

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into the public housing renewal program

Melbourne — 5 December 2017

Members

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Ms Nina Springle — Deputy Chair

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Ms Georgie Crozier

Mr Nazih Elasmr

Ms Colleen Hartland

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Witnesses

Ms Jenni Smith, Executive Officer, Northern Community Legal Centre;

Ms Stephanie Price, Principal Lawyer, West Heidelberg Community Legal Service; and

Ms Agata Wierzbowski, Principal Lawyer, St Kilda Legal Service.

The CHAIR — Good morning. I would like to welcome everyone who is present today for the hearing. I would like to welcome the witnesses who are here this morning. Thank you for coming along. The committee is hearing evidence today in relation to the inquiry into the public housing renewal program, and the evidence is being recorded. For witnesses I say welcome to this public hearing. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. I would invite the witnesses to address the committee if they wish for a few minutes, and then we will open up to questions. I am hopeful that you might keep any opening statement to between 5 and 10 minutes. We are in your hands.

Ms WIERZBOWSKI — Thank you so much, Madam Chairperson. Thank you for the opportunity to address the committee. I warn you that we have prepared about 15 to 20 minutes of discussion as an opening statement, so I hope that will be acceptable.

The CHAIR — Sure.

Ms WIERZBOWSKI — My name is Agata Wierzbowski, and I am the principal lawyer of the St Kilda Legal Service. Our service's catchment area encompasses two particular housing estates that are affected by the program — that is, Bangs Street, Prahran, and New Street, Brighton, where the planning process has commenced. I appear today with Stephanie Price of the West Heidelberg Community Legal Service and Jenni Smith of the Northern Community Legal Centre, who also made submissions. We make submissions on behalf of seven community legal centres: the Fitzroy Legal Service, Inner Melbourne Community Legal, the Moonee Valley Legal Service, the Northern Community Legal Centre, the St Kilda Legal Service, the Tenants Union of Victoria and the West Heidelberg Community Legal Service.

We wanted to start our submissions with a photograph of an olive tree. This is a tree of one of our clients, who I will call Charlie. Charlie arrived in Australia from Jordan in 2000 and has lived at the New Street, Brighton, estate since 2008. He requires a three-bedroom ground-floor apartment because of his back injury and because he cares for three of his school-age children. He has made his New Street apartment home and has planted a garden outside his window. It has his olive tree, fig trees, a lemon tree and a herb garden. Last year his olive tree yielded 10 kilograms of olives, of which he is very proud.

He is engaged in the renewal program consultation process and describes DHHS as 'conniving'. He was initially told he would be guaranteed the same apartment as he has when he returned — one that meets his needs. However, he has recently been asked to sign a relocation application that requires him to acknowledge that that is actually not guaranteed and that he will only be offered a dwelling if there is one appropriate to his needs among other things. I will just ask Mr Newington to distribute the one-page relocation application. You will see on the fourth page the acknowledgements that the current residents are required to sign. This in Charlie's view is simply not good enough.

We have started with Charlie because public housing and its renewal in our view should be for people like him. The renewal process and its outcome, which is hopefully more public housing and better public housing, should afford the most vulnerable in our community with a basic standard of living, dignity and security. This is in fact what Charlie was told by the project manager — that the renewal was for him and his community. We are concerned that the program in its current form has not to date and will not achieve the aims that it propounds to. Our centre applauds of course those aspects of the program that result in an increase and improvement in public housing, but we are concerned that the program will not achieve a net social benefit either for current public housing tenants — our clients — or for future public housing tenants or for Victorians as a whole.

To that end we make submissions on five key points: firstly, that the public-private partnership model proposed to facilitate this program is on its face unsatisfactory; that the 10 per cent proposed increase in public housing is grossly inadequate; that an increase in one and two-bedroom apartments should not be at the expense of existing three-bedroom apartments but should be in addition to them; fourthly, that the planning tools used in this program, in particular the development plan overlay, which undermines community's ability to engage in the process, is entirely inappropriate; and fifthly, that the consultation and relocation process to date has been wholly inadequate.

We urge the parliamentary committee today to recommend the recommendations that we have set out in our submission, to call for a stop in relocation action which has already commenced until the outcome of the inquiry

and, in addition, to require transparent disclosure of the business case for the proposed delivery model as compared to other finance models, including the social and financial gains and losses made for the Victorian state for each proposal.

