

# **T R A N S C R I P T**

## **LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE**

### **Inquiry into the Redevelopment of Melbourne's Public Housing Towers**

Flemington – Tuesday 24 June 2025

#### **MEMBERS**

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Michael Galea – Deputy Chair

Ryan Batchelor

Anasina Gray-Barberio

Renee Heath

Ann-Marie Hermans

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Tom McIntosh

Aiv Puglielli

Sonja Terpstra

Richard Welch

**WITNESSES**

Louisa Bassini, Managing Lawyer, and

Michelle Reynolds, Director, Policy and Advocacy, Inner Melbourne Community Legal; and

Stephanie Price, Principal Lawyer, West Heidelberg Community Legal.

**The DEPUTY CHAIR:** Good morning. Welcome to the public hearings of the Legal and Social Issues committee. I declare open the Legislative Council Legal and Social Issue Committee's public hearing for the Inquiry into the Redevelopment of Melbourne's Public Housing Towers. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to start the day's proceedings by acknowledging that we are gathered on the lands of the Wurundjeri people, pay my respects to elders past, present and emerging and acknowledge that sovereignty was never ceded.

We will now introduce the committee members. My name is Michael Galea. I am the Deputy Chair and acting Chair today of the committee.

**Renee HEATH:** My name is Renee Heath, and I am a Member for Eastern Victoria Region.

**Ryan BATCHELOR:** Ryan Batchelor, Member for the Southern Metropolitan Region.

**Lee TARLAMIS:** Lee Tarlamis, Member for South-Eastern Metropolitan Region.

**Anasina GRAY-BARBERIO:** Good morning and welcome. Anasina Gray-Barberio, Member for Northern Metro.

**Aiv PUGLIELLI:** Aiv Puglielli, Member for North-Eastern Metro.

**The DEPUTY CHAIR:** All evidence taken today is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information that you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by privilege. Any deliberately false or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted to the committee's website. For the Hansard record, could you please state your name and any organisation that you are here representing today?

**Stephanie PRICE:** Stephanie Price, West Heidelberg Community Legal, as part of the Social Housing Legal Program.

**Louisa BASSINI:** Louisa Bassini from Inner Melbourne Community Legal.

**Michelle REYNOLDS:** Michelle Reynolds, Inner Melbourne Community Legal.

**The DEPUTY CHAIR:** Thank you. I would now like to invite you to make an opening statement of no more than 10 minutes, and I will hand the floor over to you.

**Stephanie PRICE:** I will hand it to Louisa.

**Louisa BASSINI:** Inner Melbourne Community Legal works with people experiencing disadvantage in this area. We work closely with communities that live in the towers on a range of legal issues, but particularly in my case with regard to their rights as renters. At the time that the housing statement was delivered, we were working with groups such as Paving the Way Forward, which was a government initiative to improve communication between decision-makers and the communities that live on these estates. The housing statement came as a huge shock to our clients. We were inundated with calls from residents who were seeking answers to

questions that they had about what their future would look like. Many of these residents have lived in the towers for a number of decades and were highly anxious and distressed at the announcement and what it would mean for them. We were unable to answer a lot of these questions, and seemingly Homes Victoria representatives also were unable to answer these questions. The most crucial ones were: will we have a right to return to these estates as public housing residents? And where will we be moved to?

In an effort to properly advise our clients and obtain some clarity on these issues, we wrote to and met with Homes Victoria representatives on numerous occasions. As lawyers we normally make reference to the policies and guidelines that Homes Victoria publishes, so that we can have some kind of a clear, written guideline for which to know how the decision-makers are making their decisions and explain that to our clients. We had had some experience with the public housing renewal program, which was the public housing redevelopment program that immediately preceded this one. It had its own set of guidelines that were publicly available, and part of that renewal program was that deeds were made by Homes Victoria, with those residents being relocated, to guarantee them a right to return to their estates. With this program we immediately went to look for the guidelines. The previous public housing renewal guidelines were still publicly available, but there were no guidelines specific to this program, and we asked the representatives that we met with about that. They explained that there were guidelines currently being developed and that they would soon be made available. We were later told that there would be no guidelines and that we would need to just make reference to the general relocation guidelines. The public housing renewal program guidelines were then removed from the internet. This was important because in the meantime our clients were being approached and asked to sign relocation forms which are not based on those guidelines. These relocation forms did not clarify whether people were electing to move temporarily or permanently, as the general guidelines indicate that they should be asked. Importantly, they were also asked whether they would elect to move into community housing, which would mean an end to their legal relationship as residents with Homes Victoria.

Residents were often asked to sign these at their doorsteps without proper translation made available. We had a number of clients who approached our service after signing those documents, seeking to rescind their consent because they had not fully understood what they had signed. Up until today residents are still being asked to sign relocation forms without proper clarity from Homes Victoria as to whether they will have a right to return to their homes and what their rights are more generally. Consistently, Homes Victoria representatives state in interviews and publicly that residents will have a right to return to the estates. However, this is not a guarantee, and it is conditional and the important conditions that are not explained to residents are that they would need to become community housing residents in order to return. It would be subject to eligibility and subject to availability, and because this is not explained to residents, we feel that there is really crucial detail lacking in the fact that if they want to remain as public housing residents, they will not be able to return to these estates which have been their home for many decades.

**Stephanie PRICE:** Thank you. The social housing legal program was created because of the need for a dedicated response to a significant change in the delivery of social housing in Victoria. It is a change that certainly did not begin with the high-rise redevelopment program, but it is a change that is epitomised in this plan and indeed has been significantly accelerated by the plan. This change is the retreat and diminishment of public housing in Victoria and the growth and elevation of community housing. It has been achieved through various means, but relevant today is what I would describe as the straight switcheroo, which describes fairly, I think, what we know of the plans for the high-rise redevelopment program. I do not use the term ‘switcheroo’ blithely, humorous as it may be, implying as it does, a degree of shock or surprise. As our written submission sets out, I think it is apt to describe the process and representations made throughout the high-rise redevelopment program as lacking candour with respect to key and related questions: crucially, whether public housing will be rebuilt on any of the currently occupied estates, and if it is not to be rebuilt, as now appears evident to the extent that it is known, what this means for the public housing residents currently living there, the decisions they are being asked to make, their expectation to be able to return to these estates and, beyond that, what this means for the future of public housing in Victoria.

