

Managing lodging house health risks in Western Australia

Submission to the Department of
Health

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Introduction

Shelter WA welcomes the opportunity to provide a submission to the Department of Health (DOH) *Public Health Act 1911 Review* (PHA Review) and commends the WA State Government for seeking reform in this area.

Shelter WA is the independent peak body, in Perth Western Australia, that advocates for social and affordable housing and ending homelessness. Shelter WA takes a strategic leadership role, championing the development of an effective housing system and bringing all parts of the system together to achieve this. Shelter WA brings together a strong coalition committed to diverse and affordable housing choice for all. With a focus on housing for people on low to moderate incomes and groups that experience housing insecurity. Shelter WA undertakes research and policy development, engagement, and advocacy to drive solutions to build an effective housing system and alleviate housing-related poverty.

Our Vision: All people living in Western Australia have housing that enables them to thrive.

This submission has been prepared in consultation with boarding and lodging accommodation providers (BLA Providers) in WA, most of who are members of Shelter WA. The Working Group established for this submission include, community housing providers, homelessness service providers, private accommodation providers and individuals with lived experience of residing in boarding and lodging accommodation facilities.

The Discussion Paper seeks to address housing risks to public health matters and proposes three options for the management of these risks. This submission provides Shelter WA's response to each option and the rationale for the final recommendation.

It is important to acknowledge that the PHA Review was released at the same time as the reform process for the *Residential Tenancies Act 1987* (RTA Review) by the Department of Mines, Industry Regulation and Safety (DMIRS). This has presented challenges for the sector as both reviews canvass views on two very different regulatory elements for the sector. The PHA Review seeks to regulate the operations of boarding and lodging accommodation providers, in line with the local laws established by local government authorities who licence accommodation providers. The detail of the operational regulatory framework of the PHA Review is deep and certainly warrants review to ensure the sector is not exposed to cumbersome regulatory burdens, whilst maintaining the level of service in this sector. Whereas, the RTA Review seeks to regulate the rights and obligations of residents and boarding and lodging accommodation providers. There are clear areas of overlap and it is critical that both government agencies work collaboratively to ensure the two regulatory systems are aligned and do not create conflict or confusion for the sector in the provision of what is a very niche and specialised accommodation option in the WA housing system.

This response is provided with consideration of discussions from the 2015-2018 Boarders and Lodgers Working Group, which was jointly convened by Tenancy WA and Shelter WA, as well as Shelter WA's submission focused sector consultations in 2020 to discuss issues and consider options relating to this legislative and regulatory review.

Boarding and lodging accommodation options are a critical part of the housing system in WA. Residents of boarding and lodging facilities are often in a vulnerable position, are coming out of insecure housing options, exiting the justice system, or coming off the streets. Boarding and lodging accommodation provides a much-needed option that cannot be served by crisis or short-term accommodation. Whilst it can be a transitional accommodation option, in many cases residents in boarding and lodging facilities are long term residents and choose this form of housing option. The co-living arrangements provide benefits to the residents but need to be managed in an operational regulatory system that doesn't prohibit accommodation providers delivering high quality living options to their residents.

The State Government, across both DMIRS and DOH must therefore consider:

- Legislation that is clear and enables accommodation providers to adequately operate and best support residents, especially in relation to public health aspects.
- Legislation that provides adequate resident protections, certainty and outcomes for boarders and providers – which will be achieved through the RTA Review.
- Finding ways to encourage new investment in boarding developments and redevelopment of existing stock, by reducing the regulatory burden.
- Examining ways in which new and existing accommodation can be best utilised to address housing affordability pressures across the entire WA housing system.

The United Nations defines 'adequate housing' as a basic human right. This term captures more than just basic shelter and includes privacy, space, security, lighting, ventilation and basic infrastructure.¹ It reflects the research confirming that the structure, facilities, and uses of human shelter have a strong impact on the state of people's physical, mental and social wellbeing.

