

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

Richmond – Tuesday 22 July 2025

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WITNESSES

Hamish McLachlan, Chief Executive Officer, and

Dr Sebastian Sharp, Acting Manager, Policy, Advocacy and Projects, Fitzroy Legal Service.

The CHAIR: Welcome to the next session of the Legal and Social Issues Committee Inquiry into the Redevelopment of Melbourne's Public Housing Towers. I am Joe McCracken, Chair of the inquiry, and we will go through and introduce the rest of the members of the committee as well.

Anasina GRAY-BARBERIO: Good morning. Anasina Gray-Barberio, a Member for Northern Metro.

Aiv PUGLIELLI: Hi. Aiv Puglielli, North-Eastern Metropolitan.

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

Tom McINTOSH: Tom McIntosh, a Member for Eastern Victoria.

Ann-Marie HERMANS: Thank you for coming in. I am Ann-Marie Hermans, a Member for the South-Eastern Metropolitan Region.

John BERGER: And John Berger, a Member for Southern Metro.

The CHAIR: Thank you. All evidence taken 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 do provide today is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat those same things, those comments may not be protected by privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof transcript at the end of the hearing, and those transcripts will ultimately be made public and put on the committee's website.

Just for the Hansard record, could you please state your name and the organisation that you are appearing on behalf of? I will go to Sebastian first and then to Hamish.

Sebastian SHARP: My name is Sebastian Sharp. I am here appearing for Fitzroy Legal Service.

The CHAIR: Thanks.

Hamish McLACHLAN: And I am Hamish McLachlan. I am the Chief Executive at Fitzroy Legal Service.

The CHAIR: Thanks very much and welcome. I know that we will give you an opportunity to have an opening verbal submission as well, and then we will go to questions. I will hand it over to you. You have probably got about 5 or so minutes, if that is okay, and then we will go to questions. Over to you.

Hamish McLACHLAN: Thank you, Chair. I will begin by acknowledging the Wurundjeri people of the Kulin nation and pay my respects to their elders, past and present.

As I said, my name is Hamish McLachlan. I am the Chief Executive at Fitzroy Legal Service. Fitzroy Legal Service is Victoria's longest-serving community legal centre, and we have worked with public housing residents for over 50 years. Our catchment includes both the City of Yarra, where we are today, and also the City of Darebin, and is home to 13 of the 14 towers that are slated for demolition and redevelopment.

Since the announcement of the government's plan we have been providing drop-in legal services, casework and community education for residents impacted by the redevelopment. We are here – and thank you for the opportunity to speak to you – because many members of our communities that we support have told us they are anxious about the demolitions going ahead. They do not support them, and we want to be able to share their lived experience with the committee, particularly in relation to their experience of the relocation process.

In terms of our position, we are not in support of the government's plan in its current form. In our view it fails to uphold the rights, voices and dignity of the community members that are impacted. In our view the proposal risks compounding disadvantage, disrupting social cohesion and weakening the housing rights of thousands of Victorians. We agree with the previous concerns that have been raised, including by other people in our sector.

I do not want to repeat everything that is in our written submission, but we wanted to highlight three main points that we see as problematic. First, as you have just been hearing from the mayor and councillor, the dislocation is causing a lot of distress for our clients and community members. We know from our work with public housing residents that public housing estates are far more than just buildings. They are homes, as you know, to over 10,000 people across Victoria, including multigenerational families, migrants and refugee communities, and also in particular in relation to some of the estates in our area, to Aboriginal residents with longstanding cultural and historical ties to place. We see the current plan as risking dismantling decades of connection, safety and support, and we have provided some case studies to that effect.

The other thing that we are concerned about is the potential move from public housing to community housing, so we would echo Mayor Jolly's concerns in that respect. As the committee will be aware, Victoria actually has the lowest proportion of public housing in Australia, and there has been nothing from the government that has reassured us that that will not be actually diminished by the current plan. The government has not committed to rebuilding public housing on the sites, and residents are concerned that they will either be moved into private rentals or privately run community housing. The issue with that is community housing works for a lot of people, but it does not work for everyone, and it does have some pertinent differences to public housing. So people face higher rents; as you will have heard previously, there is a higher risk of eviction, as we went through in our submission; and also residents tend to have more difficulty getting essential repairs resolved. There are also issues in relation to policy for community housing providers. It is often quite opaque and difficult to know what a community housing provider's policies will be in relation to various tenancy issues, and it is also very inconsistent across the sector.

