**Subordinate Legislation Act 1994**

NOTICE OF DECISION

Proposed Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020

I, Martin Foley, Minister for Health, give notice under section 12 of the **Subordinate Legislation Act 1994** (the Act) that I have decided that the proposed Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 (proposed Regulations) are to be made.

A regulatory impact statement was published, and public comments and submissions were invited, as required by section 11(2) of the Act. The 33 submissions received have been considered, as required by section 11(3) of the Act.

Subject to the matters below, I have decided that the proposed Regulations should be made substantially unchanged, with minor amendments to improve the clarity, operation and practicality of the proposed regulations.

The proposed Regulations adopt by reference the definition of ‘rooming house’ in the **Residential Tenancies Act 1997**. This will provide consistency between the definitions in the proposed Regulations and the Residential Tenancies Act.

A consequence of the alignment is that premises declared as rooming houses by the Minister for Housing under section 19 of the Residential Tenancies Act will be within scope of the proposed Regulations. However, the application to declared rooming houses will be delayed for six months, with a commencement date of 13 June 2021. This period will allow time for proprietors and councils to operationalise the changes. It will allow proprietors to make adjustments to their properties where needed to comply with the regulations, such as ensuring bedrooms are at least 7.5 metres squared.

A second consequence of the alignment of the definitions is that specialist disability accommodation enrolled under the Commonwealth’s National Disability Insurance Scheme will also be excluded from the definition of prescribed accommodation, and therefore from compliance with the standards. Specialist disability accommodation is subject to a separate registration, quality and safeguards framework under the national scheme.

The Regulations are otherwise substantially unchanged with only minor and technical updates.

Dated 17 November 2020

HON. MARTIN FOLEY MP

Minister for Health