Firstly, regarding the inadequacy of the public-private partnership model, in our view the case for this has simply not been made out. In particular the wholesale sell-off of public land with only a minimal increase in overall public housing stock is on its face: A, not in the public interest; B, not value for money; and C, not propounded in a way that is transparent. All three things are required by both the Australian and the Victorian governments' principles on public-private partnerships as set out in the commonwealth government's 2015 *National Public Private Partnership: Policy Framework* and its guidelines and also the Victorian government's 2016 *Partnership Victoria Requirements*.

Firstly, regarding why this model is not in the public interest, the Victorian government's Partnerships Victoria template on public interest test requires consideration, when considering to use a public-private partnership to deliver a project, of: A, effectiveness, will this meet government objectives; B, equity, are there adequate arrangements to ensure that disadvantaged groups can effectively use the infrastructure; and C, how are affected individuals and communities able to contribute to the planning stages of the process? Are their rights adequately protected?

In our submission the proposed PPP is not effective in meeting the government objective of increasing social housing and combating homelessness as set out in *Homes for Victorians*. The proposal is to increase social housing by 110 dwellings. This is in the face of a housing crisis and a waiting list of close to 35 000 people waiting for public housing. We are concerned that even with an increase of 110 dwellings, due to the emphasis on one and two-bedroom apartments, there may actually be an overall decrease in public housing capacity. This is grossly inadequate. There is also a surprising absence of clear references to affordable housing in the PHRP explanatory documents, and certainly this does not seem to go to the government's objectives in this regard.

Secondly, the proposal is not in the public interest because it is not equitable. The sell-off of public land, 16 hectares of public land, will diminish the government's ability to provide social housing at nine well-serviced central sites now and into the future. It seems heavily weighted to privilege private-partner profits over the housing needs of disadvantaged Victorians. When we are thinking about equity, we are thinking about current tenants, but we are also thinking about the needs of future Victorians who find themselves in housing insecurity. Equity should be viewed from an intergenerational perspective, one that takes into account future needs.

Thirdly, as set out in our written submission in more detail, the process has not allowed affected communities to contribute to the process, and Jenni will speak more on this later. Therefore overall, using the Victorian government's own test on public interest, we do not believe that this project is in the public interest as the use of the partnership model in this case is not in the public interest. Additionally, the business case for whether this proposal is in fact value for money has not been made out to the public, and this is of significant concern to us, as is the sustainability of the model.

The basis of the Victorian government's decision-making on the finance model is unclear and goes against the important principle of transparency. We are not experts in funding large major infrastructure projects, but we have reviewed a number of articles that set out European models for financing social housing, and we can certainly refer you to a series of three articles in this regard that talk about, for example, the French and the UK models for financing public housing. Both of these jurisdictions have 17 per cent social housing overall, as compared to Victoria's 3.5 per cent of total housing stock, which is low even when compared to the 4.4 per cent average in Australia.

The three papers of particular interest might be the Australian Housing and Urban Research Institute's 2010 paper titled *International Measures to Channel Investment Towards Affordable Rental Housing*, the European Social Housing Observatory's *Study on Financing of Social Housing in 6 European Countries*, which is a 2013 paper, and also the Irish National Economic Social Council's *Financing of Social Housing in Selected European Countries*, which is NESCC secretariat paper number 11 of July 2014.

On a related note we note the Victorian Auditor-General's comments in his 2017 report *Managing Victoria's Public Housing*. A note that the Auditor-General makes is about how, despite a recommendation in his 2012 report that the Department of Human Services develop a long-term plan for the management of public housing

with clear objectives and a comprehensive asset management strategy, this has not been done and was not done at June 2017. We are concerned that without this important groundwork completed the hasty renewal of these nine critical housing estates via a sizeable sell-off of Victorian land is ill-favoured and ill-conceived.

Ms PRICE — I am going to address a couple of points, one of which is the adequacy of the proposed increase, and the other is a composition of the estates. Just to start I wanted to say why community legal centres have a view on the adequacy of public housing. It is because on a daily basis we see people who are experiencing housing insecurity and living in inappropriate housing. We see the impact that that has on people's lives from the stories that they tell us and from the complex array of legal, social and health problems that we know are more likely to occur in people who are experiencing inappropriate housing. That is why we have a very strong view about public housing and the need for public housing.

