



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

Residential Tenancies Act 1997

As the Minister responsible for the **Residential Tenancies Act 1997** (the Act), I give notice under section 12 of the **Subordinate Legislation Act 1994** that, further to public consultation on a Regulatory Impact Statement (RIS), I have decided to recommend the making of the Residential Tenancies (Rooming House Standards) Regulations 2023 (the proposed Regulations). These will replace the Residential Tenancies (Rooming House Standards) Regulations 2012.

The proposed Regulations prescribe a range of minimum standards regarding privacy, safety, security and amenity in rooming house residents' rooms and shared facilities in rooming houses including:

- increasing the frequency of electrical safety checks to be conducted by a licensed or registered electrician to every two years,
- clarifying that an electronic key fob can be used to operate as a lock on a door to a resident's room and entrance to a rooming house,
- requiring laundry facilities including a washing machine to be in good working order and be provided for every twelve residents,
- the introduction of a standard for blind cord safety in rooming houses, and
- requiring rooming houses to be structurally sound, weatherproof and free from mould and dampness.

An exposure draft of the proposed Regulations and the RIS were released for public consultation on the Engage Victoria website between 3 January 2023 and 1 February 2023. 22 written submissions and 129 survey responses were received from the Victorian community.

In response to feedback in the submissions to the RIS, I intend that the final form of the proposed Regulations will include the following changes since the exposure draft was published:

- *Definition of electrical safety check* – A minor amendment has been made to ensure consistency with the referenced Australian Standard.
- *Standard for power outlets in resident's room* – A transitional period has been provided until 25 February 2024.
- *Standard for windows in a resident's room – window coverings* – The title has been amended to clarify that this standard relates to window coverings only and not to other parts of a window in a resident's room. The transitional period has been extended for the proposed new requirement until 25 February 2025.
- *Standards for toilet or bathroom facilities* – The proposed regulation now incorporates a statement that a cabin hook is not an appropriate lock for a toilet or bathroom. The proposed standard for shower heads has been amended to clarify that shower heads rated 3 stars or higher may be provided. This was previously included as an example, rather than as a subregulation. A transitional period until 25 February 2024 is provided for these standards.
- *Standards for kitchen or food preparation facilities* – Minor changes have been made to clarify the food preparation area standard. A transitional period has been added for food preparation areas and refrigerators until 25 February 2024. The ratio for ovens and cooktops has reverted to one of each oven and cooktop for every 12 residents, which is the ratio in the current Regulations.

SPECIAL

- *Standard for dining facilities* – Amended to allow for the provision of dining facilities in residents’ rooms or in a common area. The regulation has been further amended to clarify that chairs at benchtops can be used if they are not at the food preparation area.
- *Standard for laundry facilities* – Amended to require the provision in good working order of laundry facilities, including one washing machine, for every 12 or fewer residents in a rooming house. A transitional period until 25 February 2024 is provided for the new requirements.
- *Standard for ventilation* – This regulation has been amended to accommodate forthcoming changes to the Building Code of Australia (BCA) that will come into effect on 1 May 2023.
- *Standards for lighting* – Lighting standards have been consolidated into one regulation, reverting to the approach in the current Regulations. The wording in the standard remains consistent with the rental minimum standards in the Residential Tenancies Regulations 2021.
- *Standard for electrical safety check* – This regulation has been updated to clarify that the electrical safety check applies to appliances provided by the rooming house operator.
- *Standard for windows in a rooming house – window coverings* – The title has been amended to clarify that this standard relates to window coverings only and not to other parts of windows in a rooming house. There has also been minor rewording to this regulation to align the standard with the rental minimum standard in the Residential Tenancies Regulations 2021. The transitional period has been extended for the proposed new requirement until 25 February 2025.
- *Standards for corded internal window coverings* – This standard has been redrafted to apply the relevant Australian Consumer Law (ACL) standard for blind cord safety to the installation of new window coverings after the commencement of the proposed Regulations, and any anchoring requirements in that ACL standard to any existing curtains and blinds in a rooming house. The ACL standard applies to all new installations with a transitional provision until 25 February 2024 being provided for window coverings installed prior to the commencement of the ACL standard (that is, installed prior to 1 January 2015).
- *Standards for external windows* – A minor clarification has been made so that a window can be secured against external entry with or without a key. A transitional provision until 25 February 2024 has been provided for new requirements.
- *Standard for entrances* – The definition of ‘key’ has been updated to include a device such as an electronic key fob and information used to operate a lock such as a personal identification number (PIN) code.
- *Standards for lighting in resident’s room* – This proposed standard has been removed and consolidated with the standard for lighting into one regulation.
- *Standards for heating* – These proposed standards have been removed to allow further work on rooming house-specific energy efficient heating options.

After the proposed Regulations are made, they will become available for download from legislation.vic.gov.au

A copy of this notice, the submissions and a Statement of Reasons summarising the issues raised in the submissions and the reason for the final form of the Regulations will also be published on the Engage Victoria website, engage.vic.gov.au/roominghousestandards

Dated 16 February 2023

HON. DANNY PEARSON MP
Minister for Consumer Affairs

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