The World Health Organisation in their housing and health guidelines points out unequivocally that housing is a social determinant of health.^{2 3} "Improved housing conditions can save lives, reduce disease, increase quality of life, reduce poverty, [and] help mitigate climate change [...]. Housing is therefore a major entry point for intersectoral public health programmes and primary prevention."⁴

In addition, Department of Health states in this review's discussion paper:

"Housing is a basic need to survive, a fundamental component of modern life and forms the basis for the ways in which we interact with society. Appropriate housing not only protects people from disease but encourages good physical and mental health and economic participation. Having a minimum standard for housing is not aspirational or ambitious – it

¹ United Nations Office of the High Commissioner for Human Rights. 2009. 'The Human Right to Adequate Housing'. Fact Sheet No. 21. United Nations.

² World Health Organisation. 2018. 'Housing and Health Guidelines'. Geneva.

³ PwC, 2019, The urgency of addressing social determinants of health: A PwC Health Research Institute Report, Australia.

⁴ World Health Organisation. 2018. 'Housing Impact Health: New WHO Guidelines on Housing and Health'. Geneva.

merely describes the basic requirements for living in a safe, secure and healthy environment, one which all Western Australians are entitled to. There should be mechanisms in place to remediate uninhabitable buildings before allowing people to live there.”⁵

This needs to be the focus of the current review of health and housing through the reform of the Public Health Act.

Summary of recommendations

Shelter WA supports Option C in the Discussion Paper. Option C proposes to develop new, updated regulations under the *Public Health Act 2016*. The main reason Shelter WA supports this approach is to enable necessary reform to make the existing regulatory framework less prescriptive and to ensure the right public health outcomes are achieved. Moving to a risk-based regulatory system is a preferred approach as has been documented.⁶

Better regulation of boarding and lodging accommodation facilities will reduce red tape and compliance, improve opportunities for innovation in the sector to provide suitable accommodation responses to this group of residents and enable the growth of the boarding and lodging accommodation sector across community housing and private property operators that provide a safe place to live.

| Options | Shelter WA Response |
|---|---------------------|
| A – Retain status quo Replicate as much as possible the current regulatory system under the new Public Health Act. | Do not support |
| B – Repeal without replacement and use the general public health duty. | Do not support |
| C – Develop new, updated regulations under the <i>Public Health Act 2016</i> . New regulations would be created using the risk-based framework under the Public Health Act 2016. | Support |

⁵ Department of Health. 2020. 'Public Health Act Review: Discussion Paper'. Government of Western Australia.

⁶ Productivity Commission, 2013, Regulator Engagement with Small Business, Research Report, Canberra. <https://www.pc.gov.au/inquiries/completed/small-business/report/small-business.pdf>.

Response to the discussion paper

Overview

BLA Providers are an important part of the housing sector that assists affordable and secure accommodation demand in the current housing affordability crisis and contributes to preventing homelessness. BLA Providers must be understood as a means of addressing the housing needs of people on very low incomes who often do not have access to other housing options.⁷ Boarders and lodgers need the same (improved) basic rights and protections as other residents in WA, meanwhile accommodation providers need clarity, certainty, and a modern regulatory and legislative framework to support their operations, activities, and service from LGAs. All parties within the sector support positive reform and changes to better enable housing in WA.

BLA Providers provide housing for people who are generally unable to access private rental accommodation or social housing. This may be due to:

- An inability to afford rental costs.
- Need for urgent housing due to escaping from violence, or other crisis/emergency scenarios.
- Being an international student or worker.
- Discrimination.
- A lack of rental and employment history or references.
- A preference for shared accommodation, or a need for additional support services.⁸⁹

The demand for accommodation in boarding houses is likely to increase over time due to a number of reasons, such as the lack of social or affordable housing in Western Australia and the growing numbers of low income people with complex needs who are often disadvantaged in the private housing market. . It is important to facilitate the sustainability of the boarding and lodging sector of the housing sector as an affordable and accessible f housing option.