The third point we wanted to highlight, and it goes directly to one of the terms of reference, is the impact of the process on affected residents. As I said, we have been dropping in here, to Richmond, and providing assistance to people who are impacted by the government's plan. A major thing that has run throughout that assistance program has been issues in relation to the so-called right to return. Residents have reported being told that they would have a right to return and being pressured into quickly signing a relocation agreement on that basis. But once the caveats on that so-called right are explained, often residents would want to rescind that agreement, so the right to return is a real problem from our view in the sense that residents are not being told where they will be able to return. Is it site specific? Is it area specific? Is it just to some form of social housing? Is it to public housing or is it to community housing? Will they have the same rights as they had when they were in public housing? We are seeing that as a major problem.

In closing, we very much welcome this inquiry and the committee's commitment to centring the voices of residents who will be most affected by the redevelopment process. Our community members' experiences suggest that, rather than pursuing a plan that will fragment communities and push people into housing with fewer rights, the government should (a) prioritise the retention and indeed the expansion of public housing that is secure and affordable and that meets the needs of our diverse communities; and secondly, when upgrading public housing, adopt a process that is consultative and trauma informed, properly considers human rights, is minimally disruptive and minimally impairing of human rights and, as I said, includes an enforceable and clear right to return.

The CHAIR: Thanks very much. We will go through questions now and see how far we get. We might have a little bit of time over at the end to do a bit of free form; we will see how we go. I will start off. You guys are a legal service. What is the work that you do with the residents of the public towers to support them?

Hamish McLACHLAN: We have a tenancy program, number one, specific to this issue; we have been running a drop-in service here weekly since September 2024. So we have clients who approach us and ask for legal advice about what their rights are in relation to that, and we will give them advice and will advocate to Homes Victoria. We also do community legal education, so we have run four sessions where we explain to people the process and their rights and what their options are.

The CHAIR: One of the rights that you spoke about was, from what I gather from what you said, the big question mark over the right to return. I want to know a bit more about that. We have heard from others about the right to return in various forms of evidence. But you say that there is a lack of clarity around what that actually means, and I think you might have even mentioned that some people have decided to rescind that agreement or to waive that right to return. Why?

Hamish McLACHLAN: Not rescind their right to return but in terms of the relocation plan that might have been agreed or where they might go once they understand what the right to return entails or does not entail.

The CHAIR: What does it entail? What have you experienced and what have you seen?

Hamish McLACHLAN: What we are told is that Homes Victoria will say, 'You've got a right to return if you agree to this,' and one of the things that multiple residents have told us is that they feel very pressured to sign it because Homes Victoria will say to them, 'If you don't sign this relocation agreement, this alternative, the best places will go. So you'd better sign now, now, now.' So they will sign it and they are told, 'You'll be able to return. You'll have a right to return.' I think advocates have been asking for is to say to the government, 'What does that mean? What is the right, can you put it in writing and can it be in some way enforceable?'

The CHAIR: So you have not got anything in writing from anyone at all that says, 'If you are in this tower, you have a right to return the redeveloped area in some way, shape or form'? There is nothing in writing about that. Is that correct?

Hamish McLACHLAN: Not that I am aware of, no.

The CHAIR: Right, so what impact is that having on the people that you are working with then? I mean, obviously there would be a lot of anxiety around that.

Hamish McLACHLAN: There is a lot of anxiety around it. As well as anxiety and distress, it has practical impacts because to have a right to return, you kind of need the 'where, when, what' detail. What people find out over time is that right to return is a right to return if you meet the eligibility requirements. That might change and your circumstances may change – that it will be a right to return to the buildings, but what if those buildings that are built do not suit your needs? What if you need a three-bedroom apartment and they are only building two-bedroom apartments? What if you need to have a carer with you?

