

Rooming House Operators Bill 2015 (Vic)

Please be advised that the *Rooming House Operators Bill 2015 (Vic)* (**the Bill**) passed its third reading in the Upper House of Parliament on 5 May 2016 and is currently awaiting Royal Assent.

The Bill is due to commence on 1 July 2017 (unless it comes into force earlier).

With a view to improving the operation of rooming houses, and to protect the rights of rooming house residents, the Bill proposes to establish a new licensing scheme for rooming house operators, whereby only 'fit and proper persons' will be permitted to operate rooming houses.

At present, there is no legislation in Victoria regulating who can and who cannot operate a rooming house. The Bill proposes to change this by requiring individuals or eligible corporate entities to apply for and be granted a licence in order to operate a rooming house (as well as to meet existing legal requirements). More specifically, section 7 of the Bill requires rooming house operators to hold a licence (unless the rooming house operator is a registered housing association or a registered housing provider). Failure to hold a licence under section 7 incurs a sanction of 240 penalty units or imprisonment for 2 years for an individual, and 1200 penalty units for a body corporate.

Importantly, the Bill will require all new *and* existing rooming house operators to demonstrate to the Business Licensing Authority (**the Authority**) that they are a 'fit and proper person'.

Among other criteria outlined in section 17 of the Bill, the following persons will **not** be considered fit and proper persons to operate rooming houses:

- persons who, within the previous 10 years, have been convicted or found guilty of crimes punishable by at least 3 months imprisonment (which involved fraud, violence, dishonesty, drug cultivation or trafficking and child pornography);
- persons who are insolvent under Administration;
- persons who have been found guilty of breaching rooming house laws in the previous five years, including offences under the *Public Health and Wellbeing Act 2008 (Vic)*, the *Public Health and Wellbeing Regulations 2009 (Vic)*; the *Building Act 1993 (Vic)*; the *Residential Tenancies Act 1997 (Vic)*; and
- persons whose rooming house licenses were cancelled within the last 5 years.

It is important to note that where there is a rooming house manager at the rooming house, that person must also be deemed a 'fit and proper person' before a license is granted to the operator of that rooming house.

Section 21 of the Bill also requires licensed rooming house operators (**licensees**) to notify the Authority within 14 days after becoming aware that the licensee or, if the licensee is a body corporate, an officer of that body corporate, or a manager of a rooming house operated by the licensee meets one or more of the criteria listed above (and as outlined in section 18). Failure to notify the Authority under section 21 is an offence carrying a maximum penalty of 120 penalty units for an individual, and 600 penalty units for a body corporate.

Please [click here](#) to access the Bill.

Contact

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