Data from the Australian Bureau of Statistics (ABS) 2016 census showed that the number for people staying in boarding and lodging houses and other temporary dwellings in Australia was over 18,000 and in Western Australia more than 1,100.¹⁰ These figures are likely to understate the situation in WA as smaller boarding arrangements may not be detected and operators of illegal and overcrowded dwellings may not respond to the census. Boarding and lodging is considered a marginal form of tenure. In WA, there are distinct types of BLA Providers operating, including boarding and lodging houses with multiple residents (ranging from six residents to over 100), assisted boarding houses

⁷ Hoh, Amanda. 2019. 'Sydney needs more assisted boarding houses as affordable housing divide widens'. ABC News.

⁸ Hodgson H, James A, Webb E. 2018. Older renters in the Western Australian private rental sector: Strategies to enhance housing security for WA's older renters. Bankwest Curtin Economics Centre – Curtin University.

⁹ Goodman, R. et al. (2012) Marginal rental housing in Australia, AHURI Positioning Paper No. 148. Melbourne: Australian Housing and Urban Research Institute.

¹⁰ Australian Bureau of Statistic. 2016. 'Census of Population and Housing: Estimating Homelessness' Australian Government.

(where support services are delivered in conjunction with the accommodation) and private household arrangements between individuals, where boarder(s) reside in an owner's home.

WA is the only jurisdiction in Australia that does not regulate the rights and responsibilities of boarders and providers, which has led to much legislative and regulatory confusion and poorer housing outcomes for people.¹¹ Shelter WA's consultation and research informing this submission found Victoria to be the best-case study of regulations in Australia and this should inform WA's reform.

Any related legislation and regulations should include different standards for different kinds of BLA Providers, such as if someone is renting out one room in their home, or for a lodging house or student accommodation halls, or for crisis and community housing, so that the laws are reasonable and meet the needs in this diverse sector. These include at present:

- Registered boarding houses run by private developers.
- Registered boarding houses run by community or emergency, transitional, and temporary housing providers.
- Unregistered illegal boarding houses typically in poorly retrofitted suburban homes.
- Boarder(s) residing in the home of a private owner.
- Student housing complexes, such as those located on or near university campuses.

It is understood that many accommodation providers are exploring new ways to develop accommodation for residents who may only require short-term, and any new regulation needs to be flexible to either incorporate or exclude these types of developments. BLA Providers and LGA's need clarity, certainty, and a modern regulatory and legislative framework to support their operations, activities, and service.

There are forms of accommodation that to date have blurred lines between tenancy and boarding house, including emergency, transitional, short-stay, and supported accommodation. Depending on how such accommodation is structured, it can be difficult to classify it as boarding or a tenancy. The RTA Review presents the opportunity to remove this confusion by defining boarders and lodgers in the act and presenting occupancy principles in the regulations for the clarity of residents and providers. Refer to Shelter WA submission to the RTA Review for further details on this recommended approach.

The community housing and homelessness sectors, as well as some private providers are good exemplars for positive outcomes for residents and BLA Providers.

¹¹ Freilich, A., Levine, P., Travia, B., and Webb, E. 2014. 'Security of tenure for the ageing population in Western Australia: Does current housing legislation support Seniors' ongoing housing needs?'. Council on the Ageing Western Australia (COTAWA).

Option A: Repeal without replacement (Retain status quo)

Through sector consultation and evidence-based research, Shelter WA considers Option A within the PHA Review options to be unsuitable. Maintaining the status quo assumes that all parties have appropriate negotiating power, clarity and sensibility of regulations and legislation, and mutual understanding in these arrangements.

Shelter WA's consultation found concerns and issues that the current regulatory framework does not align with the current act and practice of BLA Providers and LGA's. Requirements remain prescriptive rather than risk based. Maintaining the legislative status quo means that current gaps in legislation will continue to exist; there will be difficulty to proactively respond to emerging risks; and it will be a missed opportunity to create positive change, reduce the public health risk, and streamline the regulatory burden of the legislation.

