

Our reference: A6754842

12 August 2016

Residential Tenancies Act Review  
Consumer Affairs Victoria  
[yoursay@fairersaferhousing.vic.gov.au](mailto:yoursay@fairersaferhousing.vic.gov.au)

Dear Sir/Madam

**Residential Tenancies Act Review Issues Paper: Regulation of Property Conditions in the Rental Market**  
**Submission from Mornington Peninsula Shire**

Thank you for the opportunity to respond to the above issues paper. This submission is made on behalf of the Mornington Peninsula Shire Council, but due to time constraints, has not been the subject of a report to an Ordinary meeting of Council.

The Issues Paper is commended for its comprehensive analysis relating to the regulation of property conditions in the rental market. The regulation of property conditions has a critical bearing on the safety, welfare and enjoyment of tenants. It is timely that it be reviewed to achieve better outcomes for tenants particularly when the housing market is moving to a much greater reliance on the rental market for housing. However, housing stress and homelessness is a significant problem in our society and the regulation of rental property conditions has the potential to exacerbate these problems through having a negative impact upon the quantity of affordable rental housing stock and must therefore be sensitively addressed.

This submission does not recommend specific changes to the regulations but it does recommend:

- Updating of the rental property conditions that will result in improved circumstances for all tenants, including those with a disability.
- A comprehensive regulatory impact assessment of any changes, including research having regard to both tenants' safety and enjoyment and the impact upon the quantity of the State's affordable housing stock and its accessibility to those with a disability. The affordability and availability should not be reduced.
- Support of mandatory provisions, (e.g. the prescription of "urgent repairs") as such standards should lead to a rental housing system that is more easily understood and simpler for all parties to administer. The specification of particular standards can be costed into investment calculations. A limited appeal provision for select, non-safety related, standards (e.g. telecommunication cabling) on the basis that the cost of the provision would outweigh the benefit to the landlord of the property being made available for rental could also be explored.



**MORNINGTON  
PENINSULA**  
*Shire*

COMMITTED TO A  
SUSTAINABLE  
PENINSULA



Private Bag 1000  
Besgrove Street  
Rosebud 3939  
Phone 1300 850 600  
Fax 03 5986 6696  
DX 30059  
ABN 53 159 890 143  
[www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au)

- The practicality and utility of having two sets of standards should be investigated: one for properties that are due for demolition and another for those that are not. Attention would be needed as to how these categories could be properly distinguished without undue cost or process. It may be possible to have a number of criteria (e.g. the length of a lease period, the existence of an application for a building demolition, valuation ratio) with an appeal provision. In terms of the variation of standards, examples might be the hardwiring of a smoke alarm and the provision of telecommunication cabling for normal rental stock and battery-powered smoke alarms and no cabling for other future demolition stock.
- As now allowed under the *Interpretation of Legislation Act 1984*, the use of case examples to illustrate what may comply with a provision where interpretation could significantly diverge.
- Without compromising the qualities that could be built into a uniquely Victorian system; work with the other States and Territories towards creating a National system of regulation.
- The development of provisions that are much more closely interfaced with related legislation including the *Building Act, Planning and Environment Act 1987* and importantly, the *Equal Opportunity Act* so it is clear who is responsible for meeting additional costs in what circumstances.
- In terms of caravan park sites intended for holiday use and those intended for permanent occupation there should also be a differentiation of standards with a new and aligned provisions, including definitions, under the *Planning and Environment Act* Victoria Planning Provisions and relevant Planning Schemes so that caravan park holiday parks (or holiday sites) can be easily distinguished from caravan park villages (or sites) for permanent residents. See the South Australian example.
- Consideration of the views of all stakeholders, particularly peak bodies and others' submissions that highlight the need to rectify specific problems with the current regulations.

If you need more information, please contact Rosalyn Franklin, Senior Social Planner:  
Housing Justice and Advocacy of this office on 5950 1911 or email:  
[Rosalyn.Franklin@mornpen.vic.gov.au](mailto:Rosalyn.Franklin@mornpen.vic.gov.au).

Yours sincerely



Louise Wilkins  
**Manager Child, Youth and Family Care**