What we hope to bring to the committee’s attention through our submission and evidence today is a straightforward proposition – that is, that there is a difference between public and community housing; it is a material difference. Our practice experience and the available research shows that without intervention, the replacement of public housing with community housing – a key underpinning of this plan – will have the effect of eroding rental standards for social housing residents. The way to understand this is not to look at the *Residential Tenancies Act*, an oft-cited source of apparent assurance provided to residents affected by this plan.

Of course confirming that the RTA applies to both public and community housing renters is merely a statement of fact that both forms of tenure remain subject to the law of Victoria, as do all residential tenancies, including private tenancies. It is not in the *Residential Tenancies Act* where public tenants locate what the panel charged with undertaking the social housing regulation review a number of years ago described as a layer of protection that sets a public tenancy apart from the market imperatives that otherwise characterise the relationship between renter and provider. That layer is comprised of a comprehensive suite of accessible and protective rental policies, application of the Charter of Human Rights and Responsibilities, the *Freedom of Information Act*, access to a robust internal appeals, judicial oversight and external oversight by the Victorian Ombudsman and Auditor-General.

Of course a community housing tenancy is not the same as a private tenancy, but in our submission, it is very much closer to it than a public tenancy. In other words, that layer of protection is much thinner and patchier. Policy protections are not as expansive or consistently applied. Often they are difficult even to identify. Options for review of decisions are more limited and transparency and accountability measures less rigorous. Concretely, we know that this means community housing renters are more likely than public renters to experience a provider-initiated VCAT action. They are more likely to experience eviction. They will be paying a higher proportion of their income as rent and will have fewer protections to ensure that if life-changing circumstances or crises emerge in their life, including disability, illness and family violence, these do not lead to risk to the housing security that underpins the health and social connection of so many Victorians. We welcome any questions.

**The DEPUTY CHAIR:** Thank you very much. We will now go through to questions from the committee, starting with me. I will put the questions to you as a group, and please feel free to answer as you all deem appropriate. If I can start by acknowledging that you do represent a significant number of people who are living in these towers which we are discussing here today, what are some of the most common issues that get reported to you about the state of their existing homes? And could you give a bit of an overview of the breadth of what those issues are as well.

**Louisa BASSINI:** With regard specifically to the public housing renters in these towers?

**The DEPUTY CHAIR:** Correct.

**Louisa BASSINI:** And prior to the housing statement?

**The DEPUTY CHAIR:** Yes.

**Louisa BASSINI:** Okay. Prior to the housing statement, many inquiries were about their rights regarding rent arrears – they would often see as if they had fallen into rent arrears and were concerned about how they could negotiate a repayment plan – sometimes repairs, quite often transfer requests. I think given the inadequacy of public housing availability, many of the clients that we have who have growing families were often trying to better accommodate their families. There were a number of inquiries along those lines.

**The DEPUTY CHAIR:** Thank you. What sort of repair requests?

**Louisa BASSINI:** We would often see mould problems, kitchen cabinetry not being adequate, sometimes laundry requests. Honestly, though, in recent years there have been renovations done to some of the towers in these immediate areas, ironically, and so I would say that there were less inquiries about repairs from those towers and much more about transfer issues or eviction issues relating to rent arrears.

**The DEPUTY CHAIR:** I do want to come to that in a moment. The mould issue – we have had an opportunity as a committee to see some of the towers as well, and it was quite prevalent in some flats. How prevalent was that issue – or is that issue, I should say?

**Louisa BASSINI:** I would not say it is endemic to the towers. It certainly occurs where there is overcrowding. If you have four children on bunk beds in one bedroom, no matter how good the ventilation is, if you are trying to keep them warm in winter, there will be a mould problem. So where there was overcrowding, there were certainly mould issues, but in other apartments where there is not overcrowding – no mould issues.

**The DEPUTY CHAIR:** Is the number of bedrooms in these current apartments suitable for the types of families that are using public housing? You said there is overcrowding, so –

**Louisa BASSINI:** Yes. It depends on the size of the family. For many of our clients, they are totally adequate, and the proportions of the rooms are adequate for them. We find that many of our clients who have moved into community housing are suffering through the lack of size in the redeveloped places as compared with more spacious living areas in the towers.

**The DEPUTY CHAIR:** We are a committee that will make recommendations to government. What sort of sizes of families in particular do we need to be mindful of, whether it is into the new towers or issues in the old towers? What size families were having the most issues in that respect?

**Stephanie PRICE:** I think the data indicates the greatest two choke points in terms of the availability of housing to need are single-bedroom flats and four- and five-bedroom flats. There are many people on the waitlist who are eligible for one-bedroom, but there are a significant number of people who have larger families who are eligible and not able to access housing or who are currently living in housing that is not appropriate for them. So we would say certainly there is a shortage of larger homes that can well accommodate families.

**The DEPUTY CHAIR:** Thank you. So the two- to three-bedrooms are the better end of things at the moment, but especially those four- and five-bedroom homes are needed. Perhaps to slightly lesser degree, but still needed, are those one-bedroom homes as well?

**Stephanie PRICE:** No area of the housing waitlist is well accommodated, but the worst are at each end of that spectrum.

**The DEPUTY CHAIR:** Excellent. Thank you. You spoke about the transfers as well, and what we have just talked about is probably one of the biggest reasons for that. What are some of the other reasons that people requested transfers and sought your support through either of your services for that?

**Louisa BASSINI:** I would say it is predominantly because of the size of the building. Sometimes it was because of neighbour issues, sometimes it was in order to relocate to be closer to family, but I think most commonly it is because of the size of the home and a growing family.

