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ANMF (Vic Branch) Submission to the Victorian Department of Government Services

Consultation into Minimum Standards for Rental Properties and Rooming Houses

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About ANMF (Vic Branch)

The Australian Nursing and Midwifery Federation (Victorian Branch) (ANMF) represents more than 100,000 nurses, midwives, and personal care workers. Our members are employed in a wide range of enterprises in metropolitan, regional, rural and community care locations, within the public and private health and aged care sectors.

Our core business is the representation of the industrial, professional, and occupational health and safety interests of our members. Further, ANMF advocate for and empower our members to maximise their influence – to benefit not only their professions but also the broader community.

We participate in the development of policy relating to nursing and midwifery practice, professionalism, regulation, education, training, workforce, and socio-economic welfare, health and aged care, community services, occupational health and safety, industrial relations, social justice, human rights, immigration, foreign affairs, and law reform.

ANMF (Vic Branch) welcomes the opportunity to submit to the Victorian Department of Government Services **Consultation into Minimum Standards for Rental Properties and Rooming Houses**.

Both health¹ and housing² are fundamental human rights. When housing is inadequate, or precarious, it is harmful to health³ and it is well established as having a significant role as a social determinant of health.⁴ Adequate housing incorporates a range of factors relevant to this consultation, including affordability, habitability and the availability of facilities and infrastructure.⁵

Poor thermal capability of housing stock together with a lack of awareness of healthy indoor temperatures has the potential to create a serious health risk to individuals. Thermal capability of housing will only increase as a protective or risk factor, as extreme temperatures increase because of global warming. Sustainability Victoria reports that over half of all Victorians in public housing were too hot last summer or too cold last winter. As a result, 45% had to leave their home.⁶

Surge presentation is a recognised risk to hospital function and service delivery. Department of Health commissioned research has found both increased presentations and excess deaths during heatwaves.⁷ Increasingly, research is pointing to health gains and reduced hospital admission rates associated with home insulation and other home energy efficiency measures.⁸

Many ANMF members personally experience the challenges of housing availability and adequacy, in metropolitan areas. This is further compounded when called to fulfil regional and/or remote area employment contracts and/or emergency shortfall, or during periods of clinical experience

¹ The UN Committee on Economic Social and Cultural Rights

² The International Covenant on Civil and Political Rights (ICCPR)

³ https://www.vichealth.vic.gov.au/sites/default/files/Housing_and_Health_Research-Summary_web.pdf

⁴ Rolfe, S., Garnham, L., Godwin, J. et al. Housing as a social determinant of health and wellbeing: developing an empirically-informed realist theoretical framework. *BMC Public Health* **20**, 1138 (2020). <https://doi.org/10.1186/s12889-020-09224-0><https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-020-09224-0>

⁵ For more information, see *Housing as a Human Right*.

⁶ [Health impacts of climate change | Sustainability Victoria](#)

⁷ <https://www.health.vic.gov.au/environmental-health/research-and-reports-extreme-heat-and-heatwaves>

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10250118/>; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7770561/>

placement. Where our members are required to relocate for work, but unable to find or have access to safe and affordable housing, the situation also becomes a workforce retention issue.

We also have members working in community services who express alarm at the substandard conditions they find their patients living in.

Background to the consultation

In Victoria we welcome the new minimum rental standards for rental properties and rooming houses, as prescribed under the *Residential Tenancies Regulations 2021* and the *Residential Tenancies (Rooming House Standards) Regulations 2023*. Further, we support the proposed amendments, for additional minimum standards for home ceiling insulation, draughtproofing, hot water systems, cooling; and the uplift of current standards for heating and shower roses in rental properties; and a new heating standard for rooming houses; and a new safety standard for blind cord anchors to apply to all rental properties.

We understand that the Regulations are expected to be made in October 2024, communicated in the second half of 2024, with compliance required from 30 October 2025.

Response to the Standards.

ANMF (Vic Branch) supports the recommended triggers, improvements, and exemptions that the Department of Climate Change, Energy, the Environment and Water (DCCEEW) favours in the Regulatory Impact Statement (RIS). We support the necessary transition away from fossil fuels like gas, and the equity of supporting renters and vulnerable people groups to participate in transition benefits while reducing their cost of living. It has been estimated that going from gas-ducted heating to an efficient reverse cycle can wipe 75% off winter heating bills.⁹ The RIS advocates the use of qualified and accredited tradespeople, and product standard, to observe worker safety (such as preinstallation checklists). All are noted and necessary.

