



Office of the  
Chief Executive Officer

26 September 2016

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**Metropolitan Fire and  
Emergency Services Board**  
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Residential Tenancies Act Review  
Consumer Affairs Victoria  
GPO Box 123  
MELBOURNE VIC 3001

Dear Sir/Madam

**Residential Tenancies Act Review (Review)**

Please find enclosed MFB's submission in relation to the review issues paper, *Alternate forms of tenure: parks, rooming houses and other shared living arrangement*.

If you have any queries, please do not hesitate to contact Rob Purcell, Acting Deputy Chief Officer – Executive Director Emergency Management on 03 9665 4282, [rpurcell@mfb.vic.gov.au](mailto:rpurcell@mfb.vic.gov.au)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jim Higgins', with a large, sweeping flourish extending to the left.

**Jim Higgins ASM**  
**Chief Executive Officer**  
Metropolitan Fire and Emergency Services Board



**Metropolitan Fire and  
Emergency Services Board**

**MFB Submission:**  
**Residential Tenancies Act Review**  
Alternate forms of tenure: parks, rooming  
houses and other shared living arrangements

September 2016

The Metropolitan Fire and Emergency Services Board (MFB) is pleased to have the opportunity to participate in this phase of the review of the *Residential Tenancies Act 1997* (RTA) relating to alternate forms of tenure: parks, rooming houses and other shared living arrangements.

On 13 August 1966 a fire engulfed the five-storey William Booth Memorial Home for Men on Little Lonsdale St, Melbourne, claiming the lives of 30 residents. Since that tragic incident MFB has actively advocated for improved fire safety for Melbourne's most vulnerable residents.

MFB's submission responds to a number of questions raised in the Issues Paper: *Alternate forms of tenure: parks, rooming houses and other shared living arrangements*. The focus of the submission is primarily on the vulnerability to fire of residents in alternative forms of tenure; people who are overwhelmingly socially and financially disadvantaged. This includes people with disability including long term mental health, those affected by alcohol and other drugs, older people with aged related disability and international students and workers. MFB's submission is structured based on the additional questions raised by the Review, as demonstrated by the relevant questions referenced as headings throughout.

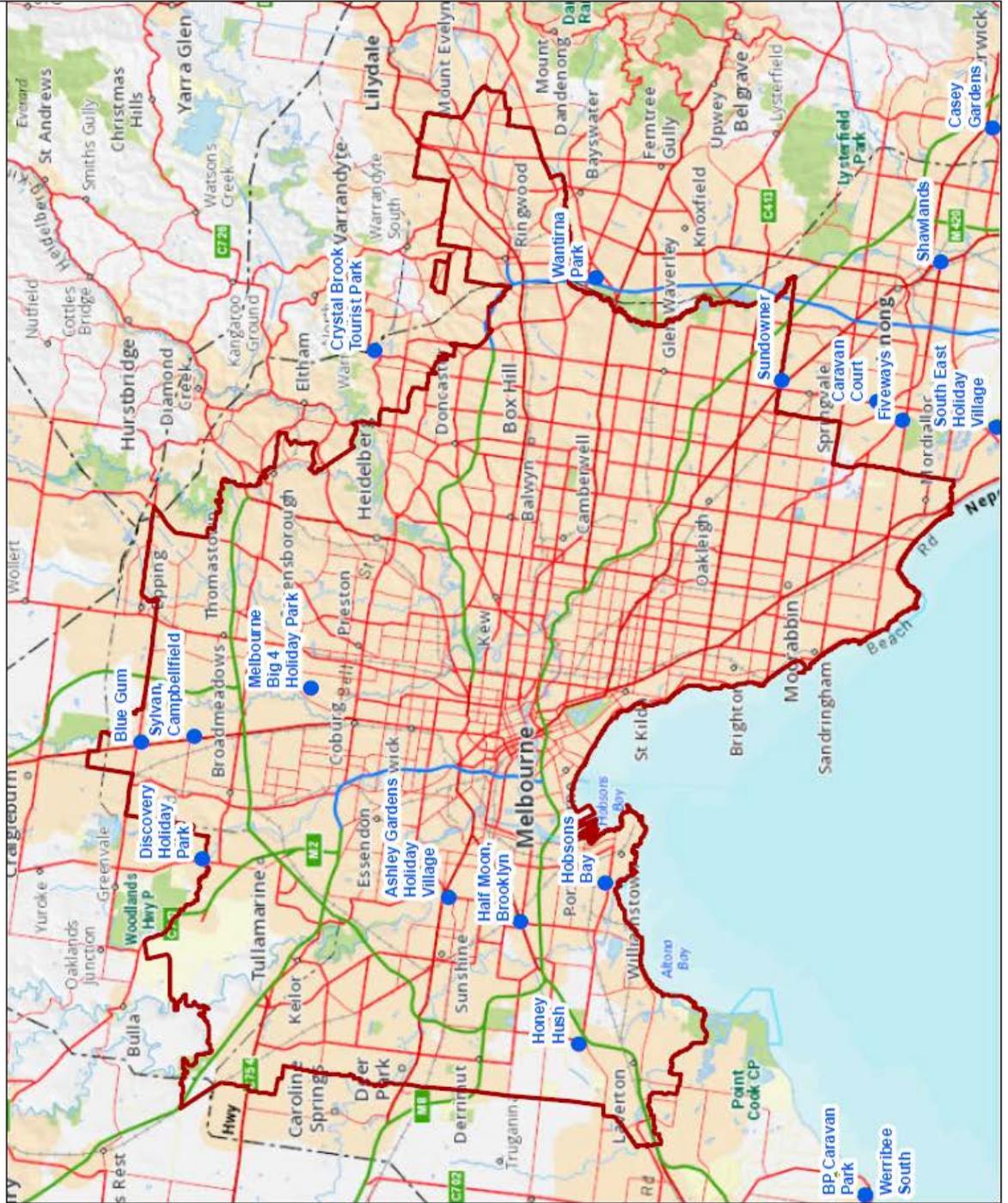
For some years, the increasing lack of affordable housing and the "tight" private rental market has been placing pressure on financially and socially disadvantaged renters which has resulted in a proliferation of sub-standard accommodation models. Fire safety measures in these types of accommodation are often inadequate, non-functioning or altogether absent, substantially increasing the risk of fire in housing occupied by the highest fire risk groups in the community in addition to increasing the risks for responding firefighters.