**The DEPUTY CHAIR:** Thank you. And would it be a fair assumption for me to make that a larger proportion of people who are in public and social housing would be experiencing some form of disability than the general population? Is that a fair statement to make?

**Louisa BASSINI:** Certainly a high proportion, yes.

**The DEPUTY CHAIR:** What sort of barriers do the current towers pose for those people in accessing and being able to utilise their homes? Obviously they were built at a time when disability standards were nowhere near what they are now. Did you have many issues with that, especially when it came to transfers and people needing a transfer but unable to get a home that was actually suitable for their particular needs?

**Louisa BASSINI:** I would say, for example, an issue has been someone requiring outdoor space and needing to relocate out of the towers in order to have a backyard space as a result of their disability. We also assist a lot of residents who have disabilities who find that their home is adequate with adequate modifications. In fact one of the most significant matters that I have dealt with in recent years was where a young man, an adolescent, required a lift to move him in and out of his bed, and in the community housing home that he had been moved to the ceiling structure was not strong enough in order to accommodate that, whereas in the concrete structures of the towers it would have been. So we assist clients who live in these towers and who use mobility devices and who are fine with that, contrary to some of the suggestions made by Homes Victoria representatives. I understand that it is more difficult to widen the doors and so forth, but a lot of our clients who use mobility devices are able to live in the towers. Do you want to add to that?

**Stephanie PRICE:** Well, I do. The policy protections available to a public tenant residing in those towers vis-a-vis disability modifications are much stronger than if they were residing in a community housing property.

**The DEPUTY CHAIR:** That is a very good example. Again, we are here to make recommendations to government. What are the key things, particularly in this example, that you would like to see done differently in a new build in relation to this client or others with a disability?

**Louisa BASSINI:** I think the accommodations are as vast as the disabilities that exist. I do not think that you could say that there is any one accommodation. The buildings need to be strong and sturdy enough. A disability that is often not accounted for is the fact that people have mental health issues, and when they live in newly built homes that are plasterboard, on a very flimsy framing, they are often wrecked very quickly with residents who have mental health issues, unlike in the towers, which are solid concrete and accommodate the experiences that people have living with mental health disabilities.

**Michelle REYNOLDS:** I think it also goes to some of the things that Steph has pointed to, that abilities change over a lifetime, and the ability to adapt to a home to meet the circumstances is an important element, and also having the policy settings in place that will enable a person to be supported through that adaptation. So if there is a transfer from public to community housing, there will need to be resources allocated to make sure that disability modifications are not reliant on whether someone has got an NDIS package, for example, as we frequently find with community housing providers. Also, there have been some reports around what has been built from the public housing renewal program so far and whether it is adequate to meet disability standards. We have had one or two clients that I do not know if we are able to talk about in relation to the –

**Louisa BASSINI:** I do not think we can disclose. Sorry.

**The DEPUTY CHAIR:** No worries. Thank you. My time has expired. I will pass to Dr Heath.

**Renee HEATH:** Thank you. Thanks so much for your submission and for being here today. I wanted to know first of all how many people are still waiting to be relocated.

**Stephanie PRICE:** In the existing towers, the tranche 1 towers?

**Renee HEATH:** Yes.

**Louisa BASSINI:** At least 30 per cent going by representations made to our clients from Homes Victoria.

**Renee HEATH:** And where are they going?

**Louisa BASSINI:** The people who remain in the towers?

**Renee HEATH:** The people that have been relocated and the ones that are waiting to be relocated.

**Louisa BASSINI:** I understand. Residents who elected to move to community housing have largely been relocated to the redeveloped estates on Abbotsford Street and on Victoria Street. For those who elected to remain public housing residents, they have been dispersed across the city, I would say – many to the far outer suburbs. Others have remained in the area, but not in any kind of clustered way exactly. Some have been relocated to other towers slated for demolition as well.

**Renee HEATH:** And do people want to be moved in clusters?

**Louisa BASSINI:** I think there is a variety of opinions, so I cannot purport to represent that myself, and certainly there have been people who have been happy to leave the towers for whatever reason. A lot of the residents that we have represented in the class action have been highly connected to their communities and have sought to remain part of their communities, particularly those who frequent the mosque that is here in North Melbourne and who access services in the area. They have been really determined to try and stay with their families, their extended families. Many of them have aunties and uncles and grandparents that currently live a floor away or in the next tower. They care for one another. So with the relocation their main concern has been to stay with those people, and they have been able to achieve that to varying extents but I would say not very successfully so far.

**Renee HEATH:** Okay. Stephanie, you mentioned in your opening statements and then in one of your responses that it seems like there was a bit of a frustration about the confusion between public housing and community housing. Is there anything you want to say about that?

**Stephanie PRICE:** Yes. It is interesting because it is often described as a confusion, and it is complicated to understand. The key cohort that do not have any difficulty understanding it are the public housing tenants who are now subject to the relocation. It is a very simple proposition for those tenants. They will understand the protections that are available to them as public tenants and they will understand the significant reduction that they will experience in policy protections oversight if they transfer into community housing.

You can see from our submission that the speed at which the announcement of the housing statement occurred and the rapid attempt to communicate the intent of the housing statement to residents meant that the people on the ground trying to communicate the messages really did not have the answers to the very first questions that people asked: 'What will be rebuilt?' and 'Where will I go?'

People are keenly aware. They know what is going on with public housing. They were concerned from the get-go that this would be the end of public housing on these estates, that they would be asked to move into community housing. Those questions were not able to be answered frankly and forthrightly at the outset. Since then, because of the persistence of those questions, there have been additional efforts to respond to them, but what we would say is the attempt to answer those questions has been insufficient and indeed an obfuscation of the issues at hand.

**Renee HEATH:** Louisa, you spoke before just in passing about the materials that these homes were made out of and you spoke about people with mental health issues and how – I think this is what you were saying – concrete walls are more suitable for them than plaster. What do you mean by that?