The CHAIR: So there is a lack of clarity around all that stuff?

Hamish McLACHLAN: Yes.

The CHAIR: I appreciate that. My time has run out, I am sorry, but I am going to pass over to Mr Batchelor.

Ryan BATCHELOR: Thank you, Chair; and thank you both for coming in.

Hamish McLACHLAN: You are welcome.

Ryan BATCHELOR: I asked this question of Southside legal and I ask it of you: what do you think the government's or Homes Victoria's primary duty of care is to its residents in the public housing towers?

Hamish McLACHLAN: It is probably a question best directed at Homes Victoria.

Ryan BATCHELOR: You offer legal representation to residents; you are a lawyer. What do you think the primary duty of care is?

Hamish McLACHLAN: Sorry, can you be more specific about what you mean by primary?

Ryan BATCHELOR: Well, the government, the landlord, has a range of obligations to its residents; what are the elements of the duty of care that they hold for the residents?

Hamish McLACHLAN: It is probably not completely within our expertise in terms of what the government's duty of care is.

Ryan BATCHELOR: What advice would you give a resident about what duty of care is owed to them if someone came and asked you for that advice?

Hamish McLACHLAN: We tend to provide advice more around residential tenancies rather than duty of care, which is more in the realm of negligence, but if I can ascertain the point of your question as, 'Does the government have an obligation to provide housing that is safe and meets people's needs?', then yes it does.

Ryan BATCHELOR: So you think that would be the primary responsibility, to provide housing that is safe and meets people's needs?

Hamish McLACHLAN: It is certainly a responsibility. It is hard to answer whether it is primary or not without having the other things that you are thinking of put to me, to be honest.

Ryan BATCHELOR: What am I thinking of?

Hamish McLACHLAN: I do not know.

Ryan BATCHELOR: You don't know?

Hamish McLACHLAN: Do I know what you are thinking of?

Ryan BATCHELOR: Well, you said you didn't know what I was thinking of, so I was just curious as to what you thought I was thinking of. What we have seen, particularly in the red-brick towers in Elgin Street, is a failure of sewer stacks that required the relocation of residents within a 24- to 48-hour period in late 2022. First of all, are you familiar with those circumstances?

Hamish McLACHLAN: No.

Ryan BATCHELOR: Have you read the Approval Systems building surveyors report on the condition of the Elgin Street towers?

Hamish McLACHLAN: The Elgin Street towers are not in our catchment. That is a Melbourne thing. We are in the City of Yarra.

Ryan BATCHELOR: So in formulating your opinion on the appropriateness of the program across all 44 sites, you have only drawn upon your experience within your catchment areas.

Hamish McLACHLAN: Correct, yes. I mean, we are presenting to you the views of the residents that live in these areas. But to the point I think you are making, what it draws out is an important point that it should be looked at on a case-by-case basis.

Ryan BATCHELOR: So if the conditions existed that would require residents to be relocated because buildings were not fit to live in anymore, do you think that would justify a program of redevelopment?

The CHAIR: Your time is up, but I will give you a few seconds to answer

Hamish McLACHLAN: Yes, certainly. We are not opposed to upgrades, and we are certainly supportive of the government providing secure and safe housing. The point that I am making is that there should be an individual assessment building by building, and I think it is a difficult proposition to say that because one set of towers justified demolition and redevelopment, therefore all of them must, particularly in circumstances, as Mayor Jolly said, where we have not been provided with that evidence.

Ryan BATCHELOR: Even if they are all built the same way?

The CHAIR: Hold on. Time is up, I am afraid, Mr Batchelor. Thanks for your response. I will hand over to Ms Gray-Barberio.

Anasina GRAY-BARBERIO: Thank you, Chair. Thank you, Mr McLachlan and Mr Sharp, for being here. In your submission you said that the plan was a 'forced displacement'. The government calls it voluntary relocation and paints the plan as an upgrade to homes that residents should welcome. Can you explain to the committee why you say 'forced'?

Hamish McLACHLAN: It is forced in the sense that there is no alternative from the residents point of view.