## **Caravan parks**

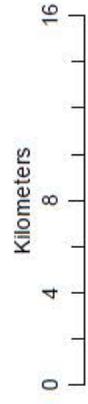
Within MFB's primary area of operations, the Metropolitan District of Melbourne (MD), there are seven caravan parks. There are a further 18 caravan parks within an approximate 20km radius of the MD where MFB may respond from time-to-time to assist CFA. The map on page three shows the locations of caravan parks within and just outside the MD. Most parks within the MD cater for a variety of residents, including long term residents, workers whose primary residence is not within commutable distance to their work location and short term holiday stays.

Between July 2010 and June 2016 MFB responded to an estimated 29 incidents in caravan parks. Of these incidents, 12 were fires (structural and non-structural), 11 emergency medical responses (EMR), and six other incident types. The small number of incidents is indicative of the small number of parks and relatively few residents in caravan parks in the MD.

# Caravan Parks within the Metropolitan District



- Caravan Parks
- ▭ Metropolitan District (MFB)



Strategic  
Analysis  
& Reporting  
Request: A01494



Map Produced: 5/09/2016

**7. What obligations should caravan park residents who own their dwelling have under the Act in relation to the appearance or condition of their dwelling?**

**8. How should the Act address the sale of dwellings in caravan parks?**

The MFB advocates for fire protection measures in all inhabited structures, particularly in places where people sleep. In relation to the condition of their dwelling, owners of dwellings in caravan parks should be required to maintain a working smoke alarm. Similar to MFB's position in relation to standard tenancies (MFB submission on the Regulation of property conditions in the rental market, August 2016), the RTA should specify the mandatory installation of photoelectric smoke alarms connected to 240 volt mains power with a 10 year long life lithium battery in a tamper proof chamber. In circumstances where a smoke alarm connected to mains power is not practicable, the RTA should specify that a standalone (i.e. operated by battery only) photoelectric smoke alarm with a 10 year long life lithium battery in a tamper proof chamber is an acceptable substitute.

The sale and/or new tenancy of a dwelling in a caravan park should be a trigger to ensure that dwellings comply with this requirement.

Appendix 1 provides an analysis of fire protection legislation for movable dwellings in Victoria and other jurisdictions.

**11. What are the advantages and disadvantages of standalone legislation for residential parks, and what other forms of tenancy should be included in that legislation?**

**12. How would residents and operators benefit from a central register of residential parks and villages?**

The MFB is supportive of calls for a central register of residential parks and villages, including caravan parks. Currently MFB's knowledge of the existence of these parks and villages is reactive – i.e. firefighters may identify ongoing risks upon responding to an incident at the location. A central register would enable MFB to target prevention and community resilience activities specifically to the residents and site managers of these parks and villages.

Geo-location data for caravan and residential parks would be useful in a variety of emergency planning, preparedness, response and recovery contexts. A register that includes location information could be integrated into the mapping tools used by fire and other emergency services. This would be useful to assist emergency services to identify where groups of people may be located if evacuation or other emergency procedures are required.