**Louisa BASSINI:** I feel like how robust a home is is often overlooked when we are talking about disability modifications. We often see, for example, a resident with a child with autism who is often banging and crashing around in a home. The towers withstand that kind of living to a far greater extent than the new builds do. So even though clients are faced with a brand new build in the community housing estates, as compared with an old tower, many of them know that the old towers actually, if they were properly maintained – they are often neglected, but if they were properly maintained – would actually accommodate their families more effectively.

It is not just that. It is family violence issues, a range of different living issues, even just living in a relaxed way in a home – you know, you knock into things. I think that with the way that community housing homes are being built now this is just not something that is taken into account in terms of what will be the longevity of the standard that the house is maintained at and are we going to have residents coming to us with huge bills where the department is trying to recover money because actually the place is a pretty flimsy build to begin with?

**Renee HEATH:** I wonder, though – and this is an honest question; it is not loaded at all – isn't it then injury versus the need for repair?

**Louisa BASSINI:** No, I do not think so.

**Renee HEATH:** Okay. Why is that?

**Louisa BASSINI:** I think if you are banging into a wall and it is concrete, you are not going to be going so hard that you would break your bones, but you might cause a dent in a plaster wall quite easily, as people do all the time. We see houses that are like that and that require a whole lot of plaster repair, and I do not think that the people have necessarily been injured to a great extent. It is just that it is a really shoddy build.

**Renee HEATH:** Right, okay. Thank you.

**Louisa BASSINI:** Whereas, in contrast, you can step into some of the apartments in the towers, and they have been maintained by the people living there in such a nice way that, even though they are decades and decades old, they actually look lovely on the inside and all they need is to be repainted rather than to be constantly repatched and all of that.

**Renee HEATH:** Okay, thank you. Why do you think they are being destroyed then, and demolished, if they are well maintained and healthy? What is your view on that?

**Louisa BASSINI:** Well, we have spoken to numerous architects and engineers since the housing statement was released, and many suggest that retrofitting and refurbishment is a very good approach to dealing with the towers. I wonder whether this was not properly investigated as an option by the government.

**Stephanie PRICE:** I think that part of the answer to that is in what has not been the subject of our submission but is obviously relevant, which is the intention, as we now know, in relation to the rest of the land. The land will not solely be used for social housing delivery, it will also be used for private housing delivery. These are 44 sites, largely inner-city sites, that present an appealing opportunity for the delivery of private housing as part of that. The government can also do what we understand clearly to be the preferred approach to social housing delivery, which is the transition from public to community housing. There are a multitude of dynamics at play, and I think we would say, based on the experience of the people that live in the towers, overwhelmingly the condition of the towers is not the principal reason.

**Renee HEATH:** Thank you. That is my time. I heard a little alarm.

**The DEPUTY CHAIR:** Thank you. Ms Gray-Barberio.

**Anasina GRAY-BARBERIO:** Thank you, Deputy Chair. And thank you for your presentation this morning. I want to bring you back, Ms Bassini – you spoke about the right to return. Have your clients reported being misled or confused about their right to return after relocation, and have any residents reported being threatened in any way if they do not accept their housing offer?

**Louisa BASSINI:** With some clients who have been offered an alternative home and who are preparing to move, they have sought our assistance with seeking a written guarantee that they will have a right to return to the estates. That has often involved a back-and-forward correspondence with Homes Victoria where sometimes we are not given any guarantee whatsoever in that correspondence. At other times we have had emails that mention or that assure us that the resident will have the right to return. When we have asked for there to be some legally enforceable guarantee, we have not been successful in that. We are faced with this predicament where a client is asking whether they should accept an offer that is within a certain timeframe without these proper protections or whether they should hold out and not sign that relocation form and not move in order to try and protect their rights. They are often told by Homes Victoria representatives that if they do not sign the relocation form they will not receive any offers, which is contrary to the current relocation guidelines, which make no reference to this relocation form whatsoever. So they are faced with a really challenging predicament of trying to achieve the best outcome for their families or trying to protect their rights in a way that we would suggest is the best approach, which is not to sign that form which seems to have no basis in the guidelines and which does not provide them with any clarity as to what their rights will be going forward.

**Anasina GRAY-BARBERIO:** Thank you.

**Stephanie PRICE:** Just add to that: we have direct experience and recent experience of what it looks like for Homes Victoria to guarantee a right of return, which is from the public housing renewal program. A deed was entered into which did guarantee it. I mean, practically speaking, we know from the return rate that it is a small return rate, because people are returning to community housing not public housing. But in the tower redevelopment program, what renters are faced with is an array of assurances, differently expressed. They are obviously conceived by the Homes Victoria communications team, available on website fact sheets, but differently expressed, or statements that are made in closed-door meetings with relocations officers. All of this, we say, is quite unsatisfactory when, were the intention to guarantee a right to return with particular conditions, it could easily be reflected either in the agreement that people are asked to sign or in a separate deed, as per the public housing renewal program.

**Anasina GRAY-BARBERIO:** Thank you. It sounds like what people are being told and what is publicly available are incongruent in terms of relocation offers. You mentioned residents feeling that they signed relocation papers not knowing what they were signing up for. What legal redress do residents have if they feel they were lied to or pressured out of their homes?

**Louisa BASSINI:** We are representing residents of the towers in a class action currently, and so I would say that is the legal redress that we are hoping to achieve. On an individual basis, there is not a great deal beyond that. I think it is particularly because in practice what they are faced with is what feels like an almost certain outcome, which is that the towers will be demolished, and they are trying to navigate protecting their rights in a situation where they feel like they need to actually just move in order to secure a home that is suitable for their family in a situation where there is limited availability of public housing properties. They are stuck between a rock and a hard place.



**Anasina GRAY-BARBERIO:** Which does not sound very comfortable at all. In your view, to what extent has the government's failure to maintain public housing contributed to claims that buildings are no longer fit for purpose?