It is important that the government monitor and mitigate unintended consequences:

- 1. Exacerbation of the dual crises of housing availability and cost of living, as cumulative expenses are passed onto renters (rent-rise), or properties are withdrawn from the rental market.**

This is the second review of rental Standards that requires owner application and expenditure. Some of these incur significant cost (example: heating, cooling, transitioning off gas and onto electric hot water pumps). There will also be procurement challenges – both with respect to supplies and skilled labour. In addition, rental income will be lost if upgrades require uninhabitable periods.

Tenants Victoria report that homes are increasingly unaffordable and insecure, exacerbated by very low vacancy rates.¹⁰ We are concerned that cumulative expenses may contribute to rent rise, or further limit supply if properties are withdrawn from the rental market. Referring to market

⁹ [Don't believe the real estate industry hype - Victoria's new rental standards good news for renters | Spinifex | The Fifth Estate](#)

¹⁰ [Victorian Budget: Renters' take - Tenants Victoria](#)

research, the RIS did not anticipate a withdrawal of properties from the rental market post introduction of minimum rental standards. Even so, we present recommendations to support owner compliance.

Recommendations:

Support owner compliance by streamlining the administrative component of assessment and upgrade. Develop an implementation package for owners, or agents operating on their behalf, that clearly contains:

- a. The requirements, the associated timeline, and tools to support property assessment and gap analysis. Some owners will need advice on how to know if their house is draught proof, insulated¹¹ and identify appliance ratings. A package like this makes it easier to understand gaps and get the jobs done.
- b. Guidance on where to find appropriately trained and accredited trades people.
- c. The package should support the governments gas substitution roadmap by providing information on alternatives that support gas disconnection, and the savings that come with it. For example, gas cook tops are not included in the reform. It has been suggested that households whose only use of gas is for cooking, may be financially better off by refilling gas bottles instead of paying for a gas connection.¹²
- d. There need to be inbuilt mechanisms to avoid market price-gouging. For example, there could be governance that ensures pricing is linked to costings that consider current prices and CPI increases. Other measures may be more appropriate, however ANMF recommends review and consideration.
- e. Owners must demonstrate appropriate effort to achieve the timelines. At the same time, many of the proposed actions require the services of skilled tradespeople for installation and maintenance and materials of prescribed quality. Shortage of skilled trades people, may impact timeline viability. For example, Jobs & Skills Australia says we need an additional 32,000 electricians by the end of the decade.¹³

We recommend that this project include well planned, funded and prioritised upskilling and retraining of workers displaced from the fossil fuel industry, as a major policy lever, as well as strong governance of employment and OHS standards for those organisations involved in employment and allocation of trades people in the sector. We recommend the development of the program, training packages and

¹¹ RIA A 2018 survey conducted by Newgate Research⁸³ found that only 1 in 4 renters reported the presence of insulation in their dwellings, with 55 per cent reporting that they didn't know if it was present. This is likely owing to the fact that ceiling insulation is not easily observable to renters.; As energy efficiency/thermal control is considered a lower priority and is not always visible at inspection, Renters may have a limited capacity to persuade their rental providers to make upgrades to the property

¹² [Don't believe the real estate industry hype - Victoria's new rental standards good news for renters | Spinifex | The Fifth Estate](#)

¹³ <https://reneweconomy.com.au/forget-coal-we-need-more-sparkies-to-keep-the-lights-on-tens-of-thousands-of-them/>

employment settings in consultation with unions, who understand workforce skill priorities and are well placed to ensure well-paid, safe, and secure jobs. Where an extension to the timeline is sought, it must have well defined, and outcome based eligibility criteria for approval.

2. Owners implement individual reforms without coordinated and comprehensive assessment and safety checks.

There are safety implications for workers and residents in these reforms. The improvements require informed professional and industrial oversight and must not be reduced by owners to individual and uncoordinated tasks. The RIS includes that a pre-installation electrical safety list should be performed by a licenced electrician. Another example would be to ensure that, draught proofing requires a pre-emptive safety check. This is to ensure a home is not tightly sealed without assessment of and regard to heating source, thereby creating a carbon monoxide poisoning risk. Further reasonable safety checks of both the residence and worker registration should be undertaken prior to site visits to mitigate possible risk to the worker or the residence/resident, perhaps through Tenants Victoria.

Recommendation:

Development of and inclusion of mandatory safety check lists. Implementation accreditation should accompany each reform.

3. Compliance checks

Consumer Affairs Victoria (CAV) will be the agency responsible for administration and enforcement. Given the importance of these reforms, there needs to be structured planning as to how compliance and safety checks will be implemented.