**13. What if any terms or matters should be included in a site agreement, and if a site agreement were to be prescribed, what terms should it include?**

The MFB supports inclusion of a clause in a prescribed site agreement that ensures that all manufactured dwellings have a working smoke alarm installed, specifically a photoelectric smoke alarms connected to 240 volt mains power with a 10 year long life lithium battery in a tamper proof chamber. In circumstances where a smoke alarm connected to mains power is not practicable, then a prescribed site agreement should specify that a standalone (i.e. operated by battery only) photoelectric smoke alarm with a 10 year long life lithium battery in a tamper proof chamber is an acceptable substitute.

**25. Should the Act regulate the management practices of park operators, and if so, what reforms would address this?**

Park operators have a duty of care to ensure the safety and security of residents. Any regulated management practices should be unambiguous that it is the park operator who has overall responsibility for fire safety within the park and specifically for maintaining the working order of fire protection systems in accommodation that is owned or managed by the park operator.

There should also be provision for both operators and residents to identify and seek to mitigate risks to health and safety within residential/ caravan park environments.

**35. What issues arise with the monitoring and enforcement arrangements for the regulation of caravan parks and residential parks, for example by local government, and how could these be strengthened?**

Anecdotal evidence from MFB firefighters is that manufactured dwellings are often in very close proximity to each other, with narrow access roads and little or no provision for hydrant water supply. These factors make firefighting operations more difficult with additional challenges such as hydrants often being some distance from the fire. In these circumstances, early warning of a fire via working smoke alarms will provide the best opportunity for residents to self-evacuate from the immediate vicinity of the fire, and call the fire brigade for assistance.

**36. What are the particular needs of park residents in relation to park and dwelling modifications, and how would these be best addressed in the Act?**

Parks provide an accessible and affordable housing option for people who are socially and financially disadvantaged. This can include people with multiple and complex needs that may include physical disability including age-related disability,

mental health and issues related to alcohol or other drugs. These characteristics represent an elevated level of risk not just in relation to fire but all other hazards.

Research developed by MFB has identified that older people and people with disability are between 3.7 and 4.2 times more likely to be the victim of a residential fire fatality than the general population. Both groups are also over-represented in fire-related injuries. Modifications to their living environment not only improve their quality of life, but also make their home environment safer in case of a fire or other emergency. In cases where residents have particular needs modification can include specialised smoke alarms and aids to assist their mobility around the home.

Given the socio-economic status of many residents, their vulnerability and their potential difficulties in finding alternative accommodation, a revised RTA should establish mechanisms that seek to place resident health and safety needs above the aesthetic considerations of caravan and residential parks.

MFB has identified motorised mobility scooters as an emerging safety issue. These devices enable increased mobility and independence for older people and people with disability, but there are very few regulations around their design, manufacture, sale, purchase, use, storage and recharging. MFB is currently completing research into fire safety issues surrounding mobility scooters. One of the key recommendations of this research is likely to be around the need for safe parking and recharging facilities for users of mobility scooters for all users. For occupants of accommodation such as caravan and residential parks the proximity of residents to each other increases the risk for all. Safe parking and recharge facilities would include features such as assigned charging areas (away from living and sleeping areas, free vented, dry and easily accessible) containing a smoke alarm linked to a fire service call point.

### ***37. What other issues arise in relation to residency in caravan parks or residential parks?***

MFB is aware that many caravan and residential park dwellings use LPG cylinders. Their use and the related risks can be evidenced through the annual MFB/CFA media campaign focused on BBQ safety during the summer months. MFB can commit to work with the Review and sector to examine current practice and safety advice around the use of LPG cylinders for operators and occupants of caravan and residential parks.

## **Rooming houses**

Between July 2010 and June 2016 MFB responded to an estimated 623 incidents in premises noted or suspected of being a rooming house or rooming-house type living situation.<sup>1</sup> Of these incidents, 287 were fires (structural and non-structural), 240 were emergency medical responses (EMR), and 96 were other incident types. The high numbers of EMR calls is one indication of the vulnerable profile of rooming house tenants.

MFB takes a proactive approach to addressing fire and other emergency risk in rooming houses and has developed working relationships with the Registered Accommodation Association of Victoria (RAAV), Consumer Affairs Victoria and rooming houses operated by members of the Community Housing Federation of Victoria.

MFB has previously provided a submission to the State Government Review of Rooming Houses in Victoria which contributed to the development of rooming house standards.

