



**CONSUMER  
AFFAIRS VICTORIA**

**Rooming house operators licensing scheme  
Information session  
April 2017**

# Agenda

**10.00am – Welcome and Introduction**

**10.05am - Registered Accommodation Association of Victoria  
Simon Roberts**

**10.15am - Consumer Affairs Victoria presentation  
Andrew Lloyd and Grant Taylor**

**11.00am - Questions**

**11.45am - Close**

# **Registered Accommodation Association of Victoria**

**Simon Roberts**

**Consumer Affairs Victoria**

**Andrew Lloyd / Grant Taylor**

# Introduction

## Rooming house operators licensing scheme:

Overview of today's presentation:

- Background
- Application period / process
- Eligibility
- Fees
- Refusal
- Compliance
- Unregistered rooming houses
- Rooming house registration requirements.

# Background

## Rooming House Operators Act:

- The Rooming House Operators Act 2016 (the Act) commences on 26 April 2017.
- Administered by **Business Licensing Authority**
- Monitoring and compliance by Consumer Affairs Victoria
- Existing operators have until 24 August 2017 to apply to the Business Licensing Authority (BLA) for a licence.
- Housing associations and housing providers registered under the Housing Act 1983 are exempt.

# Background

## What does the Act require?

- Essentially, all operators must be licensed
- Applicants and those relevant to operating the rooming house must satisfy a 'fit and proper test'.
- Licensing is in addition to operators' other legal obligations.
- Those who decide to close their rooming house, rather than apply for a licence, should issue an appropriate notice to vacate by **26 April 2017**.
- You can choose to sell during the notice period
- Serious offence to continue to operate post 24<sup>th</sup> August 2017 without applying for a licence
- Seek legal advice on eligibility or which notice to issue

# Who needs a licence?

## **Only the person / entity operating the rooming house-**

- Individual person
- Body Corporate
  - Incorporated Association
  - Company
  - Co-operative

## **What about the Manager – day to day management - NO**

- Negotiate / collect rents
- Enter into residency agreements with tenants
- Give notice to tenants
- They are a 'relevant person' but do NOT need a license



# Who needs a licence? (cont)

## What about the building owner-

- If operating the business of a rooming house – YES
- If not operating the business (e.g. commercial lease) – NO
- If running the business but you engage an estate agency as ‘managing agent’ - YES

## What about the: -

- Gardener
- Cleaner
- Maintenance person
- If they also operate the business then YES
- If they simply do cleaning, gardening or maintenance - NO

# Benefits

## Promote your business:

- Recognised as 'fit and proper' to hold a licence
- Those supporting you are also deemed 'fit and proper'
- Running a registered premises
- Participates in inspection program

# Application Period

## Existing operators:

- 120 days to apply – closes 24<sup>th</sup> August 2017
- Application response timeframes
- Compliant until determination made by BLA
- Notices to vacate
- Single licence / multiple premises

## New operators:

- Before 26<sup>th</sup> April 2017 - 120 days to apply
- After 26<sup>th</sup> April 2017– 120 day period does NOT apply  
AND they must have licence to commence operating

# Eligibility – the fit and proper person test

## Applies to all applicants and ‘relevant persons’

Comprises of:

- Criminal history check – last 10 years
- Financial history check
- Offences against the following – last 5 years  
(only where they apply to rooming houses):
  - Public Health and Wellbeing Act 2008
  - Building Act 1993
  - Planning and Environment Act 1987
  - Residential Tenancies Act 1997
  - Australian Consumer Law and Fair Trading Act 2012.
- NO permission process

# Eligibility – who is a ‘relevant person’?

## Relevant persons influence the licensing decision

### Defined as:

- For an Individual operator :
  - Rooming House manager/s
- For Body Corporate operator :
  - Incorporated Association – all committee members
  - Company – all Directors and Secretary
  - Co-operatives – members of the Board of Management
  - Rooming House manager/s
  - Any person of influence.
- Only the ‘operator’ requires a licence

# Application process

- Applications can only be made via the online application forms on the Consumer Affairs Victoria website.
- Full payment of the required application and licence fee must be made at the time of application.
- Payment can only be made by credit/debit card (Visa or MasterCard).
- Various documents will need to be attached
- Full details on the application process can be found on the Consumer Affairs Victoria website.

# Fees

## Comprised of:-

### Application fee:

- Individual - \$221.80
- Body corporate - \$231.10
- Each additional 'relevant person' - \$195.70

### PLUS

### Licence fee:

- Initial three year period - \$501.10

NOTE - these **fees will increase** for applications lodged from 1 July 2017 onwards.

## Fees - example

**An example fee calculation for an individual licence (before 1<sup>st</sup> July 2017):**

Fee type	Amount
Application fee	\$221.80
1 x rooming house manager	\$195.70
Licence fee – 3 year period	\$501.10
<b>Total</b>	<b>\$918.60</b>



## Fees - example

**An example fee calculation for a Body Corporate licence (pre 1<sup>st</sup> July 2017):**

Fee type	Amount
Application fee	\$231.10
4 x committee members	\$782.80
1 x rooming house manager	\$195.70
Licence fee – 3 year period	\$501.10
<b>Total</b>	<b>\$1,710.70</b>

# Licence application refused

- Issue an appropriate notice to vacate
- Operators can continue to operate unlicensed during the notice period
- Licence fee is refunded
- NO permission process
- Seek legal advice on eligibility.

# Compliance

- CAV's existing rooming house inspection program will expand to include licensing matters.
- During the 120 day period, inspectors will gather information concerning any person employed as a 'manager'.
- Inspectors will carry information to aid operators to understand how to engage with the scheme.
- Upon completion of the implementation phase, CAV will focus upon those who operate a rooming house who have yet to engage with the licensing scheme.
- The Act creates offences.

# Unregistered rooming houses

- The licensing scheme provides an additional tool for CAV to work with Council to restrict operation of rogue operators.
- Significant penalties exist for operating a rooming house without a licence. (e.g. \$37,310 and 2 years imprisonment for an individual).
- CAV will be prioritising our enforcement response to persons operating without a licence.
- Information concerning unregistered rooming houses may be provided to CAV via 1300 365 814 or at [roominghouses@justice.vic.gov.au](mailto:roominghouses@justice.vic.gov.au)

# Public register of rooming house operators

- This new scheme will create a register containing all those who have applied to operate a rooming house.
- It will show the outcome of that application, whether they are licensed or have been refused.
- It will only show name, licence number and date.
- Upon payment of a fee, any person can apply for an extract of the register.
- The extract will include the addresses provided in the licence application unless these details have been suppressed.
- This new register operates in parallel with the existing Public Register of Rooming Houses

# Further information

## Consumer Affairs Victoria:

- [consumer.vic.gov.au/roominghouseoperators](http://consumer.vic.gov.au/roominghouseoperators)

## Reporting unregistered rooming houses:

- 1300 365 814
- [roominghouses@justice.vic.gov.au](mailto:roominghouses@justice.vic.gov.au)

## Business Licensing Authority:

- [bla@justice.vic.gov.au](mailto:bla@justice.vic.gov.au)

## Registered Accommodation Association of Victoria

- [raav.org.au](http://raav.org.au)