The RIS already notes that the data on first round implementation was not particularly strong. Tenants Victoria and The Consumer Policy Research Centre (CPRC) have released a report that reinforces compliance concern. They assessed 100 rental properties in Victoria based on Victoria's minimum standards for rentals and other obligations under Victoria's rental law, the *Residential Tenancies Act (1997)*. The report revealed that out of 100 properties:

- 9 had visible mould
- 15 failed to meet the standards for heating
- 28 had maintenance issues
- 24 agents involved in these inspections could not provide information about electricity and gas compliance and safety checks.¹⁴

These findings demonstrate a need for compliance monitoring and enforcement. Owners must ensure a property they rent out is standard compliant. Real Estate Agents must provide information on property compliance. This should be part of the information disclosure process when promoting a property's availability for sale or rent. This monitoring and reporting should not

¹⁴ <https://tenantsvic.org.au/news/minimum-standards-in-rentals/>

rely on individual renters to report omissions, due to the vulnerable or tenuous position they may find themselves in.

Other mitigations actions:

Cool refuge

While we work on improving the thermal insulation of our homes, we also recognise there are many Victorians who are homeless, which means government must consider the design and implementation of places for community refuge. Guidelines around how these are developed and will operate must be priorities as critical elements for the strategy. Achieving this does not necessarily mean expensive new facilities. Local councils can identify suitable venues that could potentially be enlisted with consideration for potential subsidies and grants. Such a scheme is being explored in Blacktown City Council in NSW, with the example of an air-conditioned church and hall being offered as a venue that would become go-to places on high heat days for the local community to gather at — with toilets, comfortable seating and cold water close by.¹⁵ Another example is the “Winter Night Shelter Initiative” in Shepparton which provides shelter and overnight sleeping accommodation for the homeless.¹⁶

Social Housing.

ANMF (Vic Branch) has been specifically approached by nurses who deliver care in community settings, including social housing and private rooming houses. They tell harrowing stories of people they meet in the course of their work with no heating or cooling, and mould throughout the house. We are told of clients who spend cold days sitting in front of their open oven, trying to get warm. We are told of a patient who wanted to return home for end of life, but there was a heat wave and no cooling in the house. Some of these clients are pensioners trying to stay in their own home, others are in public housing. Aged, indigenous and those with mental health challenges are particularly identified as at risk. Contributing factors include inability to navigate a complex system to access assistance, or inability to afford even subsidised and energy efficient appliances for heating or cooling. Nurses report delivering service over and above their role as they attempt to navigate the system for their patients, negotiate with landlords, or contact charities to try and obtain any heating or cooling appliances.

Recommendation:

The Victorian Government, in partnership with the Commonwealth, increase efforts to ensure that people who require housing support are able to access safe housing that also meet the requirements of these standards. This would include that, in addition to imposing the new minimum rental standards for rental properties and rooming houses, the Victorian Government simultaneously:

- a. Undertake modeling to better understand the potential impact on housing security and cost-of-living pressures in Victoria.
- b. Increase social housing numbers to mitigate shortfalls in social housing.

¹⁵ <https://www.abc.net.au/news/2021-01-14/western-sydney-heat-refuge-strategy-needed-for-summer-heatwaves/13026882>

¹⁶ <https://others.org.au/news/2020/06/30/churches-unite-to-shelter-sheppartons-homeless/>

- c. Ensure all current and future social housing meets the requirements of the standards.
- d. Establish clear referral pathways for nurses and midwives to access on behalf of residents. Nurses have told us that there is a process for patients in public housing to apply for heating and cooling, but it is complex, with difficult to meet criterion. For example, if you have multiple sclerosis, you may be eligible, but heat stress or cold due to absence of a heater or cooler, is insufficient. This criterion must be revised.

Summary

Expected benefits of the Rental Standards include direct savings to renters in the form of energy costs from improved appliance efficiency and thermal performance of the home, as well as improved health benefits associated with more stable home environments and thermal conditions. The changes improve transition equity as renters are supported to participate in the benefits of reduced bills and cleaner, gas free homes. There is an important opportunity to provide training and employment to workers displaced from carbon intensive industry, and to upskill workers already in the sector. The community and planetary health benefit from the reduced greenhouse gas emissions associated with the broader energy transition is supported, and decarbonisation of the rental sector supports Victoria's emission reduction targets.

However given the lack of like standards in public housing, the need for further expansion of the social/public housing stock and the rising housing and cost of living crisis ANMF (Vic Branch) recommends:

1. workforce development / expertise building for both the assessment of dwellings and installation of upgrades, in consultation with workers and their unions.
2. Improvement, and expansion of social/public housing dwellings and their residents.
3. Further thought to compliance mechanisms. Ensure the onus for compliance does not fall on those who are already vulnerable within the rental market.