***38. Should the definition of a rooming house be changed to include emerging accommodation models, and if so, how should it be changed?***

***39. What alternative models of regulation may be appropriate for the rooming house sector and why?***

MFB is aware of a number of alternative and emerging accommodation models that the review of the RTA should consider. These models include:

- Rooming house-like living situations managed in a variety of ways (e.g. via standard tenancy agreements)
- Room-share arrangements, often targeting international students and workers in the inner city and close to education institutions, characterised by overcrowding, ad-hoc partitioning of rooms, blocked exits and inadequate, compromised or absent fire safety measures.
- Ex-nursing homes and other high capacity accommodation buildings being used as official or unofficial rooming houses.
- Short term stay arrangements in private households available through online booking services such as Airbnb.

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<sup>1</sup> MFB officers complete an incident report for all incidents attended, except false alarms. They have the ability to note the property use type as “rooming/ boarding or lodging houses” and can also note their observations in a free text section of the incident report. The analysis of incident response data searched both the property type field and the free text field.

Throughout this part of the submission we present case studies that highlight fire and other emergency risks in rooming houses and rooming house-like living situations.

#### **Case study 1: Probable rooming house operating as a shared house**

In September 2012 a preventable residential fire fatality occurred at a residence in Dallas, Vic. The victim was a 39 year old male who was known to be a heavy smoker and drinker.<sup>2</sup>

The building was a four bedroom rental property able to house four individual tenants in separate lockable rooms and shared common areas including a lounge, kitchen and bathroom. Two bedrooms had recently been vacated.

MFB fire investigators found that the most probable cause of the fire and fatality was due to the occupant smoking in bed while affected by alcohol. Despite a working smoke alarm the occupant was unable to evacuate due to the effects of the fire and being under the influence of alcohol.

In preparing material for an inquest into the fire, the MFB identified that the property was managed by a real-estate agency which advertised rooms for rent on behalf of the owner as “shared housing”. The agency’s online advertisements appeared to advertise the whole house, but they were actually for separate rooms in a rooming house living situation.

This case highlights that properties which, for all intents and purposes function as a rooming house are sometimes advertised as shared housing. In these cases individual occupants may each sign the same lease agreement, rather than entering into a separate individual agreement, as per the operating model of rooming houses.

While the MFB offers no specific recommendations around alternative models of regulation, we highlight that many alternative accommodation options have evolved from the need for Victoria’s most socially and economically disadvantaged residents to access affordable accommodation. MFB is supportive of models that aim to increase the safety and security of vulnerable tenants, rather than displace them from illegal or non-compliant accommodation.

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<sup>2</sup> Coroner’s Case #3723/12

**40. What models of rooming houses are emerging, or from interstate or overseas experience are likely to emerge, in Victoria, and what issues arise in relation to these models?**

Since 2013 there has been significant media exposure in Sydney about the proliferation of substandard and overcrowded accommodation in the inner city aimed at international students and workers. Media investigations have uncovered examples of networks of illegal accommodation providers managing multiple apartments and houses. These premises are characterised by overcrowding, ad-hoc sleeping, cooking and washing arrangements, illegal modifications such as partition walls, overloaded general power outlets and unhygienic conditions. Fire safety is a particular concern as overcrowding and modifications commonly block exits and compromise fire safety systems such as smoke alarms and sprinklers. In one example a three bedroom house contained 58 beds in 19 illegally constructed bedrooms with no fire protection.

While MFB is aware of some instances of this kind of operation in Melbourne, this problem does not yet appear to be as widespread or significant as it is in Sydney. In 2014, the Lacrosse Docklands Tower apartments uncovered evidence of overcrowded room sharing arrangements. This case is described in case study 3.

In March 2015 City of Sydney established a multi-agency task force to investigate and prosecute illegal and unsafe accommodation providers. The taskforce includes council officers and representatives from a range of agencies including NSW Police, Fire and Rescue NSW and NSW Fair Trading. The multi-agency approach recognises that there are a range of potential offences being committed by operators of these types of accommodation, and that it is beyond the jurisdiction of Councils or any one agency to comprehensively address the risks.<sup>3</sup>

**Case study 2: Fire in an unregistered rooming house on an industrial site – Alexandria, Sydney**

On 1 July 2014 a fire occurred on an industrial use property in the suburb of Alexandria, Sydney. The property was ostensibly used for storage of boats and caravans, but also contained a makeshift housing complex, contravening land use conditions. At the time of the fire 15 Japanese, Korean and New Zealand nationals were paying \$80 to \$160 per week to live in caravans, shipping containers and a bus on the industrial site. They shared one portable toilet.

