, by not-for-profit organisations. There are dozens of community housing providers in Victoria, some small and others large. They each have different policies and guidelines and inconsistent rental conditions apply to renters.

The following is a list of the key rights available to a person in public housing, which either do not exist in community housing, or are less clear depending on individual providers' policies:

- ❑ **Public Housing rent is capped at twenty-five per cent of income.** People in community housing can be charged up to thirty per cent of their income in rent. Though they may receive Commonwealth Rent Assistance, this goes straight to the community housing provider.

Community housing providers also may charge management and service fees on top of rent.

CASE STUDY: Some of our clients on disability pensions of \$525 a week have had to pay an additional \$45 a week on top of rent in service charges: amounting to 8.5 per cent of their income. For one apartment building, in addition to 100 per cent of the Commonwealth Rent assistance, 50 per cent of the pensioners' income went to the community housing provider through rent, utilities, lift fees, concierge and management fees.

Analysis by Victorian Public Tenants Association found some renters were between \$30 - \$75 a fortnight better off in public housing, with some community housing renters paying over 40% of their income in rent.

- ❑ **Public Housing provides protection from unfair evictions into homelessness.** Homes Victoria has a range of policies and procedures to reduce evictions. Investing in tenancy sustainment is not only humane, it makes sense as homelessness costs the Government an additional \$38,000 per person a year on health, justice and other services.<sup>33</sup>

Renters in community housing are more likely to be evicted than those in public housing:

- Research by West Heidelberg Community Legal found that long term community housing tenants were 3 to 5 times more likely to face eviction than public housing tenants, or 2 to 3 times more likely when rooming houses were excluded.

<sup>33</sup> Accounting for inflation (RBA calculator), in 2013 the estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population. See Zaretsky K. et al, Australian Housing and Urban Research Institute (AHURI), The cost of homelessness and the net benefit of homelessness programs: a national study: [AHURI Final Report No 205](#) (2013) 14.

- Community housing providers' own report found half of their tenancies ended in 18 months, with most of these exits (fifty-nine per cent) a result of negative push factors such as arrears or dispute with neighbours.<sup>34</sup>

□ **Public Housing homes can be modified for disability and safety needs**

The Social Housing Regulation Review interim report 2022 found community housing renters may not receive the disability modifications they need. Provision of modification to meet community housing renters needs dropped from 88% in 2016 to 77% in 2018.<sup>35</sup> Community housing provider policies usually require renters to pay for the modifications themselves relying heavily on access to NDIS funding which not all people (particularly elderly people) have access to.

- **Temporary absence.** A renter in public housing can take a period of up to 6 months absence on substantially reduced rent. This means, a person who goes into residential rehabilitation, residential mental health care, to prison, or needs to temporarily leave their home because of family violence, is not evicted from their homes.

CASE STUDY: Rebecca\*, needs to go into drug habitation, her using is disrupting her life and her neighbours too. But if she goes into rehab, she will have to spend 80% of her income on treatment, so she can't afford the community housing rent too. The community housing provider is refusing a rent reduction. She has a choice between getting the health care she needs or losing her home.

\*not her real name

Ninety-six per cent of people in prison are there for less than 6 months. Nearly half of the people exiting prison expect to be homeless. A temporary absence policy is the decent thing to do, and it is also a sound Government intervention to prevent homelessness on exiting prison, reducing reoffending and flow-on costs to the community of homelessness.

- **Effective complaints system. Public Housing renters have effective complaints dispute procedures through the Housing Appeals Office and access to the Victorian Ombudsman and Freedom of Information.** Community housing renters do not have access to effective dispute resolution outside of VCAT. This was the subject of the Victoria's Ombudsman's *Investigation into the complaint handling in the Victorian Social Housing Sector*<sup>36</sup>, which is awaiting response from the Government.
- **Maintenance.** One of the key reasons given for the 'renewal' or 'retirement' of public housing homes is that the ongoing maintenance is too expensive.<sup>37</sup> While it is debatable about whether the buildings, had they not been neglected by successive governments, might be in better condition, the reality is that community housing is not equipped to do it any better.

NSW Government has recently returned all its social housing maintenance back into public hands: to save cost, provide better service, and effectively use its buying power to support local and small businesses.<sup>38</sup>

<sup>34</sup>Guy Johnson, Susan McCallum, Juliet Watson. *Who stays, who leaves and why: Occupancy patterns at Unison Housing between 2014-2016* (Research Report No. 2, February 2019) 3.

<sup>35</sup>[Social Housing Regulation Review Interim Report](#) (May 2022), 35-36.

<sup>36</sup>Victorian Ombudsman. "[Investigation into complaint handling in the Victorian Social Housing Sector](#)" (July 2022)

<sup>37</sup>Evidence to Legislative Council Legal and Social Issues Committee, "Inquiry into the rental and housing affordability crisis in Victoria", Parliament of Victoria, 10 October 2023, 77 (Simon Newport, CEO Homes Victoria).

<sup>38</sup>See NSW Premier, "[Back to Basics: Social housing maintenance call centre back in public hands](#)" (13 Nov 2023)