

Submissions in respect to COVID-19 and public housing

August 2020

INTRODUCTION

WEstjustice acknowledges the serious public health risk posed to Victoria by the Novel Coronavirus 2019 (COVID-19). These submissions raise concerns about the particular risks of the pandemic in respect to public housing estates, as well as the authorities' response and management of COVID-19 in this context, which have significant impacts on residents and their rights.

WEstjustice supports previous statements made by Flemington and Kensington Legal Centre (FKLC), Inner Melbourne Community Legal (IMCL), and the Victorian Council of Social Services (VCOSS) in respect to the hard lockdowns of public housing estates in July 2020.¹

BACKGROUND

On 4 July 2020, Victoria's Chief Health Officer issued detention directions in respect to nine public housing estates in Flemington and North Melbourne. The Premier announced that day that the estates would be closed and contained, effective immediately, for at least the following five days.² Residents would be required to stay inside their homes, and only people providing essential services would be permitted in and out.

This 'hard lockdown' of the estates was immediately enforced by Victoria Police, with 500 officers per shift directed to secure the perimeter, and every floor, of the nine buildings and to monitor residents' compliance with the restrictions.

On 9 July 2020, following comprehensive testing of residents, the Government revoked the detention directions for all nine estates. All but one of the estates were moved to 'stay at home restrictions', in line with greater Melbourne. Residents at remaining 33 Alfred Street, North Melbourne estate, where at least 53 confirmed cases were found, were ordered to isolate and remain under existing restrictions until 18 July 2020.³

SUMMARY OF CONCERNS

1. *Lack of adequate and safe public housing in Victoria*

It must be acknowledged that the risks arising in respect to public housing as result of COVID-19 are primarily born of structural issues, which are not the fault of residents.

A long history of lack of investment in public housing has led to the overcrowding, ageing and disrepair of public housing buildings. The high density of people living in these spaces, and a lack of repairs and maintenance of private and shared amenities, create conditions that may assist the spread of the virus, and put residents and the broader community at risk.

¹ FKLC (4 July 2020) [The Hard Lockdown of the Public Housing Hi-Rise](#); IMCL (5 July 2020) [Public Housing Hard Lockdowns](#); IMCL (12 July 2020) [No justification for paternalistic police presence on public housing estates](#); VCOSS (4 July 2020) [Statement on public housing lockdowns](#).

² [Statement from Premier Daniel Andrews](#) (4 July 2020).

³ DHHS (15 July 2020) [Public housing restrictions: information and support](#); DHHS (9 July 2020) [Stage 3 restrictions for Flemington and North Melbourne estates](#).

2. *Failure to provide preventative targeted health information*

The Government has also failed to communicate relevant, translated health information to culturally and linguistically diverse communities across Victoria, including residents of public housing estates. This issue should be understood in the general context of under-provision of social supports, including culturally appropriate health services, for these communities.

3. *Lack of notice, consultation and communication with residents and community groups*

As has become clear, the highly restrictive lockdown was implemented without prior notice, consultation or communication with public housing residents. This failure led to confusion, fear and anxiety amongst residents and community support providers, who were left to navigate limited and sometimes conflicting information with little to no notice.

4. *Over policing of public housing residents*

Many public housing residents are from communities that experience ongoing over policing and racially targeted policing; and some have fled war and state violence. The extreme police presence in the implementation of the lockdown caused fear, intimidation and re-traumatisation amongst some residents.⁴ Unnecessary police involvement risks fuelling unjust stigmatised sentiment in the broader community against residents of public housing estates.

5. *Failure to provide adequate and culturally appropriate services in a timely manner*

There have been many reports from residents unable to access culturally appropriate food or medical and health provisions, and community organisations being blocked from delivering essential items. The Human Rights Law Centre expressed deep concern that the Victorian Government failed to coordinate the distribution of such basic needs.⁵

Translation and legal services were also not made available in a timely manner, leaving residents and community organisations to do this work. Largely thanks to the knowledge and advocacy efforts of local individuals and community groups, the Government has since, gone some way in providing information and supports.⁶

6. *Unequal and disproportionate nature of response*

The lockdown on public housing estates was far stricter than measures imposed elsewhere, even within the same postcodes. It was imposed inflexibly, and without regard to individual needs, and has had a discriminatory and disproportionate effect on residents. Many people in public housing do not speak English as their first language, work casual or insecure jobs, have health concerns, or may be experiencing family violence. The inability of people to leave their homes for any reason cut many off from employment, family and outside support services, and caused extreme stress and anxiety.

In contrast, residents in neighbouring buildings received almost 8 hours' notice before going into less severe lockdown, and were not subject to the same policing.⁷

⁴ Human Rights Law Centre (HRLC) (8 July 2020) [Victorian Government must provide public health response to pandemic, end discriminatory measures and withdraw hundreds of police from public housing](#); see also [covidpolicing.org.au](#).

⁵ Ibid.

⁶ See <https://www.dhhs.vic.gov.au/information-and-supports-public-housing-restrictions-covid-19>.

⁷ Above n 4.

KEY RECOMMENDATIONS

1. *Engage in meaningful consultation with local communities and lead community organisations*

Residents of housing estates have created strong, resilient and caring local communities. Individuals and organisations from these communities have demonstrated immense capability and responsibility in responding to the lockdown, coordinating the provision of medical care and food, and translating health and legal information where authorities failed to.

We urge authorities to engage meaningfully with local communities in all future efforts to prevent and respond to the spread of COVID-19 in public housing estates, to ensure actions taken are appropriate. We also encourage the support of strategies and structures established at the community level. There must be an acknowledgement and trust that local communities have the expertise to best help implement measures for their own health and wellbeing.

2. *Undertake long-term public housing reform*

Affordable, accessible and appropriate housing is essential. Long-term public housing reform is needed to address the underlying systemic issues that have contributed this emergency.

3. *Provide translated health information and ensure clear management of shared spaces*

DHHS must ensure the distribution of translated health information and, as the landlord of public housing estates, further take responsibility for managing shared spaces in accordance with health advice, for example:

- Ensure regular cleaning and sanitisation of communal spaces, particularly of high touch surfaces such as elevator buttons, door handles, and seating.
- Ensure availability of sufficient hand sanitiser and distribution of face masks.
- Put up signage to indicate maximum capacity of shared spaces, translated into various languages and using images.
- Place markers on the ground to indicate appropriate physical distancing.
- Provide clear guidance as to how to manage the flow of people coming in and out – e.g. procedures around deliveries.
- Set up testing sites in walking distance of each of the public housing estates

4. *Implement health centred responses instead of policing*

We echo FKCL's call for health responses that centre on care and wellbeing, rather than over policing and punitive responses that will result in further harms. Following the events of this month, residents of public housing estates deserve assurances that health restrictions will not be used to further police their communities.

5. *Implement restrictions fairly and flexibly, to accommodate individual needs*

We urge authorities to consider the individual and specific needs of people, such as those living with a disability, mental health issues, or substance dependency, or women and children experiencing family violence, to ensure implementation of restrictions is fair and proportionate.

6. *Ensure proper coordination and access to food, health supplies and essential services*

It is crucial that residents are provided timely access to food, medicine and health supplies, as well as health (including mental health) services, and legal, financial, and social services. This

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will be best achieved by engagement with community organisations and service providers. Where staff from various authorities are involved, they must have relevant training.