<sup>3</sup> <http://www.smh.com.au/nsw/illegal-accommodation-city-of-sydney-cracks-down-on-black-market-syndicates-20150615-gho8ie>  
<http://www.abc.net.au/news/2014-07-17/illegal-accommodation-network-targets-backpackers-and-students/5605572>  
<http://www.abc.net.au/7.30/content/2014/s4048612.htm>

A large fire occurred at 2am and was caused by an electrical fault. Commenting to media, NSW Fire and Rescue Commissioner Greg Mullins said firefighters were shocked to find people living there. “Had the firefighters not realised they were there they well could have lost their lives. There would have been no escape.”

In early 2016 the owner was prosecuted under the Environmental Planning and Assessment Act and pleaded guilty to two charges, including carrying out development on the land without consent, and in relation to developing the site for residential and tourist accommodation when it was zoned as a business park. The owner faces a maximum \$1.1 million fine.<sup>4</sup>

### **Case study 3: Fire in the Lacrosse Tower Docklands and high occupancy rates**

In November 2014 a fire started on the sixth floor balcony of the 21 story Lacrosse Docklands tower on La Trobe St, Melbourne. The fire was sparked by a discarded cigarette and within minutes it had spread up the building to the 21<sup>st</sup> floor. Approximately 500 people were evacuated from the building. The subsequent investigation found that the building's external cladding did not comply with building code requirements and allowed the blaze to spread quickly up the building.

During investigations it was identified that some apartments had sleeping arrangements for up to eight people. This led to a greater level of storage of personal belongings within the apartments and on balconies.

MFB's Post Incident Analysis of the incident found that “high occupancy of apartments can impact on safe evacuation of occupants in the event of an emergency. Some of the apartments in this building had temporary structures assembled around beds to provide privacy. These structures, along with other contents, may impede clear egress from the apartment making it difficult for occupants to exit safely.”

The City of Melbourne's Municipal Building Surveyor has stated that under the current regulatory regime, it is difficult to define, investigate and enforce what effectively constitutes a change from residential use to commercial use. The Municipal Building Surveyor recommended this should be an area of review following investigations into the fire.<sup>5</sup>

<sup>4</sup> <http://www.dailytelegraph.com.au/news/backpackers-living-in-shipping-containers-rescued-from-factory-fire-in-alexandria/news-story/3b590e679a073d2bb5f251fbee4bd1ae>  
<http://www.smh.com.au/nsw/slumlord-owner-of-illegal-accommodation-destroyed-in-alexandria-blaze-prosecuted-20160301-gn79e1.html>

<sup>5</sup> [http://www.mfb.vic.gov.au/Media/docs/Post\\_Incident\\_Analysis\\_for\\_Lacrosse\\_Docklands\\_-\\_25\\_11\\_2014%20-%20FINAL-dd61c4b2-61f6-42ed-9411-803cc23e6acc-0.PDF](http://www.mfb.vic.gov.au/Media/docs/Post_Incident_Analysis_for_Lacrosse_Docklands_-_25_11_2014%20-%20FINAL-dd61c4b2-61f6-42ed-9411-803cc23e6acc-0.PDF)  
<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/lacrosse-building-faq.pdf>

**41. What other measures might be considered to strengthen protections for residents from unscrupulous rooming house operators, and enforcement against unregistered rooming houses?**

**42. What issues arise with the monitoring and enforcement arrangements for the regulation of rooming houses, for example by local government, and how could these be strengthened?**

Like regulators such as local councils, MFB's powers to inspect tenanted properties for fire safety breaches are limited by the requirement to provide the property owner with minimum notice of an intention to conduct an inspection.

As noted above, no one agency has jurisdiction (or resourcing) to investigate and prosecute the range of potential breaches by unscrupulous operators. Prosecution of unscrupulous operators may be pursued via a variety of laws such as environmental, fire safety, public health, and tenancy laws. MFB is supportive of the development of an appropriately funded and resourced multi-agency task force, similar to the model developed by the City of Sydney. Such a taskforce would need powers to identify potentially unsafe properties, inspect them without notice and prosecute unscrupulous operators of properties found to be unsafe.

**45. What reforms, if any, are necessary to strengthen the existing provisions in the Act in relation to the application and enforcement of rooming house rules?**

The wide variety of incidents that MFB responds to in rooming houses and rooming house-like living situations is likely to be a reflection of the complex social, economic and health needs of the occupant of rooming houses, including an extremely high representation of the highest fire risk groups in the community. Commonly, incidents are a result of inappropriate or unsafe behaviours, such as cooking in rooms, smoking in rooms, use of alcohol and other drugs, unsafe disposal of smoking materials, or fires deliberately lit during domestic disputes.

There is significant complexity in striking the balance between the duty of care of rooming house operators to provide a safe environment for their tenants and the rights of tenants, including their right to make decisions about their own safety and conduct.