The plan promises a 10 per cent increase to public housing on these estates, and we know that that comprises a figure of 110 units. We have got a couple of points to make about that. The first is that we question the usefulness of that number as an indicator of the impact that the public housing renewal program will in fact have on the capacity of public housing in this state. It is known, and it has likely been submitted here a number of times, that the public housing renewal program will in fact reduce the number of public housing bedrooms available for occupation by about a third where we can see. So where the documents have been made available we can see it is generally about a third reduction. In West Heidelberg the reduction is about 10 per cent, but as one of the larger estates that comprises a loss of more than 30 bedrooms.

This is a significant reduction in public housing capacity. It would not make sense to demolish a 1000-bed hospital and replace it with two 400-bed hospitals and describe that as a doubling of hospital capacity. In our view public housing should be assessed as any other social infrastructure would be, not merely by the number of buildings or dwellings but by the number of people that will be able to access the support provided by the infrastructure, in this case housing. These estates will house fewer social housing tenants after the PHRP.

The second point relates to the proposition, even if you accept that this does comprise an increase of sorts, of what you say about that. Very few, if any, stakeholders, even those that have offered some support to the program, hold the view that a 10 per cent increase is adequate. So to avoid merely restating a position that has likely been presented a number of times, we wanted to provide the committee with some measures by which we think it is useful to judge what we suggest is the manifest inadequacy of a proposed increase of 110 units.

The committee of course will be well familiar with the public housing waitlist figure of 35 000, equally the figure of 100 000 being the number of people annually seeking assistance from homelessness support services. Self-evidently 110 units as an additional sum is a very meagre contribution to this, and it is clearly inadequate in light of those two figures. However, it is equally self-evident that the redevelopment of nine public housing estates cannot alone provide additional housing sufficient to address the unmet demand for public housing in Victoria. That would not be a reasonable measure by which to judge the public housing renewal program.

The question must be, and the measure by which it is judged: does the public housing renewal program do enough? Does it do enough when it has been characterised as a major investment in public housing? We think the answer is no. Does it do enough when it will result in the loss of hectares of precious public land? We believe the answer is no. It clearly does not do enough.

In the 10 years from 2006 to 2016 the Victorian population grew by 1.1 million people, or 22 per cent. Over the same period there were something in the order of 500 000 new residential dwelling construction commencements. Yet over the decade from 2006 to 2016 the number of public housing dwellings fell by 581 according to the Auditor-General. Over the same period there was some increase in community housing, yet that did not come close to matching the overall population or dwelling growth. So this means that Victoria, already registering the lowest proportion of social housing in any state, continues to lag well behind all others when it comes to the provision of community housing to low-income and disadvantaged people.

The public housing renewal program will not improve this picture; rather, it will further entrench the problem. Under the public housing renewal program the number of private units on each estate will well outstrip the number of social housing units. As an example, on the two West Heidelberg estates 535 private units will significantly outnumber the 170 social housing units. If you look at the development on a new unit basis only, for every 35 new private units built on those two public housing estates there will be one new social housing unit. So to again offer an answer to the question that I think is the appropriate one, this is not enough.

On the question of the demographics, this is a simple point to address the committee on. In its current format overwhelmingly the public housing renewal program will not provide housing appropriate for families. Many of the families that our services work with fear that they are being displaced, and this is a reasonable fear. Estates that are now home to vibrant, connected and diverse communities, including many families, will be denuded of all but a handful of social housing appropriate for families. Across the West Heidelberg, West Brunswick, Brighton and Northcote estates for which figures are publicly available, the number of three or four-bedroom dwellings will drop from 185 to 25. It is simply not possible for the families that live on that estate to all return. And it is not an answer to the questions and the fears raised by these families to say, 'Well, Victoria has a need of additional one-bedroom units, and your units are the cost that we pay to build those'. The answer that we should be able to give these people is, 'We will preserve your units, we will build many more three and two-bedroom units and we will also build many more one-bedroom units.

Ms SMITH — Hello, Jenni Smith from the Northern Community Legal Centre. In relation to consultation, what I think we would like to say first is that we are about a year out. Consultation should have happened the year before this project started. Consultation should have been the preparation of options papers that the public and stakeholders could have commented on. That is the premise upon which I start. We say the consultation has been flawed in many ways, that being the chief component. Tenants have asked us and DHHS why they cannot do the repairs to their homes. We understand that demolishing and building through the private-public arrangement is the preferred model. However, people needed an explanation of why it is the preferred model. That is the question that people who are being asked to leave their homes of 20 years or more continue to ask.