Shelter WA believe new laws are required in WA to address these concerns and secure better outcomes for boarders and lodgers and the providers of this type of accommodation in our State. Better regulation of boarding and lodging facilities ensure the development of innovative affordable housing solutions by the community housing and private housing sector.

Option B: Repeal and replace with model local laws

Shelter WA considers Option B within the PHA Review options as unsuitable. Shelter WA supports the DOH engaging more with LGA's and BLA Providers to ensure best practice and a whole-of-community shared development, however regulations should not be determined primarily by individual LGA's under the Local Government Act 1995, rather the operational regulatory framework needs to sit within the PHA.

Historically in WA and comparatively in other jurisdictions, boarding and lodging has been primarily regulated by the health portfolio and legislation by State Government, so deregulation and localisation could cause confusion across the sector – for BLA Providers, LGA's, and residents. Deregulating could also provide little incentive, certainty, or clarity for BLA Providers and LGA's to maintain suitable safety standards and adequately address risks if not appropriately regulated, which is more likely when regulation is set by specific LGA's. There could also be potential for inconsistency depending on local law uptake by LGA's as requirements will vary for BLA Providers depending on model local law adoption.¹²

As mentioned, Shelter WA believe new laws are required in WA to address these concerns and secure better outcomes for boarders and lodgers in our State.

¹² Department of Health. 2020. 'Public Health Act Review: Discussion Paper'. Government of Western Australia.

Option C: Continue to regulate lodging houses under the Public Health Act 2016 using new housing regulations

Through sector consultation and evidence-based research, Shelter WA considers Option C within the Public Health Act review options to be a suitable option. Shelter WA supports this option as BLA Providers would be included in new regulations for managing housing developed under the Public Health Act. Shelter WA is supportive of accountable and clear legislation and regulations ensuring minimum rights, provisions, definitions, and responsibilities for BLA Providers to provide clarity and certainty in this part of the housing sector.

The current legislation relating to Western Australian boarding houses is limited to the enforcement of public health requirements and operational requirements under local government by-laws. There is currently no specific legislation governing the rights and responsibilities of the provider and boarder, leaving people to rely on common law principles and the specific terms of their contract, where there is one in place.¹³ The RTA Reviews seeks to address this gap.

Shelter WA address the proposals within option C below, to highlight why it is the most appropriate action. It is critical that housing continue to be incorporated into the Public Health Act as with new, more appropriate housing regulations deriving from both this review and the review of the Residential Tenancies Act 1997, WA will address issues, create positive change, and move closer to a more effective and fair housing system.

With this option, housing in Western Australia will have:

- Public health and maintained at a consistently high standard.
- Consistency between local governments in the management of lodging house health risks.
- Administration of legislation and regulations remain with taxpayer funded authorised officers with existing and relevant expertise.
- Higher penalties may encourage increased compliance.
- Local government may utilise recovery costs related to registration and inspection. It will be important for this to be done in a consistent manner to ensure BLA Providers do not have different fee schedules. A set fee schedule in regulations is worth consideration by the DOH in consultation with stakeholder.
- Clear compliance obligations for the lodging house industry.¹⁴

New regulations as outlined in Option C will modernise part of the WA housing system and provide more clarity and certainty for all parties.

¹³ Make Renting Fair WA. 2020. 'Make Renting Fair Fact Sheets - boarders and lodgers. www.make Renting Fair WA.org.au

¹⁴ Department of Health. 2020. 'Public Health Act Review: Discussion Paper'. Government of Western Australia.

An evaluation framework to measure impact and to determine whether the reforms have ensured desired outcomes will be required.

Shelter WA would also like to note that under the current Health (Miscellaneous Provisions) Act 1911, the language and requirements are dated and antiquated where, in many of the provisions dealing with BLA Providers are in the same terms and relevancy as the original Act as passed in 1911. Language within new regulations must be modernised throughout to relevantly address the current types of BLA Providers within the housing sector.

It is recommended that new legislation or regulations will better support current BLA Providers and facilitate innovative affordable housing solutions by the community housing and private housing sectors.