The onus must be on rooming house operators to provide a safe environment for tenants. First and foremost this constitutes having working fire safety measures in place that are reflective of the high level of risk. In instances where unsafe practices are known to occur such as smoking in rooms, operators should be encouraged to take other measures that seek to reduce the risk, for example, by providing non-combustible containers for the safe disposal of smoking materials in rooms.

House rules for tenants should provide operators with an ability to manage fire and security risks where those risks are increased significantly by the actions of tenants.

**48. What should a rooming house operator's obligations be under the Act in relation to the security of a resident's person, and the security of a resident's mail?**

Due to the very nature of rooming houses the proximity of each individual tenant is closer than that which exists between tenants in other types of neighbouring properties such as apartments, units or houses. As a result, the risk of an individual tenant is shared by their immediate neighbours and all other occupants of the rooming house. Combined with the occupancy profile, which includes an extremely high representation of the highest fire risk groups in the community, it is vital that the security and safety of tenants is part of the obligations of rooming house operators.

First and foremost the security and safety of tenants constitutes having fire safety measures in place that are reflective of the high level of risk. The RTA should require rooming house operators to test smoke alarms monthly. Further, non-functioning smoke alarms and other fire safety equipment should be classified as an urgent repair item in the Act.

Further, rooming houses that come under class 1B of the Building Code of Australia do not currently require an automatic fire sprinkler system to be installed. The MFB recommends that properties that officially or, for all intents and purposes operate as a class 1B rooming house must have an installed automatic sprinkler system. As a minimum sprinklers should comply with *Australian Standard 2118.5 Automatic fire sprinkler systems - Home Fire Safety Sprinkler Systems*.<sup>6</sup>

MFB believes that policies and practices developed by DHHS represents best practice in regard to managing risk for tenants in rooming houses.

**53. What other issues arise in relation to residency in rooming houses?**

MFB works actively with the community to reduce the risk of fire and other emergencies and supports a multi-agency approach to identifying and addressing ongoing risk and building community resilience.

MFB has developed a Residential Risk Referral (RRR) process to connect at-risk people with services and support that can treat the safety risks present in their home

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<sup>6</sup> The Building Code of Australia specifies that Class 3 building (including rooming houses with more than 12 occupants) must have an installed sprinkler system that complies with AS 2118.4—2012: *Automatic fire sprinkler systems - Part 4: Sprinkler protection for accommodation buildings not exceeding four storeys in height* or with AS 2118.6—2012: *Automatic fire sprinkler systems Part 6: Combined sprinkler and hydrant systems in multistorey buildings*

through assessment, support and intervention. Referrals can be made by firefighters, external agencies or community members. The MFB's Community Resilience Emergency Management department assesses the inbound referral, gathers additional information, identifies appropriate referral pathways and makes referrals or provides advice and information. Outbound referrals are made by the team to agencies whose role or responsibilities are most likely to enable them to address the risk and deliver an improved outcome for the affected individual.

The Residential Risk Referral process is the first systematic response by an Australian fire and emergency service to build individual and community resilience in this manner. Rooming house operators, tenants, family members and firefighters are able to make a referral through the process. The MFB wishes to highlight this process because we believe that it reflects best-practice in terms of developing a multi-agency approach to reducing ongoing community risk and the prevention of fire and other emergencies. Some case-studies of referrals in regard to rooming houses and rooming house residents are provided below.

#### **Case study 4: Residential Risk Referrals**

##### ***a. Emergency medical response to male in a Camberwell rooming house – August 2012***

###### *Situation*

Emergency medical response to a 58 year old male described as incontinent, weak and with severe respiratory distress. A Residential Risk Referral submitted by the officer in charge described the following: "The room occupied by the person was squalid and unkempt. The bed had no bedding and the mattress was wet and stained black with urine. Urine had soaked through the mattress and was pooling under the bed.

"Rubbish, cigarette butts and used matches were covering the floor. The occupant advised the Officer that he was having trouble looking after himself and was an alcoholic."

###### *Actions*

The issue was referred to Coordinator statutory Building Services at Boroondara Council who notified MFB that the Council would inspect the property and deal directly with property owners.

##### ***b. Burnt foodstuffs in a rooming house, Carlton – January 2015***

###### *Situation*

Reported smoke issuing from a registered rooming house. Upon arrival firefighters

found the smoke was caused by burnt foodstuffs. Firefighters subsequently submitted a Residential Risk Referral identifying that the rooming house had 12 residents of varying mental and physical capacity housed in a two story building of 1920/30's construction with timber floors and stairwells and narrow corridors, with inadequate fire protection evident.

#### *Actions*

Melbourne City Council (MCC) notified regarding non-working smoke alarms and the capacity of resident population. MCC building inspection engaged MCC Health to inspect the property and address risks.