**Louisa BASSINI:** Do you want to answer that?

**Stephanie PRICE:** We know that the Victorian state government spends the lowest amount per public housing resident on public housing maintenance. It has a stock profile that is particularly aged. There is nothing structurally unique or interesting about the stock that the state government owns, its housing, and as with other housing in Victoria, if it were appropriately maintained, it would have a long and ongoing life. It has been pointed out numerous times that some of the state's most cherished heritage assets are 100 years old, 150 years old. They are such because they have been carefully maintained, and we would say that, with the same approach taken to the concrete, the bricks and the plaster that is owned by the state government, there is no reason at all that these houses could not well accommodate people for decades into the future.

**Anasina GRAY-BARBERIO:** Thank you. How have the vulnerable residents – i.e. the elderly, the disabled, those that have experienced trauma and the non-English-speaking residents – been affected by the displacement process?

**Louisa BASSINI:** I know that they are addressing the committee directly later, so they can speak to that. But an example would be a group of elderly women in one of the towers that I know of that are really saddened by the prospect of being dispersed and no longer having that close network. They socialise together, they spend their days together on the ground floor and they access the services nearby. It is effectively a rupture in what is their support network and their community as they go into the later years of their life, and it is something that I think the impacts of which will play out in the years to come and probably be an economic cost to the state as well in terms of people having to access other services as they become more unwell without their support networks. But yes, I think that it is actually pretty devastating, what we will see.

**Anasina GRAY-BARBERIO:** Thank you. To what you can identify – any potential breaches of human rights or procedural fairness in the handling of public housing estate redevelopments?

**Louisa BASSINI:** I mean, they are all issues that have been raised as part of the legal proceedings, so it is better for us to not comment on that because it will play out in that forum.

**Anasina GRAY-BARBERIO:** Thank you. How am I going for time?

**The DEPUTY CHAIR:** Twenty seconds.

**Anasina GRAY-BARBERIO:** Okay. I will be very, very quick. Are you aware of the eligibility and suitability criteria for right of return for public housing residents? How are they defined and how could it affect residents right to return?

**Louisa BASSINI:** Well, I mean, it is just simply that if someone is eligible for public housing in one year and then, for example, they start working in a job the next year, they may no longer be eligible when the time comes to return to what was their home. I think more significant is the 'subject to availability', which is the condition that Homes Victoria is indicating, which is completely outside of the control of the resident if there is no availability of properties for them to relocate back into.

**Michelle REYNOLDS:** That is something that the committee could recommend around – actually looking at how many people and what type of buildings are required for the cohorts that are there and that that should be rebuilt and accommodated so they have got that ability.

**Anasina GRAY-BARBERIO:** Thanks very much. Thank you, Deputy Chair.

**The DEPUTY CHAIR:** Mr Batchelor.

**Ryan BATCHELOR:** Thank you. Thank you all for coming. Louisa, maybe I might start with you. What happened in the Elgin Street towers in late 2022?

**Louisa BASSINI:** What happened in them?

**Ryan BATCHELOR:** Yes.

**Louisa BASSINI:** Are you referring to the emptying of two of the towers?

**Ryan BATCHELOR:** Yes.

**Louisa BASSINI:** Well, I did actually work with a number of clients at that time who did not want to be relocated but were asked to be relocated because of renovations. They were told that those towers were simply being renovated and that they would be able to move back into them.

**Ryan BATCHELOR:** What happened that caused the need to undertake renovation and repairs to those towers?

**Louisa BASSINI:** I do not know what you are referring to specifically.

**Ryan BATCHELOR:** Well, you worked with clients who lived there. There is no-one living in them now. It is the first day of evidence that this committee is hearing. You as a legal centre represent the rights of the renters who lived there. I am wondering if you have got any evidence that you can provide to the committee as to what occurred in 2022 in those towers that rendered them uninhabitable?

**Louisa BASSINI:** Homes Victoria has been totally opaque with the issues that affect the residents of the towers. We often ask for this information and we are denied it. If it is not a matter that is in the public sphere already, then we would not be given access to it either. If you are talking about a specific maintenance issue in those buildings, we have not been privy to that. When we were representing residents who were being relocated at that time, we were not informed of the reason why they needed to leave the towers. In fact we were being told that they were to be renovated and that those residents would return –

**Ryan BATCHELOR:** You are not aware about what the issues are that have rendered the first two of the 44 public housing towers uninhabitable?

**Stephanie PRICE:** I am aware through the general documents that have been made available and distributed in the media, but I do not have any direct client-based knowledge.

**Ryan BATCHELOR:** Okay. Sorry – just for the record.

**Louisa BASSINI:** The sewer stacks.

**Ryan BATCHELOR:** What about the sewer stacks?

**Louisa BASSINI:** I do not know. I have not been privy to any of that information directly from Homes Victoria. There were problems with the sewer stacks that I have dealt with with some clients in another tower that were rectified. Indeed when we have spoken to architects and engineers, they insist that these are issues that are repairable and that there just needs to be adequate problem-solving in addressing them. If you are suggesting that the sewer stack issue is a reason why they needed to be completely demolished, then it would be wonderful to see evidence of that.

**Ryan BATCHELOR:** Okay. If there was evidence that issues with, for example, the sewer stacks in a building rendered it uninhabitable, do you think that it is reasonable to relocate the residents from those towers?

**Louisa BASSINI:** I think if there is adequate evidence in the public sphere to justify the demolition of a tower, many residents would understand that. If their rights were protected, they would probably be accepting of that sort of decision – that is not what we have seen.

**Ryan BATCHELOR:** Sorry. What would render that acceptable? What sort of condition would render it acceptable in your mind?