Proposals

Shelter WA supports all proposals within Option C as outlined in the discussion paper. However, we are of the view that this reform process presents an opportunity to drive further risk-based regulation reform. In undertaking a comparative analysis of legislation in other states, input from sector consultations, and research there are some additional proposals Shelter WA is putting forward as part of implementing this option.

Additional proposal 1: Amend the definition of a lodging house

Shelter WA supports Proposal 1 in amending the definition of a BLA provider to long term or transient accommodation for several unrelated persons with relevant inclusions and exclusions in line with the National Construction Code (NCC 2019), as outlined below:

“A lodging house is long term or transient accommodation provided for a number of unrelated persons including but not limited to the following:

- *A boarding house, guest house, hostel, lodging house, crisis or backpacker accommodation.*
- *Privately operated residential accommodation for a school (college, university or similar) that is not operated by an educational institution.*
- *Rooming houses where occupants are not residents (occupier has a licence to occupy rather than a lease and the landlord has a separate agreement with each occupier).*
- *Serviced apartments not used as short stay holiday accommodation.”¹⁵*

Shelter WA also supports the general exclusions listed, as accommodation providers in areas such as tourist, psychiatric, or aged care accommodation should not be considered under the definition of BLA Providers as due to having their own commercial and Governmental regulations. The distinction

¹⁵ Department of Health. 2020. ‘Public Health Act Review: Discussion Paper’. Government of Western Australia.

between the exclusions and inclusions is clear, ensuring prevent unscrupulous owners and providers from trying to avoid responsibilities under the RTA or any new boarding laws

The definition of boarders and lodgers is paramount in legislation, the proposed definition broadens what is presently a narrow definition of a BLA. It also provides clarity and simplicity for BLA Providers, and for a legal perspective. It is important to have a clear definition as proposed, appropriately incorporating each type of accommodation. It may be worth considering specific definitions for different types of accommodation (i.e. BLA Providers with support programs).

Defining boarding and lodging facilities by the number of rooms or number of residents is problematic as it doesn't take into consideration additional services offered by some providers. To be consistent with consultation in the sector, Shelter WA recommends the PHA Review use the proposed definitions contained in Shelter WA's submission to the RTA Review.

Additional proposal 2: Registration of lodging houses

Shelter WA supports Proposal 2 to continue the Public Health Act prescribing the operation of a lodging house as a public health risk activity that must be registered with the local government with outlined provisions and assigned maximum accommodation.

It is important to note that the introduction of any new regulatory or licensing regime should be aimed at improving the property standards of boarding houses rather than closing them down, with the risk of ejecting vulnerable residents into housing insecurity or homelessness. However, penalties for non-registration and non-compliance should exist.

Regulating lodging houses under the Public Health Act (i.e. at a State level) requires registration/licencing at a State level and consolidation of all local government registers – this makes requirements clear and consistent across WA. This also means BLA Providers are more likely to be run in compliance with both the law and local government standards, and government departments have appropriate oversight of BLA Providers under this arrangement. This improves the quality of management of larger BLA Providers, as well as the regulator's ability to inspect for compliance and ensure consistency in service provision across the State.

Increasingly a lack of social and affordable housing options have facilitated the growth of the private BLA Providers as a profitable business that is hidden from legislative and regulatory requirements.¹⁶ It is critical BLA Providers require registration with their according local government to ensure all BLA Providers are accountable to both government and residents.

Registration of BLA Providers of over six people is already required in WA, but the degree to which this is complied with by BLA Providers is currently unknown. Anecdotally, the sector understands that there is a proliferation of unregistered or 'illegal' boarding houses that do not comply with minimum property standards.

¹⁶ Macreadie, Rachael. 2015. 'Research Note: Rooming House Operators Bill'. Victorian Parliamentary Library & Information Service: Government of Victoria.

Establishments with six or less residents, including many non-traditional arrangements, are problematic as they are not required to be registered and are outside regulations establishing building standards, fire prevention and control, room occupancy, cleaning and maintenance, health standards, registers of lodgers and responsibilities of the owner.¹⁷

BLA residents are often have a range of vulnerabilities and need safe and secure accommodation rapidly, which may limit their ability to access information. People seeking an urgent housing solution should not have uncertainty or inaccessibility of information regarding the licensing and registration of a BLA Provider.