We understand that the current 2017 June Auditor-General's report cannot even answer that question; neither can the government, because there is not reliable data to assess the condition of stock and to consequently know whether it is deteriorating at a rate faster than it is ageing. Just a comment in relation to that: there is an assumption that these buildings are old stock and they need to be pulled down. That assumption needs to be up-front, and the evidence for that needs to be up-front if it is available.

In terms of the consultation process, while a standard consultation process proceeded, this did not really meet the needs of the public housing tenants, who are extremely vulnerable but they are not stupid. The consultation process included meet-and-greet activities, sausage sizzles and animal petting zoos. Some residents felt that this was avoiding the issue. I will be brief about the process.

Ms PATTEN — It is still an unusual thing to say in that sentence.

Ms SMITH — It is. I assume these were the processes that DHHS used to have the public housing tenants and communities warmed, if you like. At the actual consultation residents describe being divided into groups, which many expressed as daunting and divisive. The people who presented often did not give their names, although tenants were required to sign in. The blue-sky option some found patronising — 'What would you like?'. The tenants would say, 'A swimming pool', et cetera. Most importantly, questions could not be answered about how their input would shape any of the designs or policies, and that question still has not been answered.

Feedback from residents was that they felt they did not have any choice. This was being presented to them as a fait accompli that they were being removed and they would be removed. Regarding information about the relocation process, which is happening currently, I cannot emphasise the degree of anxiety that it has created. Tenants have reported that whilst there have been statements — and I am repeating some of my colleagues' information — saying they have a right to return, they know this will not be possible. They know that, for example, in Walker Street, Northcote, all of the walk-ups are three bedrooms. They know they will not go back to them. This leaves tenants with a huge mistrust of the whole process.

The degree of anxiety was expressed at a meeting that I attended with about 50 to 55 tenants from the northern estates. They were told they would be evicted before Christmas. They were told that if they do not sign a relocation agreement, they would be homeless. They were told they could not keep the relocation agreement, the document, to get advice or information on. People did try to take photos of that. They were told inconsistent messages about where they could go. Others were told that realistically there would not be the housing in the area to house them, and they would need to, for example, relocate to the outer west. They have been told that they need to move out very quickly, and this will mean moving them out into transitional housing in between the next relocation.

This is so overwhelming for a lot of tenants, and remembering that a cohort of public tenants are in there because they have disabilities, because they have mental health issues or because of their age. They talk about being bullied by the office of housing, that the housing officers would use ploys to get into their properties by telling them they need to get into their units to look at getting repairs done, which is obviously a blatant lie at this stage. Some people talked about their neighbours being too scared now to answer their doors and even go outside. Some tenants have been receiving letters from DHHS — I think there is a handout — which may be routine letters about whether they still wanted to be put on the public housing list. Are these letters available?

The CHAIR — Can I just clarify, the document that is being put out at the moment is being given to current tenants who are being asked whether they still want to be tenants?

Ms SMITH — That is correct.

The CHAIR — Without any sort of prompt for this other than this program.

Ms SMITH — That is right.

Ms PATTEN — So current tenants are being asked, ‘Do you want to stay current tenants or have you won the lottery?’.

Ms SMITH — That is right; yes, they are. It is inconsistent; it is not all tenants. I will just go back to the impact that this is having on tenants. I was told of a woman in her early 80s who has been living independently — and could still live independently — and has been in her home for over 20 years. She has made that home beautiful. She is now so stressed at the thought of having to relocate several times — relocate at all — that she is now moving into a nursing home, with the cost of that. Another woman told me directly she is being treated for cancer, and she is worried that she will not have the ability to pack up her belongings, and there is no help to assist her to do that, and she certainly would not be able to do it twice. She has no guarantee that she will be in a place where she can get to her treatment.

People have set up their lives around where they live. There is a woman with a severely disabled child who is being supported, case managed, by Berry Street, but she cannot get a guarantee that she will be moved into the same area. Certainly some of the above may not be what DHHS are actually doing; however, it demonstrates how inadequate the consultation process has been and that people are expressing such severe anxiety. To me that shows a consultation that has failed.

The CHAIR — Thank you very much for the comments you have made this morning, which were really comprehensive. I might open up to questions.

Ms PATTEN — Thank you. That was very interesting, but it was somewhat disturbing. I noted in your contribution you were talking about the families in West Heidelberg. Do you have any estimates on the number of families there that will be completely displaced by the redevelopment?

