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| Labour hire reforms – prescribed accommodation  |
| Reforms under the Public Health and Wellbeing Act and Public Health and Wellbeing (Prescribed Accommodation) Regulations  |
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On 15 February 2023, changes will commence to clarify and regulate labour hire accommodation (as prescribed accommodation) under public health laws[[1]](#footnote-2).

## What is changing?

From 15 February 2023, proprietors of labour hire accommodation are required to:

* register their labour hire accommodation with the local council
* meet requirements under the Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 (the Prescribed Accommodation regulations), such as, but not limited to:
	+ keeping the accommodation in good working order, in a clean, sanitary and hygienic condition, and in good state of repair
	+ at least 1 toilet, 1 bath/shower and 1 wash basin for every 10 persons
	+ limiting the number of occupants in each bedroom, contingent on size and length of stay
	+ keeping a register of occupants.

Changes commence on 15 February 2023 to provide sufficient lead time for labour hire accommodation proprietors to prepare for the changes and meet the requirements.

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| Act/regulations | What’s changed | Key dates |
| Changes to the Act | Strengthened definition of prescribed accommodation and proprietor  | Passed in April 2022 |
| Changes to the Prescribed Accommodation regulations | New definition of labour hire accommodation and new class of prescribed accommodation | Made in September 2022 |
| Both Act and regulations | Changes commence on **15 February 2023** to provide proprietors of labour hire accommodation with sufficient time to prepare. |

## About prescribed accommodation

The *Public Health and Wellbeing Act 2008* (the Act) establishes a legal framework that requires proprietors of accommodation that is prescribed to register that accommodation with the local council.

The Prescribed Accommodation regulations:

* prescribe classes of accommodation. These are rooming houses, hotels and motels, student dormitories, hostels and certain types of residential accommodation[[2]](#footnote-3)
* set out requirements such as cleanliness, maintenance, minimum bathing and toilet facilities and standards to prevent overcrowding.

Regulation minimises public health risks that may arise from certain types of accommodation where there may be shared use of facilities, high turnover of occupants and/or overcrowding.

Councils oversee and regulate prescribed accommodation under the above laws. There are penalties and offences for breaches of laws.

### New class of labour hire accommodation

The changes create a new class and definition of ‘*labour hire accommodation’* in the Prescribed Accommodation regulations.

In summary, labour hire accommodation means:

* any house, building, structure or site (including any shared facilities on a site), whether temporary or permanent, used to provide accommodation for a worker under, or in connection with, a labour hire arrangement with that worker; and
* there are four or more workers; and
* another class of prescribed accommodation does not apply. For example, a hostel accommodating backpackers and labour hire workers is registered as a hostel.

#### Examples

The definition also provides examples of common labour hire accommodation situations, such as:

* farm accommodation for workers provided by a labour hire provider
* residential accommodation provided for workers.

### Strengthened definitions of proprietor and prescribed accommodation

Changes to the Act strengthen the definitions of:

* *‘prescribed accommodation’* to include labour hire accommodation
* *‘proprietor*’ **as it relates to labour hire accommodation** through a cascading approach:
	+ a person providing the accommodation under or in connection with a labour hire arrangement; or
	+ a person leasing or renting the accommodation (if the person above can’t be identified or located); or
	+ the owner (if a person above cannot be identified or located).

## Why have these changes been made?

The changes are in response to recommendations in the *Final Report of the Victorian Inquiry into Labour Hire and Insecure Work 2016*, which found substandard and exploitative accommodation arrangements.

Consultation has informed the changes and ensures that the reform achieves its intention.

Regulation aims to improve living conditions to protect the health and wellbeing of labour hire workers who support critical industries such as fruit picking and harvesting.

It will also reduce exploitation and align Victoria’s labour hire licensing and public health regulatory frameworks.

Changes to the definition of proprietor (as it relates to labour hire accommodation) recognise the various ways of providing and managing this type of accommodation. The definition attributes responsibility and accountability.

## More information

More information about:

* the changes can be found at: https:[//www.health.vic.gov.au/infectious-diseases/public-health-and-wellbeing-prescribed-accommodation-regulations-2020](https://www.health.vic.gov.au/infectious-diseases/public-health-and-wellbeing-prescribed-accommodation-regulations-2020)
* labour hire licensing scheme and obligations can be found at: <https://labourhireauthority.vic.gov.au/>

Local government authorised officers can also assist businesses become aware of and comply with the changes.

To view the exact wording in the law, please see:

* [Public Health and Wellbeing (Prescribed Accommodation) Amendment Regulations 2022](https://www.legislation.vic.gov.au/as-made/statutory-rules/public-health-and-wellbeing-prescribed-accommodation-amendment-regulations-0)
* [*Public Health and Wellbeing Amendment Act 2022*](https://www.legislation.vic.gov.au/as-made/acts/public-health-and-wellbeing-amendment-act-2022)

From 15 February 2023, all changes can be found at:

* [Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020](https://www.legislation.vic.gov.au/in-force/statutory-rules/public-health-and-wellbeing-prescribed-accommodation-regulations-2020/003)
* [Public Health and Wellbeing Act 2008.](https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/057)

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1. Public health laws comprise the *Public Health and Wellbeing Act 2008* and Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 [↑](#footnote-ref-2)
2. New class of labour hire accommodation from 15 February 2023 [↑](#footnote-ref-3)