Public registers of BLA Providers exist in New South Wales, Queensland, and Victoria.¹⁸ The DOH must consider consolidating existing registers and maintain a centralised up-to-date record of BLA Providers (including smaller private accommodations) in WA. This could be made public through the DOH and/or Consumer Affairs to allow stakeholders to check whether a property is registered and reduce the risk of boarders moving into unregistered or non-compliant accommodation.

In line with Victoria, state-wide registration should also require passing a 'fit and proper person' test,¹⁹ a proprietor assessment including minimum training requirements (with recognition of prior qualification) to safeguard who can and cannot operate a BLA private rental owners) as it is more prescriptive than the current position of 'in the opinion of local government'.

The sector seek the focus of registration and licensing to be on lifting operational and management standards across the sector – they support this in principle, provided it does not introduce excessive penalties, and recognises prior learning for staff who have completed necessary training.

The WA Government compliance practice and implementation for the above proposal should:

- Clarify provisions that may be required by BLA Providers in the act.
- Enhance information exchange mechanisms between government agencies.
- Enhance the role of the Government to provide coordination and advice on best practice compliance measures.
- Establish local government protocols and guides with the community and housing sector for compliance activities.
- Provide BLA Providers with access to free materials that they can use to appropriately comply and/or upskill.
- Accessible registration, information, and training that is also available online.

¹⁷ Hodgson H, James A, Webb E. 2018. Older renters in the Western Australian private rental sector: Strategies to enhance housing security for WA's older renters. Bankwest Curtin Economics Centre – Curtin University.

¹⁸ Residents Union Victoria. 2012. 'Better Tenancies Policy Platform' www.residentsvic.org.au/policy-research/#platform

¹⁹ Macreadie, Rachael. 2015. 'Research Note: Rooming House Operators Bill'. Victorian Parliamentary Library & Information Service: Government of Victoria.

- Require Bi-annual inspections and triennial audits by local Government - it will be imperative that boarding houses continue to be required to be registered for the regulator to properly inspect for compliance.
- Require real estate agents and property managers to notify regulatory agencies of properties let to BLA Providers.

Additional proposal 3: Construction requirements

Shelter WA supports Proposal 3 in ensuring BLA Providers comply with the NCC 2019 maintenance and provision requirements for habitable buildings, particularly laundry and kitchen facilities and sanitary conveniences. These housing provisions are required in the Public Health Act to provide clarity and certainty of minimum standards and how they are applied to BLA Providers, ensuring residents rights and appropriate housing.

Other Australian jurisdictions provide a level of protection for boarders and lodgers with prescriptive requirements around minimum standards for BLA Providers. However, in states like Victoria, these standards are not too complex or unclear that have a burdensome impact on BLA operations and costs.

It must be considered that BLA Providers have differences in cooking, sanitary, and laundry areas within rooms and buildings. There should be clear but flexible regulations regarding private and communal laundries, bathrooms/toilets, kitchens/kitchenettes, and private food preparation space involved on premises that is reasonable to the resident and the BLA Provider. Not all BLA Providers can provide laundry and cooking facilities within private rooms, however most known BLA Providers provide bathrooms – therefore operational regulatory requirements should be primarily focused on communal/shared kitchen and laundry requirements and be flexible, not prescriptive as the current regulatory regime requires.

One alternative to a comprehensive set of operational regulatory requirements is to require providers to comply with all relevant health, safety and building requirements under any other written law. This is the requirement under the Residential Tenancies Act 1997 for lessors currently. This could also be linked with the proposed changes to the *Residential Tenancies Act 1987* for mandating minimum standards in private rental properties.