Anasina GRAY-BARBERIO: And by that, they have not had a voice in the decision?

Hamish McLACHLAN: Correct. So there was not a pre-consultation with residents at all.

Anasina GRAY-BARBERIO: Okay. Thank you. Your submission also talks about residents who have experienced trauma at the hands of totalitarian governments before moving here to safety in Australia. Has the government exploited residents' trauma and potential likelihood of agreeing with government figures?

Hamish McLACHLAN: I do not know if I would go so far as to say they have exploited it, but it is an important point.

Anasina GRAY-BARBERIO: Perhaps they have taken advantage of it.

Hamish McLACHLAN: Certainly what we have seen is that it has not been properly considered and accounted for. A lot of these people have experience of trauma. A proper process that wanted to upgrade and uplift public housing across Victoria that most people would be supportive of should be trauma informed. It should give people time. It should give people support. It should make sure that things are properly explained in their own languages. If you do not do that, it is not trauma informed and may well exacerbate people's trauma.

Anasina GRAY-BARBERIO: We have heard from various residents that there were no interpreters when they were explaining the process. What I am hearing from you now – and please correct me if I am wrong – is the approach by Homes Victoria is not trauma informed. It is exacerbating, compounding people's trauma.

Hamish McLACHLAN: Certainly that is what we have heard from residents, yes.

Sebastian SHARP: It also left those residents vulnerable to agreeing to relocation which they might not have otherwise had those services been permitted more time and support, and a lot of our advocacy really focused on organising those interpretation services and counsel that you have suggested.

Anasina GRAY-BARBERIO: Thank you. I appreciate that. I am just looking at my time, so I will be very quick here. Your submission states many of your clients were provided with, in your words, incomplete or misleading information by Homes Victoria's relocation teams. Can you provide some examples of that?

Hamish McLACHLAN: Certainly. I think it goes to the point that I was discussing with Mr Batchelor, particularly around the right to return – that people were told they had a right to return. That sounds like something that is enforceable and it sounds like you are going to return to the same situation that you had, but as we have gone through, that often is not likely to be the case or certainly is not guaranteed.

Sebastian SHARP: Another big issue was the difference between public and community housing, and we heard several reports of residents stating that they had been told that they were essentially the same and agreeing to the relocation on that basis. It was only once we explained those crucial distinctions in our information sessions and in our advocacy that they expressed the desire to rescind the relocation agreements that they had already made.

Anasina GRAY-BARBERIO: Can I just clarify one point, Chair? Just with that answer you said that they are expecting the same, so in other words they are expecting like for like.

Sebastian SHARP: The representations that were made by Homes Victoria, according to the residents that we spoke to were, 'Basically it's going to be the same. It's best for you to agree to this.'

Anasina GRAY-BARBERIO: Great. Thank you so much. Thanks, Chair.

The CHAIR: Thanks very much. I will now pass over to Mr McIntosh.

Tom McINTOSH: Thanks, both, for being here. Could you briefly touch on, just off the back of the last question from Mr Batchelor, your primary work that you do in the community, at a high level again?

Hamish McLACHLAN: At Fitzroy Legal Service we are a community legal centre, so we provide legal assistance, legal advice, community legal education across a range of community legal areas to people who are experiencing disadvantage in the cities of Yarra and Darebin.

Tom McINTOSH: Yes. And so specifically, as a percentage of people walking through your front door, what are the issues that you are helping them with?

Hamish McLACHLAN: Legal issues?

Tom McINTOSH: Yes.

Hamish McLACHLAN: Across a broad range – we have a large family violence practice, family law and criminal law. We have a number of civil law practices that we do in relation to tenancy –

Tom McINTOSH: That matches conversations I have with other community legal centres, the volume of work. What volume of work would you say is residential tenancies work? What percentage roughly – sort of back-of-the-envelope?

Hamish McLACHLAN: Maybe 10 per cent.

