



Australian
Institute of
Architects

TAS

ABN 72 000 023 012

The Royal Australian Institute of Architects
trading as Australian Institute of Architects

1/19a Hunter Street
nipaluna/Hobart, Tasmania 7000

P: (03) 6214 1500

tas@architecture.com.au

architecture.com.au

14 February 2025

Stakeholder Engagement, Education and Policy,
Communications,
Consumer, Building and Occupational Services
Department of Justice
30 Gordons Hill Road
Rosny Park TAS 7018

By email to: cbos.comms@justice.tas.gov.au

Re: Proposed changes relating to prescribed maintenance under the Building Act 2016

To whom this may concern,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to thank CBOS for the opportunity to provide feedback on Proposed changes relating to prescribed maintenance under the Building Act 2016.

The Tasmanian Chapter is committed to helping create a positive future for our state that benefits all Tasmanians. The Institute advocates for the built environment, and works to shape policies, foster collaboration, and promote design excellence that benefits society as a whole. Strategic planning is a critical component in this, and we are pleased to see this being enacted through land use planning.

The Institute's policy team and members of the Tasmanian Chapter have reviewed proposal outline and also the key linked documents being the Director's Determination and prescribed Form 46 which replicates the schedule in the Director's determination.

The following is our response.

Context for our response:

As a national professional organisation, and not a federation, our advantage is the ability to advise state and territory governments to align and harmonise their standards, regulatory approaches, policies and even procurement practices. This creates the best conditions to gain efficiencies from the built environment sector which operates at national scale.

The “tenure type” of 26.4% of households in Tasmania in the 2021 census were rental (see: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/6#housing>)¹.

For the purposes of this response, we have conducted some policy by comparing maintenance standards for rooming houses (including Classes 1a, 1b, 2 and 3) that were established under the provisions of Victoria’s original Residential Tenancies (Rooming House Standards) Regulations 2012 developed by the then Coalition Government.

We note that in 2025 Victoria now has standards for certain types of prescribed accommodation set out in Public Health and Wellbeing (Prescribed Accommodation)² Regulations 2020 and more comprehensively in the Residential Tenancies (Rooming House Standards) Regulations 2023³.

The present term and previous two terms of government in Victoria has seen the evolution of standards for general residential tenancies as set out in Schedule 4 of the Residential Tenancies Regulations 2021⁴.

In Tasmania, Part 3B of the Residential Tenancy Act 1997⁵ sets out minimum standards for general residential tenancies and Part 3A specifically deals with Smoke Alarms. However, apart from a provision in the RTA 1997 pertaining to the maintenance of shared facilities, there is not really any specific standards for rooming/ boarding houses.

Our recommendations

1. The Tasmanian Government considers extending the general maintenance requirements (i.e. in addition to the prescribed *Essential Building Services that is a plumbing installation, feature or measure as listed in Tables 1.20, 1.21, 1.23 or 1.24*) to Class 1A dwellings classes where the properties are being tenanted either on a short-term (tourist) or long term basis for the relevant applicable provision (e.g. noting Class 1A typically do not have fire sprinklers).

¹ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/6#housing>

² <https://www.health.vic.gov.au/legislation/public-health-and-wellbeing-prescribed-accommodation-regulations-2020>

³ <https://content.legislation.vic.gov.au/sites/default/files/2024-11/23-10sra002-authorized.pdf>

⁴ <https://www.legislation.vic.gov.au/in-force/statutory-rules/residential-tenancies-regulations-2021/002>

⁵ <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-082%23GS36O@EN>

2. As a very absolute minimum additional requirement, Class 1A properties which are 'enrolled' with the Specialist Disability Accommodation (SDA)⁶ for funding under the National Disability Insurance Scheme, whether owner occupied or rented by the NDIS participant (person living with a disability), and which have incorporated sprinklers as part of the SDA funded build or modification, should be subject to the sprinkler maintenance requirements set out in the determination where these are installed. CBOS may wish to consider other fire safety provisions which may also apply to Class 1A dwellings enrolled as SDA properties.
3. Consider applying greater rigour in the maintenance requirements to those set out Part 3B of Tasmania's the Residential Tenancy Act 1997 by benchmarking against the more rigour requirements Schedule 4 of the Victorian Residential Tenancies Regulations 2021. The Victorian regulations have greater rigour as they reference both Australian Standards and the National Construction Code (NCC). The Victorian regulations also include energy efficiency requirements for heating and hot water used in showers. There is a societal benefit in promoting more rigorous standards given that more than one quarter of Tasmanian households occupy their dwelling as a residential tenancy.
4. Rented properties under Classes 1A, 1B, 2 and 3 should be required to be inspected for maintenance to the highest bar (i.e. where a provision of the Residential Tenancy Standard is specified or is higher, this should be used).
5. The annual testing of thermostatic mixing valves and tempering devices is an absolute minimum and already established – but they should be required to be installed as retrofitting into older residential tenancy properties where they were not previously in existence as a consequence of the applicable building/ plumbing code at the time of construction or later renovation. Government could consider retrofitting assistance as a budget initiative.
6. Ensure that any regulatory impact analysis is also accompanied by economic, public health and societal impact analyses. There is a risk that inspection costs are passed on as higher rents. The Tasmanian Government needs to think about the risk benefit ratio for itself and Tasmanians by applying economic, public health and societal impact analyses. For example, respiratory illness to attributable damp and mould in poorly maintained rental properties, or burns caused by untempered hot water represent:
 - a direct economic cost to the Government and Tasmanian taxpayers in public hospital treatment and bed days
 - a “burden of disease” cost to the health of the Tasmania population.Tasmania has the alarmingly highest population proportions of impact from

⁶ <https://www.ndis.gov.au/providers/housing-and-living-supports-and-services/specialist-disability-accommodation>

a range of disabling conditions that “restrict” or “limit” individuals ability to undertake activities including schooling or employment in Australia⁷

- downstream costs of treating chronic airways disease
 - downstream cost of lost economic productivity in affected individuals.
7. Ensure there is a maintenance requirement to check that, mesh vents incorporated into roofs without cavities or walls that give effect to the condensation mitigation are kept clean and free of obstruction by dust and other detritus, with specific reference to NCC provisions that require these vents.

Kind regards,



Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects



Jennifer Nichols
Executive Director, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,500 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.

⁷ See the ABS's 2021 Survey of Ageing Disability and Carers: <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release#data-downloads> and Disability Tables via <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/2022/SDACDC01.xlsx> Note columns AC-AI in worksheet “Table 4.3 Proportions”