### ***c. False alarm in a rooming house, Caulfield South – January 2014***

#### *Situation*

MFB responded to a reported strong smell of gas, subsequently found to be a false alarm. Firefighters identified ongoing risks at the premises and completed a Residential Risk Referral that outlined a variety of issues:

- Presence of squalor in some rooms
- Tenants of varying physical and mental capacity appearing affected by alcohol and/or drugs
- Smoke alarms, exit lighting, paths of egress in some rooms were not maintained
- Some windows nailed shut
- Some tenants smoking in rooms, smoke alarms not operating
- Evidence of occupants cooking in rooms.

#### *Actions*

MFB attempted to engage with the owner who stated that all smoke alarms are working, all paths are clear and that the property was recent inspected by the Council.

MFB notified the Council, who stated that the property was last inspected 2011. MFB requested a Council inspection and for an Aged and Disability assessment worker to identify the ongoing care needs of occupants due to their level of risk related to disability, mental health, use of alcohol and other drugs.

### ***d. Suspicious fire in rooming house, Mont Albert, May 2015***

#### *Situation*

MFB responded to the automatic activation of the property's Fire Indicator Panel. Upon arrival crews found that firelighters had been used to set fire to a mattress and

a couch in an upstairs bedroom. The fire was contained by a sprinkler head activating.

A Residential Risk Referral and subsequent follow-up identified the property as privately run crisis accommodation, with each room occupied individually. Concerns about ongoing risk centred on:

- Smoke alarms not functioning due to physical damage
- No evacuation plan displayed
- No fire extinguishers or fire blanket on site
- Tenants smoking in rooms
- Tenants of varying social and financial disadvantage
- Unknown number of occupants

#### *Actions*

This incident was part of a long history of interaction by MFB with the property owners in relation to false alarm charges, maintenance, fire equipment, emergency planning provisions

As a result of this referral, inspection by MFB (fire safety department) and Council was requested

In September 2015 another fire occurred, resulting in the evacuation of occupants because of non-compliant electrical work and a non-operational fire indicator panel. Subsequently Whitehorse City Council issued a cancellation of the Emergency Building order and DHHS was involved in relocating residents.

#### ***54. Are there any housing models not currently regulated by the Act that should be covered by the Act, and what are the key considerations that need to be addressed?***

##### Short term tourist stays in private residences

MFB is aware that while most housing models are currently regulated in some way by the Act, there may be gaps in relation to the way in which specific housing models are occupied. In particular, overnight or short terms stays by tourists and visitors in private residences primarily facilitated by online booking sites. MFB's position on this issue is that as a minimum, all private residential properties available for short/medium or longer term tenancy through online booking services must have the appropriate number and type of smoke alarms required by the Building Code of Australia for the style and type of building. Further, the listings of properties located in Victoria on such websites must confirm the type and number of working smoke alarms in the property available for rent and must provide guests with a written fire escape plan and information about how to test smoke alarms and where to refer faults.

### Homelessness and squatting

While likely to be outside the purview of the RTA, the MFB wishes to highlight the increasing prevalence of homelessness and of squatting. Provisions in the RTA must strongly support security of tenure in affordable and safe housing and legislation should actively avoid driving already vulnerable tenants into situations that are less-safe, such as homelessness and squatting.

The increased presence and visibility of homeless people in Melbourne's CBD has been widely publicised in the media. MFB also notes that squatting in unoccupied buildings and other places is prevalent across metropolitan Melbourne. Between 2010/11 and 2016/17 MFB responded to 133 incidents where squatting or suspected squatting was noted in the incident report. The very nature of squatting, either through the building being squatted in or through ad-hoc arrangements used for lighting, heating or food preparation contribute to the risk of a cohort which includes an extremely high representation of the highest fire risk groups in the community.

## Appendix 1: Outline of smoke alarm legislation relating to movable dwellings

### Smoke Alarms for Movable Dwellings (Victoria)

Requirement for existing buildings	Options	Source
<b>Smoke Alarms For Movable Dwellings [VIC]</b>	A person who constructs a movable dwelling, other than a flexible annexe or tent, must ensure that a smoke alarm that complies with Part 3.7.2.2(b)* of the BCA Volume Two** is installed in accordance with Part 3.7.2.3*** of the BCA Volume Two.	<a href="#">[link]</a>
	A person who installs a newly constructed movable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that the smoke alarm specified in sub-regulation (1) is connected to the consumer power mains where consumer power mains are supplied to the movable dwelling.	<a href="#">[link]</a>
	The owner of a movable dwelling, other than a flexible annexe or tent, in a caravan park, must ensure that a smoke alarm that complies with Part 3.7.2.2(b)* of the BCA Volume Two is installed in the dwelling.	<a href="#">[link]</a>
	The owner of a movable dwelling, other than a flexible annexe or tent, in a caravan park must ensure that any smoke alarm installed in the movable dwelling is maintained in working order.	<a href="#">[link]</a>