Tom McINTOSH: Sure. Mr Batchelor talked before a bit about the obligations of a landlord, in this case the state. What are your views on alternatives? I asked the previous panel too. It is almost a bit of a philosophical question about conditions versus quality outcomes. What do you see as a balance? I will not get too technical here, but there are many people over decades who have had a view that high-quality living comes at a cost, whether it is energy efficiency, whether it is the quality of the ventilation et cetera et cetera. Where do you see the balance of the outcome that you would like to see, for people that you represent in the homes that they live in?

Hamish McLACHLAN: Well, the bottom line is that it meets the legal standard, right? And sometimes that is even just a battle to have it enforced. We see that particularly in community housing, which is one of the reasons we are concerned about the proposal. It is making sure that properties are livable, that they meet the required standards to let. That is the absolute minimum. And I think one of the aspects of this debate is that some of those towers have been allowed to deteriorate over time, and those standards have not been maintained. So as an absolute base you have got to make sure that the rental is meeting a legal standard.

Tom McINTOSH: So people should not be living under conditions that do not meet that.

Hamish McLACHLAN: Yes, correct. We would never support that.

Tom McINTOSH: Yes. And then as far as whether it is a retrofit or whether it is a new build, what percentage of tenants do you think should be comfortable or should be satisfied with needing to leave their home to do the works that mean that people get an uplift in the quality of building that they live in?

Hamish McLACHLAN: Sorry – what percentage was that?

Tom McINTOSH: Well, let us say there is a tower and – I do not know – 5 per cent or 10 per cent say they do not want to move. Do you think that for the common good those works should proceed, or is there a sort of line where you say, ‘No works’, if there are residents who do not want the upgrades?

Hamish McLACHLAN: No. As I said, we are not against upgrades. We are very supportive of upgrades and the government improving public housing, and upgrades, as I think was discussed previously, will necessarily involve some level of disruption to residents, right? What we would say and what we think the charter of human rights would also lead to is minimal disruption, so upgrading in a way that is minimally disruptive to everyone.

Tom McINTOSH: And what would you classify as minimal disruption?

The CHAIR: We are out of time there, Mr McIntosh.

Hamish McLACHLAN: I do not think I can answer that in terms of a percentage.

The CHAIR: I will now pass over to Mr Puglielli.

Aiv PUGLIELLI: Thank you. Good morning. I just want to make sure I have fully understood here. Are you aware, from people you have spoken with, that people have been pressured into signing relocation agreements without fully knowing what they were entering into?

Hamish McLACHLAN: Yes. That has been the experience from us doing the drop-in clinic here – that we have had people subsequently, once we have explained their rights, say that they were under a different impression of what they were being offered.

Aiv PUGLIELLI: Thank you. The predecessor to this plan was the public housing renewal program. Do you think any lessons have been taken from that program about the impact on displaced communities?

Hamish McLACHLAN: I am not sure I have an answer for that one. Sebastian?

Sebastian SHARP: Can you elaborate on the question a little bit more?

Aiv PUGLIELLI: Yes. Has government learned lessons from that previous program?

Sebastian SHARP: What we are seeing from our residents is that that fear of dislocation and the anxiety that is in the community would suggest that, you know, important lessons have yet to be learned.

Aiv PUGLIELLI: Okay. Thank you. Your submission on page 5 states the government is:

Using the demolitions to essentially transfer residents from public housing properties to privately-run community housing stock ...

Why are you concerned by this?

Hamish McLACHLAN: For the reasons I think we have discussed previously – we think there is always a place for public housing in Victoria, and that really needs to be safeguarded. We have not heard anything from the government that guarantees that there will be the same level of public housing if this plan proceeds, and that concerns us because, as I said, community housing works for some people, but it will not work for everyone. People who have the highest needs, who are most likely to butt up against requirements, often will end up being evicted, and that will just exacerbate our homelessness program. You might have heard evidence from the various Zeros across Melbourne. My understanding of their experience is that the type of housing that they can usually get people into, out of homelessness, is public housing. We are really concerned to make sure that the amount of public housing – really it should be increased, drastically increased, but what we are seeing is a potential decrease in public housing, which is very concerning.

Aiv PUGLIELLI: Thank you. Do I still have time, Chair?

The CHAIR: You have got about 20 seconds.

