
Housing survey

Overview

The key focus of this review is to obtain stakeholder feedback on the most effective option for the management of public health risks associated with housing in Western Australia.

Please read the discussion paper entitled *Managing housing health risks in WA* before completing this survey. The discussion paper outlines a number of options and recommendations for managing public health risks associated with events in WA.

The survey should take approximately 20 minutes to complete. There are 12 questions. You do not have to comment on all of the questions, and can focus only on those areas that are important to you. If you would like to view the questions in full before beginning the survey, you can view the questions in PDF form below.

Unless marked as confidential, all correspondence will be regarded as public. Documents may be made available on the Department of Health website or viewed by members of the public on request. If you wish for your response to remain confidential please check the box at the beginning of the survey.

You are welcome to provide additional feedback that may not be related to any of the questions, or options which have not been proposed in this review.

Please explain the reasons behind your suggestions and where possible, evidence to support your views, estimates of any costs that may relate to the proposal, and examples of solutions.

Why we are consulting

In WA, the Department of Health is involved in housing through the following pieces of legislation:

- *Health (Miscellaneous Provisions) Act 1911* Part V, Division 1 (Houses unfit for occupation)
- *Health (Laundries and Bathrooms) Regulations 1971*
- *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

With the implementation of the *Public Health Act 2016*, these pieces of legislation must be reviewed and the housing risks to health examined. The DOH must determine how to manage

these risks into the future, and this paper will discuss the options of retaining status quo, repealing the regulations without replacement and developing new regulations.

Introduction

The discussion paper outlines a number of options and recommendations for managing public health risks associated with housing in WA.

These options include:

Option A – Retain status quo: In this option the DOH would attempt to replicate the current regulatory requirements as far as practicable.

Option B – Repeal without replacement and use the general public health duty provided by the *Public Health Act 2016* to manage risks

Option C - Develop new, updated regulations under the *Public Health Act 2016*. In this option the DOH would progress the development of new regulations for the management of public health risks associated with housing.

Related Information

Options for the management of housing are detailed in section 6 of the discussion paper (page 19 - 23).

1 Would you like this submission to be confidential?

Please select only one item

Yes No

2 What is your name?

Name

3 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

4 Please indicate who you represent Local Government / State Government / Industry Representative / Public / Other

Please select only one item

- Local Government State Government Industry representative Public
 Other

5 What is the name of the organisation that you represent? If you are a member of the public, please type 'public'.

Name of your organisation. If public type 'public'

Future management options

Options for the management of housing are detailed in section 6 of the discussion paper (page 19 - 23).

The options examined are:

Option A: Retain the status quo

This option would involve the repeal of the existing regulations and the development of new regulations which would mirror as closely as possible the current regulatory system as practicable under the *Public Health Act 2016*.

Option B: Repeal without replacement and use the general public health duty

Without action, Part V of the *Health (Miscellaneous Provisions) Act 1911*, the *Health (Laundries and Bathrooms) Regulations* and the *Sewerage (Lighting, Construction and Ventilation) Regulations 1971* would be repealed without replacement as part of the implementation of the *Public Health Act 2016*. The Department of Health could issue non-mandatory guidance documents and authorised officers could use the general public health duty if any issues arose. All buildings would continue to be required to comply with the Building Regulations and the National Construction Code (NCC), including requirements for fire safety equipment.

Option C: Develop new, updated regulations under the *Public Health Act 2016*.

This option would involve the development of new regulations under the *Public Health Act 2016*, which would be enforced by authorised officers as is current practice. Proposals for what these regulations could look like are detailed in the discussion paper.

1 Do you support the adoption of Option A: Retain the status quo?

Please select only one item

Yes No Unsure

Option A: Why or why not?

1A Can you identify any further advantages or disadvantages of Option A?

Option A advantages/disadvantages

2 Do you support the adoption of Option B: Repeal without replacement and use the general public health duty?

Please select only one item

Yes No Unsure?

Do you support Option B: Why or why not?

2A Can you identify any further advantages or disadvantages of Option B?