Ms PRICE — I do. The number of two-bedroom units will shrink in half, and in West Heidelberg a significant problem is very large families living in two-bedroom units. These units, although appropriately would fit a couple of people, in fact very often house eight people. These people will certainly be displaced from the estate and they will find nothing appropriate for them to return to. On the two West Heidelberg estates there will be nine three-bedroom units. It is a major and a very significant problem in our area — very large, recently arrived families who are living for many years at a time in wildly overcrowded housing. It is not uncommon at all for people to be on the list to transfer into a larger property for certainly more than five years, and if somebody came in and spoke to me and said, ‘I’ve been on the list for 10 years’, I would say to them, ‘I know many other people in your situation’. There is very little that a legal service can do about that other than commiserate with them about the lack of appropriately sized housing in the areas that they need to live in because their community lives there.

Ms PATTEN — Quickly, just to clarify — and pardon my ignorance — is it legal for eight people to live in a two-bedroom public house?

Ms PRICE — It is contrary to the World Health Organization’s definitions of overcrowding, but certainly there are no Australian laws that prohibit it. It is not safe, though.

The CHAIR — Could I clarify, just leading on from that: is this letter that was tabled just a moment ago, which as I understand it went to current tenants but it is asking whether they want to remain on the list, the sort of situation you are describing, where someone is in a dwelling that is just not adequate for them and they are on a list?

Ms SMITH — No. Those tenants are not on a transfer list. It is inconsistent; not all tenants have received them. It is evidence of the inconsistent kind of approach that has been happening with DHHS that has caused tenants to startle, to feel anxious. The letters themselves say if they do not respond by 24 December —

The CHAIR — Christmas Eve.

Ms SMITH — We can only assume that there is some assessment being done of the number of people in the properties, perhaps. It is a bit late, though.

The CHAIR — Exactly.

Ms CROZIER — Thank you very much for your evidence this morning. I have just got a couple of questions. I think Stephanie said that the public housing waiting list is 35 000 people and there are 100 000 seeking assistance for services. You mentioned homelessness in that statement. I am just wondering: out of that 100 000, the inference I felt was that they were all waiting for public housing. Was that what you meant when you made that statement, or was it more around services and the homelessness component? What is the breakdown of that 100 000?

Ms PRICE — I do not know the exact breakdown, but that figure does not relate to people who are actively on the public housing waiting list. That figure is the number of people that present to services that assist people experiencing homelessness in any given year, so those could be people that are in some form of housing for a time, fall out of that housing and then might come back into some housing. The public housing waiting list is 35 000; the government's own estimates are, though, that in all probability double that number, at least, likely should be on that list. They are eligible to be on that list; they need the support provided by public housing.

Ms CROZIER — Thank you for that clarification, because you have clarified the inference that I thought was there.

Can I go to the issue around consultation and lack thereof that you have all mentioned in terms of the anxiety that tenants are experiencing, and you have just provided this letter. Jenni, you just said that not everyone has received this letter from DHHS, so I am wanting to get from you a clear understanding of how the consultation process has been taken or not undertaken — when it first started, where it is at and why you believe some have received this letter and some have not.

Ms SMITH — It varied in terms of the consultation process on each estate. Gronn Place is the estate that is in the area at the catchment of our service. I did say that community legal centres are all playing catch-up, so we were not aware at the beginning of this process. At Gronn Place I think the first consultation was in March.

Ms CROZIER — But each estate would have a different consultation process obviously because of their different needs.

Ms SMITH — There was a standard community engagement process, and each estate has a community engagement report with dates of when the consultations and the activities took place, the number of attendees and the responses.

Ms CROZIER — So if it started in March and we are now in December —

Ms SMITH — That is Gronn Place, so it varied across the nine estates.

Ms CROZIER — What is the average period of time that you are aware of? I mean, does that letter pertain to Gronn Place?

Ms SMITH — Yes, both of those letters are from residents at Gronn Place.

Ms CROZIER — So the consultation process started in March and they received this letter in November.

Ms SMITH — Yes.

Ms CROZIER — That is quite some months that the department has been talking to these tenants, so why do they feel that they have not had adequate time?

Ms SMITH — To move out of their houses?

Mr MORRIS — Why wasn't this sent earlier? Is that what you mean?

Ms CROZIER — Yes, why wasn't this sent earlier? The process started in March, which is nine months ago. This letter is dated 26 November, which is really only a few weeks ago, so what is the delay for those people, do you believe, where the consultation process started in March to the letter you have received?

Ms SMITH — I do not know what the delay is. There may be a coincidence. Two weeks ago, actually a bit over a week ago, there was a consultation which was allocating tenants to relocation officers, and that was the purpose. I have got to say that one of the comments from the tenants in relation to that session was that they said they did not want to move, and they were told that it is past that.