Aiv PUGLIELLI: Thank you. Homes Victoria and the minister for housing have repeatedly said, ‘Community housing renters have the same rights as public housing renters and are protected under the *Residential Tenancies Act 1997*.’ Is that correct?

Sebastian SHARP: Even if technically that is true, what we do see in our casework is that in public housing eviction is treated as a last resort, and in community housing we do tend to see community housing providers using eviction as a first step to respond to rental issues like rental arrears and complaints about tenancy behaviours. That is concerning for us in terms of the practice. So even if it is in terms of the same legal coverage, what we are seeing in terms of policy and practice is highly different.

Hamish McLACHLAN: There are also, I am sure, as other witnesses have gone through, differences in terms of the rent, so people tend to pay higher rent in community housing as well.

Aiv PUGLIELLI: Thank you. Thanks, Chair.

The CHAIR: Thanks very much. I will now hand it over to Mrs Hermans.

Ann-Marie HERMANS: Thank you. Thank you so much for coming in today. You spoke about the right to return and the relocation plan and the paperwork that people are being forced to sign. You have mentioned that you have not got paperwork yourselves and you have not seen it. Presumably they have their own sheets that they get a copy of that they must be able to bring to you and say, 'This is what we've signed.' What have been some of the red flags that you have actually seen in that paperwork that have concerned you particularly? Is there anything that you would like to elaborate on that you have not yet had the opportunity to speak on?

Hamish McLACHLAN: We have seen the forms that people have signed. My understanding is it does not specify a right to return, in that nothing has been put in writing saying that people have a right to return. That is my understanding. In terms of the forms I think we have in our submission that we think it is deficient. There is a lot of onus put on the residents to know, to think and to say, 'These are all of my personal characteristics that mean that I really need to be able to be given a relocation place in this area, and also that I am able to return to this particular site,' whether they are religious reasons, community reasons or health reasons. It is just a section in the form that says 'Other' or 'Please elaborate', and the onus is then put on these residents who are not literate or advantaged to know what to say to the decision-maker. It has got echoes of the robodebt process in that sense.

Ann-Marie HERMANS: What you are saying too is that sometimes in the process the verbal contract that is being made or that is being explained verbally is very different to the actual contract that they are signing. Would that be correct?

Sebastian SHARP: From what we have heard from the residents, that is absolutely true, yes.

Ann-Marie HERMANS: In terms of the challenges that you are seeing that are most impacting people now once they have moved out, have you had people coming that have now been relocated and who have now come back to the legal service and said, 'This is my situation I'm now in, and I'm still unhappy.' Has that occurred at all?

Hamish McLACHLAN: I am not aware of anyone in that particular situation.

Sebastian SHARP: I know that we have had some clients return to us already facing issues around repairs in community housing and struggling to access clear policies around what their new rights are within community housing.

Ann-Marie HERMANS: Right. And are you finding that language barriers are an issue in that area or vulnerable backgrounds are an issue in that area? What would be the main concern with people who are being moved into community housing from these public housing agreements?

Sebastian SHARP: When you say 'language concerns' –

Ann-Marie HERMANS: I am trying to ascertain, when you have got people coming in with these major needs and they now are having to navigate their new rights, are there other barriers for them as well that you are finding are due to their background, their circumstances, their situation? What would be the main ones?

Sebastian SHARP: But for our advocacy it would be extremely difficult for those residents to access those policies which explain what their new rights and conditions are. They are not publicly available, which is a strong distinction from public housing, so a lot of our advocacy is around having meetings with those community housing providers and fleshing out those details, which would be extremely difficult for people from those backgrounds that you are describing.

Ann-Marie HERMANS: And you did mention that, apart from the fact that you were running legal sessions on the services and the information where you were explaining the differences between community housing and public housing, most of the residents had no idea that there was a difference. Is that correct?

Hamish McLACHLAN: Correct, and we are only seeing a small proportion. So it does concern us about what is happening for residents who have not had the advantage of legal advice.

The CHAIR: Sorry, Mrs Hermans, your time has expired. Apologies about that. I will hand over to Mr Berger online.