**Stephanie PRICE:** Well, there is nothing currently that we know within the existing towers. If it were the position of Homes Victoria that the properties are currently uninhabitable, it would be certainly appropriate that they seek for residents to pay no rent. That would be the position under the *Residential Tenancies Act* –

**Ryan BATCHELOR:** No, I am asking about the towers that are currently uninhabited.

**Michelle REYNOLDS:** But I think these questions might be better directed to another – like, an architect or engineer.

**Ryan BATCHELOR:** But you are coming to us, telling us that you work with residents and we are to take your evidence as the representatives of residents – maybe that is not the right word, but you work with them – and their rights as renters. I am trying to understand what evidence you can give us about the experiences that certain residents have experienced recently in places that, as a landlord, Homes Victoria came to the view were not fit to have people living in them anymore. I mean, do you accept that? It sounds like you do not.

**Stephanie PRICE:** I do think it is worth separating out the Carlton towers, which were vacant by the time the housing statement was announced.

**Ryan BATCHELOR:** Not the housing statement; I am trying to go to before the housing statement. I am trying to get from you some evidence as to whether you think –

**Louisa BASSINI:** Well, I have assisted a client who had her apartment flooded by sewage. She lived on the ground floor of 33 Alfred Street. That problem was rectified, as I understand it. All we can do is explain to residents what there is evidence of from professionals in that sphere. Consistently we have asked, since the housing statement, for some evidence that shows why all 44 towers in Melbourne have some issues with them that require them to be demolished, and we have not had any answer to that question.

**Ryan BATCHELOR:** And hopefully that is what this inquiry is going to elicit. That is why I am asking you, to start with, as the first witnesses before the inquiry, if you have got any evidence of that here. So I am grateful that you have been able to give us that.

**Louisa BASSINI:** I can speak to the discussions that I had with a number of architects and engineers in the course of the legal proceedings.

**Ryan BATCHELOR:** And I am not wanting to take you to the legal proceedings, because given those proceedings are still on foot, I do not think it would be appropriate for us to do that. That is why I am trying to locate this discussion prior to that. So you would accept that, if there were engineering assessments and maintenance assessments that rendered – whilst there may be one issue in one flat that was able to be fixed, if there was the view taken that there were fundamental issues that could not be fixed by patchy maintenance, it would be acceptable to demolish and rebuild?

**Louisa BASSINI:** Yes. I mean, it would be a question of the safety of the residents, so we would probably be advocating for them to be relocated in that instance. It is certainly not the case in this instance that we have been presented with any such evidence.

**Ryan BATCHELOR:** But if you had that evidence presented to you, you would be open to hearing it.

**Louisa BASSINI:** Yes. I mean, I am a lawyer. I act on behalf of the clients that I am working with, so I do not take a pre-formed opinion. What we do is advise, based on the evidence available to us, and in the course of considering the housing statement and suggestions that all 44 towers need to be demolished, it is hard not to form the opinion that this is policy that does not actually relate to –

**Ryan BATCHELOR:** But it is not being demolished immediately. Isn't it a 30-year program?

**Louisa BASSINI:** Well, I think it is moving with great haste. And certainly our clients are being –

**Ryan BATCHELOR:** Great haste.

**Louisa BASSINI:** Yes.

**Ryan BATCHELOR:** We have got two towers that no-one lives in, and they are being redeveloped.

**Stephanie PRICE:** Two tranches have been announced.

**Ryan BATCHELOR:** Out of how many? How many is that out of, 44?

**Stephanie PRICE:** Already seven buildings.

**Ryan BATCHELOR:** Out of 44.

**Stephanie PRICE:** Yes.

**Ryan BATCHELOR:** And in how many years?

**Louisa BASSINI:** And a series of walk-ups in proximity to the –

**Ryan BATCHELOR:** But they are separate.

**Louisa BASSINI:** No, they are announced as part of tranche 2, so it is moving very quickly.

**Ryan BATCHELOR:** You think it is moving very quickly? How long do you understand the entire program is going to take?

**Stephanie PRICE:** Well, the housing statement indicates that it will be concluded by 2051.

**Ryan BATCHELOR:** 2051, so just under 30 years.

**Stephanie PRICE:** Yes.

**Ryan BATCHELOR:** Thanks.

**Louisa BASSINI:** Can I just say: it was less than four weeks after the housing statement was announced that our clients were having people knock on their doors telling them that they needed to sign relocation forms. So it was with great haste that a lot of people have experienced the housing statement – four weeks, they had.

**Ryan BATCHELOR:** Thirty years.

**Louisa BASSINI:** Indeed, it is –

**The DEPUTY CHAIR:** I am really sorry to cut the conversation off here. I will pass to Mr Puglielli.

**Aiv PUGLIELLI:** Thank you, Deputy Chair. Stephanie, I will begin with you. You have mentioned that the distinction between public and community housing has potentially been deliberately obfuscated by government or Homes Victoria. Can you speak to why you think that is happening?

**Stephanie PRICE:** Well, as we outlined in the submission, one of the most common responses to the question of ‘Is there a difference between public and community housing?’ has unfortunately been ‘No, there is no difference. The *Residential Tenancies Act* applies to both, and your rights will remain the same.’ That of course, as I indicated, is merely a statement that the law of Victoria applies to all residential tenancy agreements. The *Residential Tenancies Act* similarly regulates rooming houses, which are defined as a form of homelessness by the ABS, so hardly an indicator of the sorts of entitlements and protections that we say define public housing and make public housing the safest, securest and most affordable form of housing that any Victorian can reside in. A useful analogy would be were an employee to go to an interview for a job with an employer and ask the question, ‘What will my wages and conditions be?’ and for the response to be, ‘The same as the last place. The *Fair Work Act* applies.’ It tells you nothing about the specifics of your rights. That is the case for tenants.

**Aiv PUGLIELLI:** I understand there was a letter that was circulated to North Melbourne and Flemington residents in which Homes Victoria wrote:

Community housing renters have the same rights as public housing renters and are protected under the Residential Tenancies Act 1997.

Do you think in this instance, following that last question, Homes Vic has misled North Melbourne residents?