Ms CROZIER — So that all started in March?

Ms SMITH — Yes, it should have.

Ms CROZIER — That process should have started in March so those people did not have this put on them at this point in time.

Ms SMITH — I would suggest the process should have started a year ago.

Ms WIERZBOWSKI — But there are two processes. There is the relocation process and there is the planning process, so in terms of what started when, they overlap. Certainly at the New Street estate, the generalised statements to tenants about what will happen started in perhaps March and April. In terms of the process of relocation and discussion around that, it is very general at the beginning stage. There are particular guarantees made, a period of months passes. Some tenants are not here to engage in the planning process. Some tenants do not understand how to engage in planning process and cannot and do not. That process has been over a period of I think three or four months so far — a short time frame — and the relocation process has only recently commenced. They conflict with each other because with full engagement with the planning process, if you want to be relocated, in order to gain advantages in the relocation process you might not want to be a troublemaker in the planning process, and they are happening at the same time. So I think we should be clear about the two processes we are talking about.

Ms CROZIER — Certainly, and I will stop here because I know others will have questions. In terms of getting these estates refurbished and up to an acceptable standard that they require, obviously there is going to have to be a process where people have to move out. Obviously that is occurring. I am just wondering what you think is an appropriate time frame for these people in these situations to have that process and be involved in that process. They obviously want the upgrades to occur, so they cannot stay there while they happen. They need to move out, so what is an appropriate time frame for all that to occur in your view?

Ms SMITH — I would say two years from when the idea of the refurbishment is put, and I am speaking from past experiences of the Carlton housing estate. I was on that estate when that occurred. When it began there was a very, very long period. It was probably more than two years.

Ms CROZIER — I have got more questions, but I will leave it to others.

Mr MORRIS — I was hoping to get a bit of clarity around what the reaction was once people received this letter in the time frame that they did. I can only imagine that receiving a letter like this, if I were in their position, would be quite confusing as to why I would be receiving such a letter in effect asking me to justify whether or not I should be remaining in public housing. What was the reaction from people that received it?

Ms SMITH — It was that reaction.

Ms SPRINGLE — What reaction?

Ms SMITH — It was: ‘What are they doing? They know that I’m here, that I want to remain in public housing. Why are they asking me this question at this point? Are they trying to get me out?’. So people continually are expressing this fear of eviction. Can I emphasise that community legal centres do not have the capacity at the moment to even be responding. I did this on my weekend, and I am the CEO of an organisation, because with 5.5 lawyers we just do not have the capacity. But these are really vulnerable people. So that was the response — people were expressing deep anxiety.

Ms SPRINGLE — As a follow-up to that, would you say there was an increase in need for legal representation? Were people from those affected communities reaching out more to your services as a result of this process?

Ms SMITH — We were just discussing that. Yes, and we predict that there will be more. As I said, we are playing catch-up. Northern Community Legal Centre did not get involved until around August–September because we had not started hearing from tenants. Public housing tenants — I cannot emphasise enough their vulnerability, their lack of sense of empowerment. Their help seeking is quite different. So we are all behind the eight ball here.

The CHAIR — I have a few questions arising out of the evidence that has been given this morning, which I am very grateful for. Ms Price, I have a question about some of the figures that you gave, which I hope I took down correctly. I would just like to clarify these. You mentioned that there was a reduction from 185 to 25 three-bedroom units over I think it was four of the sites. Which four sites are they?

Ms PRICE — The four where the documents indicate there is sufficient detail to establish at are the West Heidelberg estate, the Northcote estate, the West Brunswick estate and the Brighton estate.

The CHAIR — New Street. Okay. You indicated also that, as far as you can tell, overall there is a decrease in the number of dwellings of 110. Did I take that down correctly?

Ms PRICE — No, the aim and the projections are for an increase of 110 dwellings but a reduction in bedrooms of about a third.

The CHAIR — About a third. So how many bedrooms would that calculate into, roughly?

Ms PRICE — Yes. On those ones where we know it is a shocking amount, but it is —

The CHAIR — I am sorry I put you on the spot like this.

Ms PRICE — It is 240, of those four, subject to correction.

The CHAIR — So it is a reduction of about 240 bedrooms.

Ms PRICE — If you would like, I can read them out per estate.

The CHAIR — That would be good. Thank you.