John BERGER: Thank you, Chair; and thank you both for your appearance this morning. I just want to touch on a few matters that have been raised before. As a legal service your organisation has the opportunity to support residents into making informed choices about their new homes during the relocation process. Can you talk me through some of the opportunities you are taking with that?

Hamish McLACHLAN: Sorry, can you say the last part again?

John BERGER: In relation to the informed choices about the new homes during the relocation process, so where they would go to whilst the relocation process is going on, what opportunities are you taking with that?

Hamish McLACHLAN: When you ask what opportunities we are taking, sorry, what do you mean?

John BERGER: I will try and unpack it a bit better.

Hamish McLACHLAN: What options we are presenting – is that it?

John BERGER: Yes.

Hamish McLACHLAN: Maybe you can answer that.

Sebastian SHARP: A lot of our work has been writing to Homes Victoria on behalf of our clients, more clearly stating what their needs are and what the connection to their human rights is in terms of their housing needs, because the process itself has been inadequate at raising those concerns, so we have had to actively advocate for those residents on their behalf.

John BERGER: You would have had some clients that have been relocated from other social housing sites as part of the regular portfolio upgrades; can you give me some examples of who has not been able to return?

Hamish McLACHLAN: Do you mean in terms of previous projects?

John BERGER: Yes.

Hamish McLACHLAN: I am not aware of that.

Sebastian SHARP: We might have to take that question on notice.

John BERGER: I have no further questions, Chair.

The CHAIR: That is fine. Thank you, Mr Berger. We have got 7 minutes or so left, so we are going to open it up to people that might want to ask extra questions. I know, Ms Gray-Barberio, you have a question first, then I will go to Mr Batchelor.

Anasina GRAY-BARBERIO: Thank you very much, Chair. I think you started to touch on it. Is Homes Victoria fully meeting its obligations under the Victorian Charter of Human Rights and Responsibilities?

Hamish McLACHLAN: What we have seen is there is a question around that, because there is an obligation on Homes Victoria staff to properly –

Anasina GRAY-BARBERIO: Do you believe – is that a yes or a no?

Hamish McLACHLAN: We have certainly seen instances where they are not meeting their obligations, because they need to properly consider every individual's human rights in terms of making decisions about where they are temporarily located –

Anasina GRAY-BARBERIO: And are you seeing this as a trend where they are consistently not meeting the Victorian Charter of Human Rights and Responsibilities, and can you just explain or clarify for the committee why, in your legal opinion, you think that Homes Victoria is not meeting the human rights of residents here in this context?

Hamish McLACHLAN: Yes. There is an obligation under the *Charter of Human Rights and Responsibilities Act* for Homes Victoria to properly consider residents' human rights when they are making

decisions about both whether to relocate the client, the resident, and potentially evict them and also in terms of what options they give them. To properly consider those human rights you really need to have some pretty granular detail about the person's particular needs, and the process that they have adopted has not facilitated that information coming to them. We get involved, and then we are able to put that information to Homes Victoria. But as I said, we are only involved in a small proportion of cases, so we are very concerned about all those people who will have filled in these forms not knowing that they need to provide quite a lot of information for Homes Victoria to properly consider their human rights.

The CHAIR: Thanks. I am going to hand it to Mr Batchelor now.

Ryan BATCHELOR: Just really briefly, you mentioned earlier Homes Victoria's obligation to keep its residents safe. We have had some circumstances recently where some old and unsafe playground equipment and chip-bark that had been contaminated with some various substances were scheduled for removal by Homes Victoria on safety grounds. Is it concerning to you that that work has been sought to be prevented from being carried out, by protesters blockading contractors doing that work? Do you think that is a problem?

Hamish McLACHLAN: I do not know anything about the specifics of it, so I would not want to comment, to be honest. But as we were discussing earlier, yes, the government should provide safe housing to public residents. I do not think it follows from that that you then get this plan to demolish and redevelop 44 –

Ryan BATCHELOR: I was not asking about that. The government surely does have a continuing obligation to make sure that the premises it is responsible for are kept safe, and attempts to prevent safety works are a problem for residents.

