

4 December 2009

By email: localgov.performancemonitoring@esc.vic.gov.au

Local Government Performance Monitoring
Essential Services Commission
Level 2, 35 Spring Street
MELBOURNE VIC 3000

Dear Sir/Madam,

Local Government Performance Monitoring Framework

The Tenants Union of Victoria (TUV) welcomes the opportunity to contribute to the development of a performance monitoring framework for local government by the Essential Services Commission. This submission focuses on the services provided by local government which impact on the quality of prescribed accommodation and rooming houses in particular.

The TUV was established in 1975 as an advocacy organisation and specialist community legal centre, providing information and advice to residential tenants, rooming house and caravan park residents across the state. We assist about 18,000 private and public renters in Victoria each year. Our purpose is to improve the status and rights of tenants in Victoria.

Through our outreach service we have worked across virtually every local government area in metropolitan Melbourne. We rely on ongoing dialogue with councils to continue to provide outreach and advocacy services for our clients. In the past twelve months we have also directly assisted several councils with the development of coordinated inspection models and provided expert advice to the Office of Housing project developing rooming house closure protocols.

Local government plays the primary role in the regulation of rooming houses under the Health (Prescribed Accommodation) Regulations 2001¹ and the Building Act 1993. The former require councils to ensure all rooming houses are registered and comply with the conditions for registration specified in the regulations. The latter requires council to enforce building and safety standards for rooming houses. The Planning and Environment Act 1987 also governs the operation of rooming houses from a statutory planning perspective.

Given the development of large-scale commercial operators functioning across the city, the development of consistent, if not uniform practices across the local government sector has become a vital component of the regulatory environment in which rooming houses operate. The response by local government to rooming

¹ These regulations will be superseded in 2009 by regulations under the Public Health and Wellbeing Act 2008.



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house regulation should be based on attempting to achieve compliance rather than immediate closure of unregistered rooming houses.

We have experienced a considerable diversity of local government performance and practice in relation to rooming house matters. Many councils have departmental structures based on the exclusive administration of statutory functions and lines of service delivery. While these functions are common to all councils in Victoria, organisational structures are diverse. Generally, councils maintain a rigid division between officers working in social planning or housing policy roles and those working in regulatory or statutory functions. While some councils have integrated planning enforcement and building departments, many have not. Environmental health officers generally work in isolation from their counterparts working on rooming houses from a building or planning perspective. We are yet to see evidence of any sophisticated performance monitoring of rooming house regulatory and compliance activity being conducted by councils in Victoria.

We believe compliance activity in relation to rooming houses is a valid consideration in the development of local government performance indicators given the significant public interest in the standard of rooming houses. The public interest is demonstrated by the Rooming House Standards Task Force and the Premier's response to the recommendations in November. Details of the recommendations are available on the Office of Housing's website: [http://www.housing.vic.gov.au/social-housing/registration-and-regulation/rooming-house-regulations/\\$77.2-million-package-to-improve-private-rooming-houses](http://www.housing.vic.gov.au/social-housing/registration-and-regulation/rooming-house-regulations/$77.2-million-package-to-improve-private-rooming-houses).

We believe the development of a performance monitoring framework for public health should reflect the responsibilities of local government under the Public Health and Wellbeing Act 2008. This requires the regulatory functions under the act be considered in the performance monitoring framework. This function may be included in either the General Public Service classification as a regulatory service or may be included in the Health, Welfare and community services classification given the function is conceptualised as a public health measure.

We have provided the following responses to several of the key questions asked by the Commission.

Question 5: Are there any classifications of services that you consider should be included or removed from the list of classifications suggested in Table 3.2?

Several of the key local government functions relating to rooming houses are not included in Table 3.2. These include:

- Responsibilities under the Building Act such as inspecting existing properties for compliance with essential life safety measures as well as issuing building permits and inspecting completed works;

- Environment health regulatory responsibilities including administration of the Health (Prescribed Accommodation) Regulations.

Question 8: What do you think are the core objectives of Victorian councils in relation to the five service classifications?

We believe the provision of responsive and comprehensive environmental health and building compliance and enforcement services is an appropriate objective which deserves inclusion as a core objective.

Question 10: What other examples of key performance indicators could be considered?

We recommend the inclusion of a key performance indicator relating to the enforcement of the prescribed accommodation regulations. We suggest two performance indicators.

1. Effectiveness measure: number of prescribed accommodation properties registered and compliant from date of commencement;
2. Efficiency measure: percentage of properties achieving compliance within 60 days of notification to council on a per annum basis.

We welcome any further opportunity to be consulted on these issues. Should any such opportunities arise, please contact me on 03 9411 1413 or 0417 138 471.

Yours sincerely,



Toby Archer
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Tenants Union of Victoria