Option B advantages/disadvantages

3 Do you support the adoption of Option C: Develop new, updated regulations under the Public Health Act 2016?

Please select only one item

Yes No Unsure?

Option C: Why or why not?

3A Can you identify any further advantages or disadvantages of Option C?

Option C advantages/disadvantages

4 Do you have any suggestions for alternative options that have not been considered?

Suggestions for alternative options

Proposal 1 - Provisions for unfit housing

In situations of severe domestic squalor, hoarding, or other extremely poor housing conditions where the health and safety of the occupants, neighbours or community is at risk, authorised officers may be required to intervene. Usually an authorised officer will work with the owner and/or occupant to attempt to remedy the state of the premises before using the powers in the *Health (Miscellaneous Provisions) Act 1911* to require that the house is cleaned or repaired within a certain timeframe. If this is not achieved, and other avenues have been exhausted, the authorised officer may declare the house (or any part of it) unfit for habitation.

5 Do you support the retention of the provisions for unfit housing?

Please select only one item

Yes No

Proposal 1: Please detail any positive or negative impacts on you or your organisation.

Proposal 2 - Define habitable building or dwelling

It is proposed that for the purposes of the proposed housing legislation, habitable buildings should be defined to broadly apply to any building for the purpose of people living and/or sleeping, including commercial and non-commercial places of accommodation (such as shelters or temporary worker accommodation) as well as private dwellings. The new definition would aim to capture all buildings that are used for human habitation, whether permanent or temporary.

6 Do you support the proposed changes to the definition of a habitable building?

Please select only one item

Yes No

Proposal 2: Please detail any positive or negative impacts on you or your organisation.

Proposal 3 - Maintenance of habitable buildings

The *Health (Miscellaneous Provisions) Act 1911*, *Health (Laundries and Bathrooms) Regulations* and *Sewerage (Lighting, Construction and Ventilation) Regulations 1971* contain requirements for a basic level of facilities in dwellings. These requirements are largely considered superseded by the NCC, however there is no regulation requiring the ongoing provision and maintenance of such facilities.

It is proposed that new regulations for housing condition include requirements for general maintenance.

7 Do you support the proposed requirements for habitable buildings to: a) be structurally sound and in good repair and condition? b) have fittings and fixtures maintained in safe, sanitary, good working order? c) comply with the NCC, including for the provision of facilities? d) have an adequate supply of hot and cold water?

Please select only one item

Yes No Unsure?

Proposal 3: Please detail any positive or negative impacts on you or your organisation.

Proposal 3 - Floor wastes

The NCC requires floor wastes to be provided in the following situations:

- In a shower area
- In a room containing a urinal or
- In a Class 2, 3 or 4 part of a building, where a bathroom or laundry is located above a sole occupancy unit or public space.

This means that floor wastes are not required in all wet areas with the potential for overflow, such as laundries or bathrooms with a bath only, although many local governments combat this with provisions in their local laws.

It is recommended that this be proposed for inclusion in the next iteration of the WA Appendix to the NCC, and failing its inclusion, included in public health legislation, as many local governments already require this through local laws.

8 Do you support the development of requirements for floor wastes and submission to the Australian Building Codes Board for inclusion in the NCC?

Please select only one item

Yes No Unsure?

9 Do you support the inclusion of requirements for floor wastes in the proposed housing regulations?

Please select only one item

- Yes No Unsure?

Proposal 4 - Overcrowding

Most local governments have provisions for overcrowding in their local laws. It is proposed that these are adopted into the new legislation, which will provide broader enforcement powers and consistency across the state.

It is proposed that the owner or occupier of a house shall not permit:

- A room that is not a habitable room to be used for sleeping purposes
- A habitable room to be used for sleeping purposes unless it complies with the NCC requirements for ventilation.

10 Do you support the proposals to prevent overcrowding?

Please select only one item

- Yes No Unsure?

Proposal 4: Please detail any positive or negative impacts on you or your organisation.

11 Please describe any additional ways that stakeholders could be impacted.

Proposal 4: Additional ways that stakeholders could be impacted

Further comments

12 Do you have any further comments on the proposed regulatory changes?

Further comments on the proposed regulatory changes