Hamish McLACHLAN: Without knowing the details, I would not want to comment, to be honest.

The CHAIR: I am going to Mrs Hermans.

Ann-Marie HERMANS: I just have a concluding question. I think it was Hamish that mentioned that Victoria has the lowest proportion of public housing in Australia. Is that because we have a number of our towers empty and because we are relocating, or is that because that is all that has been provided per se, in Victoria up until now and now of course it is diminishing rapidly with this situation? Could you please elaborate on that and any statistics that you may have on that.

Hamish McLACHLAN: I do not know if, Sebastian, you have a greater sense of that, but we could definitely take that on notice and tell you. I am not sure whether it is only because of this process or whether it is just a diminishment over time – that we have not kept pace with growth of population really.

Ann-Marie HERMANS: Yes, it would be great to have that information. If you could take that on notice, that would be appreciated.

The CHAIR: Thanks. We have got a quick few minutes left, so about 1 minute for one question here.

Aiv PUGLIELLI: Thanks, Chair. Just to be quite clear for the record: is it the recommendation of Fitzroy Legal Service that the government should not proceed with their plans?

Hamish McLACHLAN: Correct.

The CHAIR: Mr McIntosh.

Tom McINTOSH: Thank you. Have either of you read *Abundance*?

Hamish McLACHLAN: I have not read it, but I have listened to the podcast.

Tom McINTOSH: So we have got a crisis with climate in the Western developed world, and we have got a crisis with housing, whether it is private residence, public residence, whether it is new energy projects. As you said, we are not talking about any individual tower, but at what point does an individual's right over that of the many or over the society – the question I got to at the end before was: at what percentage of people within, let us call it a building or whatever, would you say, then, 'No, don't progress. Stop and stay where it is'? Because

the Greens political party have thrown around some pretty strong language, and I might be paraphrasing, about totalitarian governments, and the Greens will block housing everywhere. They will stop wind farms.

Anasina GRAY-BARBERIO: That is absolutely not true. That is absolutely false.

The CHAIR: Let us just pause for a second there. I just ask you to ask your question.

Anasina GRAY-BARBERIO: You should direct your questions to our guests, thank you.

Tom McINTOSH: You were making comments before.

Anasina GRAY-BARBERIO: Go ahead. Direct your questions to Mr McLachlan or Mr Sharp.

Tom McINTOSH: At what point do you think projects should not proceed? Whether that is private projects, public projects, at what point do you think they should not proceed?

Hamish McLACHLAN: We are a community legal centre, and we are here presenting the views of our communities and residents. We are not housing experts, so I am not providing evidence in that respect.

Tom McINTOSH: What percentage of residents in these circumstances do you think you are representing?

Hamish McLACHLAN: It is hard to know. Like I said, we only meet a small number.

Tom McINTOSH: So a small number of residents you are here representing.

The CHAIR: I am going to move on. Mrs Hermans, your last question, and then we will finish up.

Ann-Marie HERMANS: I will pick up on what you have been saying. The people that access you – who are they and why are they able to access you, and why do you think others do not?

Hamish McLACHLAN: That is a really good question that has a lot of literature about it – about who is a help seeker and who is able to access legal assistance. I think in this instance, because we are doing drop-ins and we do a lot of outreach services we are able to reach more people. But the markers of disadvantage that you would imagine are often blocks to access to justice, so it is people who have linguistic barriers, who have cultural barriers, who have disability and who have trauma. Aboriginal people are most likely to not be able to access legal services.

Sebastian SHARP: It is also worth noting that in our experience there was so much fear in the community around this process that it took a lot of careful explanation that we are not representatives of the government and that we are a community legal service. A lot of people were afraid to attend our information sessions. I think that speaks to the overall sort of atmosphere that we are dealing with here.

Ann-Marie HERMANS: Yes. Thank you very much. I appreciate that.

The CHAIR: I think we have exhausted our questions and our time. I really appreciate both your appearance today and the evidence you have given. You will get a proof transcript after this, so you can have a look through it, and if there are any minor changes, you can make them. I appreciate your time today. Thanks very much for coming in.

Witnesses withdrew.