Ms PRICE — Okay. In West Heidelberg it is a reduction of 31 bedrooms, Brighton, 94 bedrooms, Northcote, 62 bedrooms and West Brunswick, 58.

The CHAIR — I guess the most important question out of that is: how many people are affected by that? Do we know?

Ms PRICE — No, we do not know. It is clear that nobody knows, including the department itself. Nobody has a very clear picture of the actual occupation of these assets.

The CHAIR — That was my understanding.

Ms PRICE — In some of those properties you would suspect that not all bedrooms are occupied, but, as I say, in West Heidelberg you could fully expect that they are over-occupied with multiple children living in each room.

The CHAIR — I was interested in the comment you made earlier regarding the parallel processes. There is the planning process, but there is also the relocation process. It is not clear to me why it is necessary to start the relocation process so early in the planning process for these units, and you have mentioned that there is going to be a need for temporary location for some people. I can understand how that may become necessary, but my viewpoint is that it seems a bit early to be talking about that. Do you have an indication of when people are expected to move out?

Ms WIERZBOWSKI — It differs across the different estates, and that is because everything is staggered. With the Brighton estate, anecdotally we are told that about half of the estate is empty, so people are starting to be moved out and there is pressure being put on tenants to be moved out. In Brunswick I think the situation is different.

Ms SMITH — They are being pressured to sign relocation agreements, which they cannot keep.

The CHAIR — Copies of, yes, okay.

Ms SMITH — In Brunswick no-one has signed a relocation agreement so the process cannot move. In Northcote I understand some people have signed, so there is this sense that there will be people pushed out before December, before the end of the year.

The CHAIR — Do they know where they are going?

Ms SMITH — No.

The CHAIR — Do they have an indication of when they might be told where they are going?

Ms SMITH — No.

The CHAIR — Just to go back to the issue I was asking about earlier, despite the reduction in capacity, everybody is being promised that they can return?

Ms SMITH — Yes.

The CHAIR — But they are just a tad sceptical about that?

Ms SMITH — Yes.

Ms WIERZBOWSKI — Well, they are being promised they can return and then they are being asked to sign a document. That relocation agreement that I circulated asks the signer to acknowledge that they will only return if there is an apartment suitable to their needs and makes a point about if the estate is social housing as compared to public housing the department will have to negotiate with the social housing provider to allow eligible tenants back in. So actually what they being asked to sign is something that does not afford people a lot of certainty. Charlie, the client we spoke about earlier, is not English-speaking and is very suspicious of it, so he sought legal advice — but only at this late stage. He is now corralling others to seek advice as well, but many people at that estate simply do not know who to access to say that it is a problem. When you are concerned about housing security, you might choose security over an uncertain, long-term and complicated process.

The CHAIR — Just on that, I have one question and I know Ms Symes wants to ask some questions. You have referred to the move back section of the document that you have handed out, and it refers to the matching clients with housing size guidelines. I assume that they are current guidelines and that they are known — it is not an unknown document that is going to be used as the reference point.

Ms PRICE — No, there are guidelines as to how many people should occupy a particular premises. Can I just say one thing —

Ms PATTEN — But there is no restriction in making that —

The CHAIR — Yes, that is right. I was just thinking that.

Ms PRICE — If you have a property and then you have children, you will not be entitled to remain in unsafe and unhealthy conditions. If you have eight children and you apply for a two-bedroom property, the guidelines will prevent your entering into that property.

On the relocation agreement, the other thing I think is quite important to point out is that much more clearly there than in any of the consultations or any of the public statements the tenants are being told that it is likely that some of these estates will be community housing and not public housing, whereas tenants were told, ‘You’ll be guaranteed right of return and your conditions will remain the same’. That will not be the case if they return. If they are lucky enough to get back onto the estate and their estate is community housing, their conditions will not be the same, the eligibility will not be the same, their rent likely will not be the same. These are important, critical factors that were missing from the very fabric of the consultation throughout, and they are only really being clearly spelt out here at the final stages.

Ms SYMES — Thank you for your evidence today and for the documentation provided. I just have some clarification questions. The first one was just when you were going through the list of reduced bedrooms as opposed to apartments, is that calculated on the bare minimum 10 per cent of public housing in those estates?

Ms PRICE — Those are figures taken from the plan and projections — the documents.

Ms SYMES — Those bedrooms equate to the minimum 10 per cent, not any actual figure.

Ms PRICE — No, they relate to the plan. This is the plan for this estate. This is how many units there will be. This is how many bedrooms there will be.

