

MUNICIPAL ASSOCIATION OF VICTORIA

15 October 2020

Public Health and Wellbeing Prescribed
Accommodation Review Team
Department of Health and Human Services

Via email - phwr2020@dhhs.vic.gov.au

Dear Sir/Madam,

Proposed Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020

Thank you for the opportunity to comment on the proposed Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 and the Regulatory Impact Statement (RIS).

The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria, representing Victoria's 79 councils. As the regulating authority of prescribed accommodation under the Public Health and Wellbeing Act 2008, councils have a vital interest in the content and application of these regulations for accommodation premises that require controls to ensure the public health and safety of short-stay visitors and longer-term tenants.

The MAV broadly supports the proposed approach outlined in the RIS. We support a shorter-term focus of maintaining the current regulations with a small number of changes. We acknowledge this will allow for a more wholistic review to be undertaken once most of the other related inquiries into fixed premises accommodation by other State Government agencies have been completed. Known and emerging changes in the type of fixed premise accommodation market offerings suggest greater urgency is required than the proposed five-year review and 10-year sunset period.

We recommend a review be initiated much earlier than proposed, preferably to be commenced in late 2021/early 2022.

Further comments are set out below:

Alignment of rooming house definitions across legislative instruments Support.

Power of Minister to declare a premises as a rooming house

Support in principle. Councils are aware of several premises which fall outside the current definition of more than four people having separate leases but which for all other intents are a rooming house. We support the Minister having the authority to bring such premises into the purview of these regulations where this is justified. We encourage the relevant State Government agencies to commit to an established process to consult with councils prior to determinations being proposed. This is particularly important to alert councils to premises they may need to follow up if the proprietor fails to register.



Improved links between licence approval processes for proprietors and registration of premises

Development of a mechanism or protocol between councils as the registering authorities of premises, and Business Licensing Victoria as the licensee of proprietors, would assist councils ensure they do not register premises where the proprietor is not licensed.

COVID-19 impact

The current COVID-19 pandemic illustrates the acute importance of minimising the spread of infectious disease. We believe this is best achieved through State Government and councils working closely together to provide appropriate information and support to proprietors and tenants. Councils rely on advice and knowledge from DHHS about disease notifications and trends. DHHS relies on councils to provide insights about issues arising in their local area. Councils' connections with local businesses and communities are important conduits supporting public health education about the important role each can play in preventing spread of illness.

Accommodation supply

As Victoria recovers from the COVID-19 pandemic it will be critical that there is sufficient, safe last-resort accommodation for vulnerable people. An appropriate balance must be struck between ensuring the health and safety of residents and the protection and maintenance of existing last-resort accommodation. The role of the private sector needs to continue to play an important role in increasing supply and options for housing.

Review/sunset period

As outlined above, we recommend a more thorough review of these regulations is required. This should be completed sooner rather than later. There have been a range of developments and continuing issues arising from the legislative frameworks for rooming houses, itinerant workers, student accommodation and tourist accommodation which is also being increasingly utilised by more permanent tenants. These developments are compounded by the many agencies and stakeholders involved. New on-line platforms and intermediaries with business proprietors, such as Airbnb, require re-assessment of the current regulatory framework.

We acknowledge it is appropriate to wait for the DELWP rural accommodation review and the DJCS short-stay accommodation review to be completed. This will allow their findings to inform a review of the prescribed accommodation regulations. The rapid changes in market offerings and increased risks to vulnerable people needing accommodation through the COVID-19 recovery period are driving a sense of urgency to complete the prescribed accommodation review. We believe a more thorough review of the Public Health and Wellbeing Regulations 2020 should be completed in early 2022. Regulatory review of caravans and mobile accommodation is less pressing given these are guided by separate regulatory frameworks.

Continued partnership between DHHS and councils

We welcome the commitment in the RIS that DHHS will continue to work with councils to deliver improvements in enforcement. We support DHHS continuing to pay particular attention to monitoring and implementing strategies to limit the transmission of coronavirus in prescribed accommodation. As DHHS is well aware, prescribed accommodation poses acknowledged risks to health and wellbeing due to either the density of living arrangements (for example multiple people in bedrooms) or the use of shared facilities by significant numbers of unrelated people (for example toilets, kitchens, gyms, elevators etc).

Regulatory impact costings

We note that the costings estimates for council activities outlined in the RIS are based on a small survey conducted some time ago based on an assessment of a mid-level council officer salary. As councils also incur legal and other administrative costs in regulating prescribed accommodation, a greater level of analysis will be required when a more fulsome review of these regulations is undertaken.

Ongoing consultation with councils

Please note that the MAV has not had the opportunity to consult with councils in the development of this response due to the short-time frames provided for the RIS consultation period at the same time that the MAV and Victoria's 79 councils are actively responding to the COVID-19 pandemic emergency.

We will continue to provide feedback about council issues and concerns for this important ongoing area of regulatory improvement and reform.

Should you have any queries about this matter, please contact Rosemary Hancock, Manager Health and Local Economies at the MAV – email rhancock@mav.asn.au.

Yours sincerely



KERRY THOMPSON
Chief Executive Officer