**Stephanie PRICE:** ‘Mislead’ is a word I would be reluctant to use. I think it has wilfully relied on an obfuscation. It has provided an answer that does not clearly indicate to people what actually are the differences in those two forms of tenure. Again, analogies and different bits and pieces – I brought for the committee today an example of what it is when we say that the guidelines in public housing provide expansive, comprehensive protective mechanisms to ensure that housing is protected. This here is the operational guideline of Homes

Victoria for rental arrears. It is 38 pages, and it details sufficiently to housing officers how to deal with all the different machinations of a person appearing with rental arrears and how to do so to seek to avoid terminating a tenancy and ensure that that tenancy is sustained. I do not intend to reference the particular provider; this is an example of a rental arrears policy of a community housing provider. It is a page and a half. It is a mere statement of broad principles, which amount to little more than indeed 'The *Residential Tenancies Act* applies.' That is the key difference, we say – and it is well understood by public housing tenants – between their rights and entitlements.

**Aiv PUGLIELLI:** Thank you. Can I ask: in the past has the government's public-private partnership model of bringing private financing and developers in to convert public housing into community and private housing produced good outcomes for Victorians, broadly speaking?

**Stephanie PRICE:** I mean, the most recent example would be the public housing renewal program. We would say that is a real marker of the retreat of public housing, which we say is, as I have indicated, the most secure, affordable and safe form of housing for Victorians. On none of the public housing renewal sites that have now been rebuilt is there a single public housing unit. Instead it has been replaced with community housing, which as I have indicated, provides fewer protections for those vulnerable Victorians who are residing there. I encourage committee members to review the register of housing providers that is detailed by the housing registrar, which is the regulator of the community housing industry. In the last three years alone – I checked it last night – an additional 20 community housing providers have been registered by the housing registrar. That is an increase of about 50 per cent on where it was three years ago. Again, if you look at those providers, you will see that a significant number of those providers are registered with no websites, no phone number, sometimes a mobile number or sometimes a number from an interstate provider. This is an indication that there has been an influx of community housing providers in the form of private enterprises, special-purpose vehicles, that are increasingly being registered as community housing providers. They are fundamentally altering the nature of the community housing sector as we know it in Victoria, and we will see that play out through the high-rise redevelopment program.

**Aiv PUGLIELLI:** Thank you. Can I ask the panel: what are you hearing from residents at the moment about the quality and the livability of new community housing?

**Louisa BASSINI:** I would say there is a spectrum of opinions about it, but we do know of residents who have moved into community housing and felt like that relocation occurred under duress, and they want to return to public housing. They have contacted Homes Victoria, who said, 'Sorry. We don't have anything to do with you anymore. You need to speak to your own housing provider' – effectively, 'Go away. There's nothing we can do.' That is certainly a situation that is playing out.

**Aiv PUGLIELLI:** Can I ask: when you say 'under duress', what types of behaviours are leading you to use that type of phrase?

**Louisa BASSINI:** Well, as I explained before, the relocation forms that were presented to residents, quite often in meetings that occurred on their doorsteps without adequate translation, were presented to residents in a conversation that directed them to either sign that form and relocate or be exposed to missing out on any decent alternative housing if they were some of the people who stayed in the towers. So they are faced with that choice that I think often leads to them feeling pushed into the direction of accepting a relocation given that they feel there is no alternative.

**Aiv PUGLIELLI:** Thank you. Can I ask: the leases for residents that are being moved into community housing – what is the length of those leases that we are seeing?

**Stephanie PRICE:** They vary. A resident in public housing has what is called a periodic tenancy, which is a month-to-month tenancy, which is essentially a lifetime tenancy. It makes it very difficult to terminate, and that is the expectation of a public housing tenancy; bar any breaches that are substantiated at the tribunal, there is no reason that you would lose that tenancy. That is not the case in relation to community housing. It varies across sites, but we are seeing residents offered fixed-term tenancies – one-year, two-year, three –

**Aiv PUGLIELLI:** Is there a sort of average from your assessment you can provide from what you have seen?

**Louisa BASSINI:** We have seen a range of durations, and the problem there is that at the end of a fixed-term tenancy you can be served with an end of fixed term notice to vacate, which is an eviction based on no fault of the resident at all.

**Aiv PUGLIELLI:** Can I ask: is the panel aware of any previous public housing families that have been unable to return because there are no apartments provided that are suitable in size?

**Stephanie PRICE:** Yes, certainly. In the public housing renewal program, which is the preceding program, there were absolutely families that were unable to return because what were predominantly built on the estates were one- and two-bedroom units, and many large families were relocated away.

**Michelle REYNOLDS:** And also I think, to follow back to one of your earlier questions on any examples, I wonder if the committee itself – you did a review in 2018 into the public housing renewal program, and as part of that there was an obligation for the government to report back on that program and what happened there. I do not know if that has occurred, but that could be useful information for the committee.

**Aiv PUGLIELLI:** Can I ask: from a legal perspective, in your assessment can the committee here do its work adequately without seeing cabinet-in-confidence documents, which so far have been denied to us?

**Ryan BATCHELOR:** That is not a legal question, is it? It is a question for the committee.

**Stephanie PRICE:** I think it is clear from the questions that are being put to us that there is a lot that is unknown. We are not privy to a lot, and members of the committee are not privy to a lot. It does make it very difficult to make the sorts of assessments that are being asked of us and no doubt the committee and indeed the residents – the decisions that they are being asked to make based on various assurances, representations and indications, without access to what lies beneath those.

**Aiv PUGLIELLI:** Thank you. Is that my time?

**The DEPUTY CHAIR:** That is your time.

**Aiv PUGLIELLI:** Thank you so much.

**The DEPUTY CHAIR:** Mr Tarlamis.

**Lee TARLAMIS:** I do not have any questions at this stage.

**The DEPUTY CHAIR:** In that case we will have a short amount of time for some additional questions. Dr Heath.

**Renee HEATH:** I just wanted to pick up on something you said, Stephanie, when you were having a conversation with Mr Batchelor. You were talking about the issue with the sewerage, and he said, ‘At what stage would it be appropriate to demolish them?’ and you said something interesting – you said something about them paying no rent. Can you explain to me what you meant there?