Ms WIERZBOWSKI — One hundred and ten is the 10 per cent of the 1100 dwellings that exist on these properties currently. Each of the estates are at a different stage in the planning process, so the development planning overlay attaches a plan for how the development will take place. Some of the planning explanatory documents explain how many bedrooms there will be on the developed estates. That is an initial plan only. It has not passed through the planning process. That is only on four estates. Some of those other estates have not progressed to a point where there is clarity about bedroom numbers, so we do not have the full picture. It is not the final picture.

Ms SYMES — That is fine; thank you. I got a little bit confused about this 26 November letter. It was sent to people on the register or people currently in housing?

Ms SMITH — No, to people currently in housing.

Ms SYMES — Do you think that those people currently in housing were seeking different housing?

Ms SMITH — No.

Ms SYMES — But this letter asks them what —

Ms SMITH — I asked that question, and that is exactly right.

Ms SYMES — That is what it looks like, doesn’t it?

Ms SMITH — That is right. It looks like they are on a transfer list. That is correct. I asked the question. They said no, they are not.

Ms SYMES — Okay. It is certainly worth following up on that one. I was very concerned about your story about the 80-year-old lady who was concerned about not having assistance to pack up. That is a question that I have asked previously. All relocation costs, I understood, would be met. What specifically is this woman worried about?

Ms SMITH — The information that has been provided to them at the moment, I understand, is that they will be given up to 20 removalist boxes, but they will have to pack those boxes.

Ms SYMES — I think we should get clarification on that as well because that would be contrary to the advice I have been provided.

Ms SMITH — Can I just emphasise there is inconsistency in the advice between housing offices, and that is a problem.

Ms SPRINGLE — I would like to apologise for missing the bulk of your presentation, but I do have a question in relation to your submission. You talk about the language of social and community housing versus public housing and the on-the-ground repercussions of that in terms of tenancy rights. Can you just unpack that a little bit for me and talk about what that would look like on the ground or in a practical sense?

Ms PRICE — There is quite a clear distinction in tenants' rights and entitlements, dependent on whether or not their landlord is the director of housing or one of a number of smaller community housing organisations. The community housing organisations have varied policies that they apply regarding eligibility, which are quite different to the policies that the director of housing applies. The director of housing has — and I say this as a tenancy lawyer who spends a lot of time at VCAT dealing with the director of housing — a very robust set of policies that provide for decent protections for tenants in public housing. That is why being a tenant in public housing is the most secure housing that a vulnerable or disadvantaged person can have. Those robust policies do not exist in community housing.

To be fair, some community housing organisations do have some policies. Many do not have any policies. Some have a mix. Many do not make them publicly available. The inconsistency and the lack of transparency that a tenant navigating the community housing system has to deal with is a significant issue. I do not seek to impugn the intentions of community housing organisations, which in many respects are admirable, but good intentions alone are not sufficient protections for tenants, who ought to be able to rely on consistency and transparency.

I think the recent Ombudsman's report into the director of housing's processes in relation to debt collection from tenants is an important indication of some of the checks and balances that are in place in relation to the director of housing's relationship with their tenants that are not available and do not exist for community housing tenants. The rights of review do not exist for community housing tenants.

Ms SPRINGLE — When you say some of the smaller community housing organisations do not have, I guess, a regulatory framework — is that what you said?

Ms PRICE — No, they do have a regulatory framework. It is not nearly as robust as that provided by the director of housing and the Ombudsman and the charter of human rights.

Ms SPRINGLE — Right. So how is their funding acquitted then? There must be some sorts of requirements that an organisation has to meet to actually win a tender.

Ms PRICE — There absolutely are. I would say that what I know of the requirements around their funding it is quite robust. Where things fall down is the other end. So for tenants, there lacks that real attention to what community housing and the growth of community housing really means on the ground for tenants.

Ms SPRINGLE — How can that be improved?

Ms PRICE — There are a multitude of ways. You could say that a community housing organisation to be registered under the regulatory framework is required to meet a set of conditions that either match the director of housing's or by negotiation is some variant on it, but there would be a set of tenancy standards — tenancy management standards, allocation standards — that would be a requirement that community housing organisations agree to in order to participate in the funding streams that are readily becoming available to them.

Ms SPRINGLE — Okay. Thank you.

The CHAIR — I think that is probably a good note on which to conclude. Thank you so much for the submissions you have made and also for your evidence today. You will be sent a copy of a draft transcript within a few weeks for review.

Witnesses withdrew.