

HEALTH ACT REVIEW DRAFT POLICY PAPER

Response prepared by Tourism Victoria

Tourism Victoria welcomes the opportunity to provide comment on the Health and Wellbeing Act Review – Draft Policy Paper, released for public comment in November 2005.

This submission addresses the issue of prescribed accommodation and its application and potential impact on the tourism accommodation sector.

The following observations and recommendations are provided for your consideration in developing this section of the Bill:

5.2 PRESCRIBED ACCOMMODATION

From a tourism perspective, the relationship between the visitor experience and accommodation provided cannot be overstated. Tourism Victoria devotes considerable time and energy to ensuring that the tourism and accommodation sector develops and ultimately adopts standards that raise Victoria's service capacity to an internationally competitive level.

As such, there are inherent challenges in regulating the tourist accommodation sector. In many cases, this may be attributed to the ease with which small operators can enter the market.

Victorian Government policy supports the need to foster a competitive environment that supports the small business sector – a sector responsive to prohibitive costs, infrastructure requirements, access to markets, with minimal regulatory barriers.

While these factors play an important component in the operational requirements of small business, in some instances, they can be counter-productive from an industry-development perspective. For instance, having few barriers to entry in the tourism and accommodation sector complicates the issue of regulation and monitoring suitable standards of care.

Recommendations

Tourism Victoria supports and offers the following recommendations:

Exemptions from the provisions

Section 210 of the current Health Act requires proprietors of prescribed accommodation to register the accommodation with council. Tourism Victoria supports the retention of this requirement. However, there is a need to ensure that the existing classes of prescribed accommodation **exempt** from the provisions do

not create unintended ambiguities that may be exploited by small operators. These exemptions include:

- (a) a house under the exclusive occupation of the occupier;
- (b) a self-contained flat under the exclusive occupation of the occupier consisting of a suite of rooms that -
 - (i) forms a portion or portions of a building; and
 - (ii) includes a kitchen, bathroom and toilet facilities; and
 - (iii) forms a self-contained residence.

And

(h) premises in which, other than the family of the proprietor, not more than five people are accommodated.

Further consideration and review of these exemptions is necessary to ensure that any obligations on small operators to comply with minimum standards are not removed as a result of these exemptions. If carefully considered, this section of the Act may have the effect of raising industry standards by ensuring a minimum standard of entry. This is particularly so in the case of B&Bs and illegal backpacker accommodation.

This presents a unique opportunity to raise industry standards generally and as such, should not be regarded lightly.

Caravans and caravan parks

Tourism Victoria notes that previous submissions have proposed that caravans should not be exempt from the requirement to register and to comply with the Health (Prescribed Accommodation) Regulations. Given the concern that caravan parks are broadening their services to include dormitory and cabin style accommodation and permanent tents, it would be appropriate to consider these issues during the development of the regulations for prescribed accommodation under the new Act.

Recommendation 154

(154) The public health Act continue to require registration of premises providing accommodation to a high number of people (such as tourist accommodation and rooming houses).

Tourism Victoria supports the continued requirement to register premises providing accommodation. However, the wording which describes the quantum, “to a high number of people” remains ambiguous and potentially misleading.

The current description may be open to wide interpretation and, in its current form, may provide a false sense of security to small, unregistered and illegal operators, given the wording infers relevancy to more large scale accommodation providers.

Additional information that better defines the tourism sector, scale of operations, and definitions that both include and exclude tourism related industries or operators would rectify this.

Recommendation 156

(156) That the public health Act continue to prescribe by regulation the classes of accommodation to be registered.

As stated previously, Tourism Victoria agrees to the requirement in principle. It would be appropriate to carefully consider facilities provided to non-permanent residents, such as caravan parks. This will require further investigation and consultation before agreement on the types and classes of accommodation is sufficiently resolved.

Recommendation 157

(157) That the specific regulatory scheme set out in the Regulations be proportionate to the level of risk associated with that activity.

While Tourism Victoria supports this recommendation, an appropriate definition as to what constitutes an acceptable level of risk would be useful. Inconsistencies in the application of standards and levels and/or degrees of risk could render this section unworkable in the long-term.

Conclusion

Tourism Victoria is aware that the prescribed accommodation provisions of the Act (ss 209 – 213) are essentially a regulation making power, with the detailed requirements of the registration regime (including the classes of accommodation, number of persons, issues relating to hygiene and sanitation) still to be specified in the regulations.

It is anticipated that the issues highlighted in this submission will be addressed during the consultation phase with industry sectors as part of preparing the regulatory impact statement. Tourism Victoria is willing to offer advice and support to ensure industry-wide input throughout this process.