It should also be considered for BLA Providers in ensuring appropriate standards of accommodation, should be required to make modifications to accommodate boarders and lodgers with a disability. This is in line with recent recommendations of the Senate Standing Committees on Economics Housing Affordability Report²⁰, and the intent of the Commonwealth *Disability Discrimination Act 1992*. Again, consideration needs to be given to determine what are appropriate minimum standards in boarding and lodging accommodation facilities. Accessible and universal design is important as well as basic minimum standards, which currently do not exist across any private rental properties.

²⁰ Macreadie, Rachael. 2015. 'Research Note: Rooming House Operators Bill'. Victorian Parliamentary Library & Information Service: Government of Victoria.

This is another area where the RTA Review and PHA Review need to have consistency. Consideration will need to be given to implementation of any changes regarding this and the impact on providers and the accommodation that they offer.

Additional proposal 4: Use Requirements

Shelter WA supports Proposal 4 in the additional use requirements for restrictions of certain rooms being sleeping areas to prevent overcrowding and appropriate standards of public health. Having habitable space, ventilation, accessibility, and privacy is more than reasonable as this not only provides public health benefits and resident rights, but also clarity and certainty to BLA Providers.

Additional proposal 5: Emergency preparedness requirements

Shelter WA supports Proposal 5 in that sufficient exit capacity must always be provided and maintained to allow for safe movement and egress. As per compliance with the NCC 2019, it is critical BLA Providers have exit doors and passages, locks, lighting, signage, and evacuation plans. This not only provides public health benefits and resident rights, but also clarity and certainty to BLA Providers.

Additional proposal 6: Fire Prevention and control requirements

Shelter WA supports Proposal 6 in that lodging houses be required to provide adequate fire protection, prevention and control measures (i.e. fire and smoke alarms, fire extinguishers and equipment, no smoking, evacuation lighting etc.) as per the NCC 2019. This not only provides public health benefits and resident rights, but also clarity and certainty to BLA Providers.

Shelter WA also recommend this review consider the role of a mandatory on-site 'Caretaker' role for BLA Providers. Shelter WA's sector consultation found that several BLA Providers did not have clarity and certainty as to whether this role is required for compliance to legislation and regulation. BLA Providers outlined in consultation that whilst they are not opposed to this role being mandatory and many have an on-site caretaker in some capacity, the requirement must be clear and suitable to the type or size of the BLA.

Additional proposal 7: Administrative Requirements

Shelter WA supports Proposal 7 in continuing the requirement for BLA Providers to maintain a register of all lodgers/residents by the Public Health Act. This must include their name, contact details, previous address and date of entry and exit - allowing emergency services to locate people if necessary.

This register does not have to be publicly available, but it will need to be made available on request by an authorized officer. This is fundamental to accountability in the event of an emergency or the notification of infectious disease for example.

Additional proposal 8: Requirements for lodgers

Shelter WA supports Proposal 8 in removing local law requirements for lodgers when residing in housing such as not keeping or storing offensive materials, depositing rubbish appropriately and more. These local laws should not be carried over so that the appropriate and safe operation of a BLA and managing the occupants is the responsibility of the owner.

This will simplify administrative requirements for BLA Providers, focusing their operational management in lines with the Public Health Act and their own house rules.

Additional proposal 9: Vector control requirements

Shelter WA supports Proposal 9 in requiring BLA Providers to prevent the breeding or harbourage of disease vectors (e.g. pest infestation) in their accommodation through adequate control measures directed by an authorised officer - such as providing appropriate bedding. This not only provides public health benefits and resident rights, but also clarity and certainty to BLA Providers.

Conclusion

Shelter WA appreciates the opportunity to respond to the Department of Health's PHA Review. Shelter WA is supportive of accountable and clear legislation and regulations ensuring minimum rights, provisions, definitions, and responsibilities for BLA Providers to provide clarity and certainty in this part of the housing sector.

Shelter WA supports Option C from the DOH's discussion paper and the proposals attached with this option. Shelter WA looks forward to continuing to work the Department of Health on introducing these risk-based regulatory approaches and for consistency across the definition of boarding and lodging in the PHA Review and RTA Review.

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