**Stephanie PRICE:** Well, there is a contradiction in the position of Homes Victoria, which is that these towers are essentially uninhabitable. It is necessary to relocate people at great haste, we would say, demolish them and rebuild something else, all the while asking residents to continue to pay their ordinary rent and indeed increasing the rent in these towers within the last few months. Legally speaking, under the *Residential Tenancies Act*, there is a contradiction in those two propositions.

**Renee HEATH:** So what are you recommending? That they stay there and pay no rent?

**Stephanie PRICE:** No, but if Homes Victoria does faithfully maintain that the premises are uninhabitable, it would be appropriate that Homes Victoria take that view with renters. Certainly we think that the renters who are residing in the premises are quite comfortable there. It is appropriate they continue to pay their rent. It is not their position that the premises are uninhabitable, but it is the landlord’s position.

**Renee HEATH:** Okay.

**The DEPUTY CHAIR:** Mr Batchelor, final question.

**Ryan BATCHELOR:** Just a quick follow-up: you said that you were not aware of any evidence about the condition of the sewer stacks in the Elgin Street towers. Have you read the report by Approval Systems that was tabled in the Legislative Council in June last year that went through a condition report on the towers and said (1) that there was evidence that the sewer stacks were failing and were subject to significant leaks throughout and (2) that there was evidence of dampness in walls throughout the building and the formation of efflorescence and mould within sole occupancy units. The sewer stacks appear to be the source of the internal dampness. Is that wrong?

**Louisa BASSINI:** I mean, I have not read that, but I also have not read any assessments by professionals as

**Ryan BATCHELOR:** It was tabled in the Parliament and has been publicly available for a year, and you have not read it?

**Stephanie PRICE:** Yes, I have read that report. Yes. I noted in the associated documents that were released there was a more extensive assessment of the condition of the towers and what changes could be made or not be made to bring it up to current building codes. The only structural limitation was on the height of the ceilings, which would preclude particular formations of air-conditioning installation. Certainly the fulsome compilation of those documents did not at all indicate, I would say, on my assessment, without being an engineer or an architect, being a community lawyer –

**Ryan BATCHELOR:** Neither am I, so we are both reading the same thing.

**Stephanie PRICE:** I certainly did not read anything that indicated that these were fundamentally beyond repair. But if it is the case that an engineer indicates that, certainly it is not our position that no public tenant can ever be relocated from a property. That is not the end of the question, from our perspective. It is where do they go, and to what do they return?

**Ryan BATCHELOR:** So just quickly and finally, do we have to wait until there is a failure of the sewer stacks, or do we need to have a proactive program of capital asset management, of making sure that homes do not degrade to the point where mould is forming in the walls because of sewage in order to give the most vulnerable and poorest residents of our state homes that are suitable for them?

**Stephanie PRICE:** Yes, certainly. And a number of years ago, the Auditor-General pointed out that the programmed maintenance that one would expect to maintain the stock profile that the department holds was not occurring. So absolutely, we would say the programmed maintenance needs to occur in relation to the towers and every single public property that sits within the stock profile of the department.

**Ryan BATCHELOR:** And if they cannot be fixed?

**Louisa BASSINI:** We should see evidence of that.

**Ryan BATCHELOR:** Such as this report?

**Louisa BASSINI:** Does that report say that the problem could not be fixed?

**Ryan BATCHELOR:** It says 'failing'.

**Louisa BASSINI:** The architects and engineers that we spoke to said that these are problems that can be rectified. I cannot speak to that report specifically, because we are representing residents who live in the three towers in this area.

**Ryan BATCHELOR:** You have got coverage of Carlton, though, don't you?

**Louisa BASSINI:** No. We are representing the residents of the towers that are currently occupied.

**Ryan BATCHELOR:** Your submission says you have got coverage of Carlton.

**Louisa BASSINI:** Not in the class action proceedings. There is nobody living in those two towers currently, so we do not have any residents in those towers. But we have sought evidence of the sort that you are speaking to, and we have not been able to obtain that.

**Michelle REYNOLDS:** But also it goes to what we are concerned about – it is not just the decision around that but also what is actually happening with residents and the lack of answers that residents have got around the actual process itself and what relocation agreements or guidelines apply, whether they are relevant and whether they are rightly constructed. So, okay, if the committee forms a view, on evidence that it is provided around the towers, that they must be demolished, we really urge you to turn your mind to what is actually happening to the relocated residents. There are some real problems that we have highlighted today.

**The DEPUTY CHAIR:** Final question to Ms Gray-Barberio.

**Stephanie PRICE:** But I will say: and to what do they return? The Carlton towers will be rebuilt as public housing. They are the outlier in this program. They will be rebuilt, on current indications. The term ‘public housing’ is used, and you know when Homes Victoria say public housing they mean public housing – they will say social housing if they do not. Public housing will be rebuilt on those estates.

**The DEPUTY CHAIR:** Ms Gray-Barberio.

**Anasina GRAY-BARBERIO:** Thank you. Just on your note there, Ms Reynolds, on public housing residents needing answers, what answers have you been receiving with regard to their experiences during the relocation process – the impact on their health and wellbeing, access to essential services. What has that been like?

**Louisa BASSINI:** Well, a colleague was explaining to me just a few days ago that she met with a client who has been relocated to an outer suburb. She came together with her extended network during Eid, and they were all crying with each other because they were so upset at what had happened to their community and they realised that this is a change that is irreversible. So I think that really speaks to the impact on a number of people and how deeply this will affect their lives.

**Anasina GRAY-BARBERIO:** Thank you very much.

**The DEPUTY CHAIR:** Thank you very much for joining us today. That brings our session to a close.

**Witnesses withdrew.**