

## VBA Response to Proposed Residential Tenancies Regulations 2020

Thank you for the opportunity to provide comment on the draft Regulation Impact Statement (RIS) relating to proposed changes to residential tenancy requirements. We support the broad intent of the regulations to give effect to recent changes to the *Residential Tenancies Act 1997*, in particular the focus on improving consumer protection of tenants. In reviewing the proposed changes, we have focused our attention on aspects of the regulations that interact with the building and plumbing regulatory framework, with regards to:

- ensuring that it is feasible from an implementation perspective,
- improving clarity of the regulations,
- identification of any unintended consequences arising from the regulations, and
- understanding the impacts on the building and plumbing industry and their ability to respond/ support the regulations.

### Specific comments on draft Regulations

Thank you for taking on board many of our comments previously provided prior to the release of the consultation RIS. We believe many of those changes made by CAV will improve the operation of the Residential Tenancies Regulations. Following are specific comments based on the consultation draft currently out for public comment:

1. Carbon monoxide alarm requirements – it is unclear from the Regulations whether a carbon monoxide alarm is required to be installed where the rented premise contains a gas using appliance. For example, would gas using appliances such as LPG BBQs, external LPG heaters and gas stove top trigger the carbon monoxide alarm requirement? It is noted that the current draft regulations specify particular requirements where a carbon monoxide alarm is installed, however it is silent on whether its required in certain circumstances.
2. Regulation 13, (5) Slow combustion wood heater – whilst we understand the need to prescribe low cost heating options, particularly for rural and regional areas, the use of slow combustion wood heaters poses significant risks to users, particularly if they are not regularly serviced and maintained. These include health (associated with release of particulates and other noxious fumes), environmental and fire safety risks. If these systems are to be an acceptable installation, we recommend they be required to have regular servicing to minimize fire risks. In addition, the terminology “slow combustion wood heater” is inconsistent with that used in the National Construction Code. We recommend this be amended to “Domestic solid fuel burning appliances”.
3. Regulation 25 and 46, (i) Fire exit – It is unclear whether this is intended to relate to particular defined fire type doors (e.g. fire isolated doors and fire doors), or general exits? Note that the National Construction Code has a definition for “exit” which could be used if that was the policy intent of this regulation.

4. Schedule 3, Section 6: Relocatable pool safety activities (page 146 of draft Regulations) – We are concerned the current proposal could result in some unintended consequences:
  - a. The Regulations propose that *“tenants can erect a relocatable pool on the rented premise for more than one day as long as they have given prior written notice to the landlord”* – this implies that no approval from a landlord for the installation of a relocatable pool is required. Note that a building permit may be required, and these can’t be issued retrospectively. Therefore, there needs to be some provision whereby the tenant informs the owner before erecting a pool, and where a building permit is required, it must provide that the pool is not installed until a building permit is issued.
  - b. When a relocatable pool is erected by tenants that remain for three or more days, it may trigger the swimming pool registration, inspection and certification requirements. This will require the owner of the property (i.e. landlord in this case) to register the pool, organise for it to be inspected and ensure a certificate of barrier compliance is lodged with the relevant council. The costs associated with these requirements can become significant and may not be recouped.

We therefore recommend further discussions on the proposed regulations and how it interacts with the swimming pool requirements take place with relevant stakeholders to ensure it does not create perverse outcomes.

5. Schedule 3: Safety related activities – we recommend rental properties containing solid fuel burning appliances, such as a slow combustion heater, be added to the safety related activity schedule so they are required to be regularly serviced and maintained to reduce the risk of injury or death associated with its use. Blockages in the flue of these systems can occur, resulting in fumes spilling back into the room and increased risk of fire.