**\* 3.7.2.2(b) Requirements for smoke alarms**

Smoke alarms must—

(a) be located in—

(i) Class 1a buildings in accordance with 3.7.2.3; and

(ii) Class 1b buildings in accordance with 3.7.2.4 and 3.7.2.5; and

(b) comply with AS 3786, except that in a Class 10a private garage where the use of the area is likely to result in smoke alarms causing spurious signals, any other alarm deemed suitable in accordance with AS 1670.1 may be installed provided that smoke alarms complying AS 3786 are installed elsewhere in the Class 1 building; and

(c) be connected to the consumer mains power where consumer power is supplied to the building; and

(d) be interconnected where there is more than one alarm.

\*\* The BCA Volume 2 is referenced in these regulations for the technical standards for the construction of unregistered movable dwellings (UMDs). A UMD is considered to be a Class 1 building for the purposes of compliance with any provision of the BCA required by the regulations. The BCA Volume 1 specifies the requirements for smoke alarms for all movable dwellings in caravan parks including caravans, mobile homes, UMDs and rigid annexes.

**\*\*\* 3.7.2.3 Location — Class 1a buildings**

Smoke alarms must be installed in a Class 1a building on or near the ceiling in—

(a) any storey containing bedrooms—

(i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and

(ii) where bedrooms are served by a hallway, in that hallway; and

(b) any other storey not containing bedrooms.

*Smoke Alarms for Movable Dwellings (New South Wales)*

Requirement for existing buildings	Options	Source
<b>Smoke Alarms For Movable Dwellings [NSW]</b>	From 25 Feb 2011, you must have a smoke alarm installed in all moveable dwellings including; campervans, caravans, on-site vans, park vans, annexes (with rigid sides), and any other type of transportable structure where people sleep (except tents and soft sided annexes).	<a href="#">[link]</a>
	This change to the Environmental Planning and Assessment Regulation applies to all new and existing moveable dwellings.	<a href="#">[link]</a>
	Dwellings which are not regularly moved but still used for sleeping (such as site vans and caravans in backyards) are covered by the regulation;	<a href="#">[link]</a>
	Smoke alarms installed in moveable dwellings must have a "hush button" to reduce the nuisance of false alarms from cooking or other smoke; and  Owners of the moveable dwellings (as distinct to the tenant or the owner of the land where the dwelling is based) will be responsible for installing and maintaining or replacing the alarm.	<a href="#">[link]</a>

The law applies to any moveable dwellings in NSW being used for sleeping no matter where the dwelling stands, including in a caravan park, on private property, on Crown land or on the side of the road.

No specification - either mains power or battery. AS 3786 compliant.

*Smoke Alarms for Movable Dwellings (Northern Territory)*

Requirement for existing buildings	Options	Source
<b>Smoke Alarms For Movable Dwellings [NT]</b>	From 01 November 2011 owners of residential premises, moveable dwellings, caravans and temporary accommodation including safari-style tents must ensure approved smoke alarms are installed in those premises or dwellings in accordance with the requirements of regulation 13B.	<a href="#">[link]</a>
	moveable dwelling means: (a) a manufactured home; or (b) a caravan; or (c) a permanently sited tent that: (i) has a permanent floor structure; and (ii) is used or offered for use for residential purposes.	<a href="#">[link]</a>
	approved smoke alarm means: a photo-electric smoke alarm that	<a href="#">[link]</a>

	(a) complies with AS3786 (Smoke alarms); and (b) is 240v wired or is a sealed 10 year lithium battery unit (post 1997/pre 1997)	
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*Smoke Alarms for Movable Dwellings (South Australia)*

Requirement for existing buildings	Options	Source
<b>Smoke Alarms For Movable Dwellings [SA]</b>	The term Recreational Vehicles (RVs) is used to cover caravans, camper trailers, motor homes and all other forms of mobile accommodation	<a href="#">[link]</a>
	Some states RVs must be fitted with a smoke alarm by law, regardless of where they are registered. In South Australia if an occupied RV is on-site for 60 days or longer a hard wired or 10 year, long life, non-removable, non-replaceable battery powered smoke alarm is required by law.	<a href="#">[link]</a>

*Smoke Alarms for Movable Dwellings (Queensland, Western Australia, Tasmania, Australian Capital Territory)*

Requirement for existing buildings	Options	Jurisdiction
<b>Smoke Alarms For Movable Dwellings [QLD, WA, TAS, ACT]</b>	No Legislation	N/A