



Media Release – 20 October 2008

Coalition to be heard at inquest into rooming house fire

The PILCH Homeless Persons' Legal Clinic (HPLC), the Tenant's Union of Victoria (TUV) and the Council to Homeless Persons (CHP) were today granted standing to appear at the Coronial Inquest into the deaths of Leigh Sinclair and Christopher Giorgi.

Leigh Sinclair and Christopher Giorgi died when the Brunswick rooming house in which they were staying caught fire in the early hours of the morning on 1 October 2006. Five other people escaped the building with their lives.

"We believe this was a preventable tragedy," said the group's spokesperson Caroline Adler.

"We believe that two people died because the rooming house they were staying in was a fire hazard and that countless rooming houses across Victoria are effectively death traps and the risk of repeated fires and more deaths is real and imminent."

"It is hoped that this inquest will provide a catalyst for the Victorian government to act to prevent future deaths and to radically improve rooming house regulation, accountability and enforcement," said Ms Adler.

At the inquest, the HPLC, TUV and CHP will seek to highlight sub-standard fire safety conditions in Victorian rooming houses and the need for regulatory improvement and accountability for rooming house accommodation.

"In the two years since the Brunswick rooming house fire, the rooming house market has expanded and large pockets of it remain unregistered and unsafe," said Ms Adler.

"Victorians are in the midst of an unprecedented homelessness and housing crisis. We need greater access to safe and affordable housing, more effective regulation, accountability and stringent enforcement of rooming house regulations."

"We hope that this will be the first and last inquest required for the Victorian government to address this life-or-death issue. The government must act now to prevent further tragedies of this nature," said Ms Adler.

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The PILCH Homeless Persons' Legal Clinic, the Tenant's Union of Victoria and the Council to Homeless Persons are members of the Rooming House Rights and Safety Coalition, which is made up of tenancy, homelessness, community legal and human rights organisations and concerned individuals.



Background

Why Is There An Inquest?

On 1 October 2006, two people died in a rooming house fire on Sydney Rd, Brunswick. Five other residents, including a seven year old child, were lucky to escape alive.

The State Coroner is responsible for investigating deaths where circumstances are sudden, traumatic or unexplained. When a death or fire is reported to the State Coroner's Office, the Coroner must investigate and determine the following:

- Identity of the deceased;
- How death occurred;
- The cause of death;
- The cause and origin of the fire;
- The circumstances in which the fire occurred; and
- The identity of any person who contributed to the cause of the fire.

In some cases the Coroner may comment and make recommendations about public health or safety, or the administration of justice, to help prevent similar deaths or fires happening in the future.

On 20 October 2008, the Coronial Inquest into the deaths that occurred in the rooming house fire in Brunswick on 1 October 2006 will begin. It is expected that the Inquest will run for a number of days.

Joint application for Standing by the PILCH Homeless Persons' Legal Clinic, the Tenants Union of Victoria and the Council to Homeless Persons

Many clients of the PILCH Homeless Persons' Legal Clinic (HPLC), the Tenants Union of Victoria (TUV) and the Council to Homeless Persons (CHP) are rooming/boarding house residents and we have long been concerned about the inadequate regulation of this form of accommodation.

The HPLC, TUV and CHP have sought standing at the inquest to raise these issues. Specifically, we want to highlight ongoing fire safety problems and the lack of legislative protection of residents' rights. Our focus will be on the need to improve the current regulation of rooming/boarding houses so that tragedies such as that which occurred at 211A Sydney Road in 2006 can be prevented in the future.



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What Is A Rooming House?

The legal definition of a 'rooming house' is unclear.

There are two pieces of legislation which regulate rooming houses. These are the *Residential Tenancies Act (1997)* (Vic) and the *Health (Prescribed Accommodation) Regulations (2001)* (Vic). The *Residential Tenancies Act* provides that a rooming house is a residence where four or more people are renting accommodation in the one location. The *Health (Prescribed Accommodation) Regulations* provides that a rooming house is a residence where five or more people renting accommodation in the one location.

This means that when there are less than 4 or 5 people renting, the landlord is not required to register the residence as a rooming house.

Key Facts about rooming houses and conditions within them

The 2006 census revealed that 22 per cent of the recorded homeless population across Victoria were in rooming houses (excluding caravan parks) on census night.¹ Traditionally, there have been more men in rooming houses than women.² In a recent Homeground survey of 228 individuals living in rooming houses around Melbourne, results indicated that 74% of the residents were male and 26% were female. As a minority in rooming houses, women can often feel vulnerable. There are also an increasing number of families in rooming houses, with parents and children living in a single room.

The respondents to the same Homeground study indicated that they were living in unbearable conditions:

- 78% said that they were sharing a bathroom with at least 5 other people, whilst half of all respondents were sharing with 10 or more people;
- one third said there were no locks on their bathroom doors;
- some stated that they did not have lighting or access to power points, and 8% didn't even have windows;
- 14% said their rooms did not have locks on their doors and 29% indicated that there no locks on external doors; and
- not surprisingly, 57% of the respondents did not feel safe.

Of the 110 rooming houses inspected by the Tenants Union in the past year, 90% were unregistered and many were overcrowded and in appalling condition.

¹ Information sheet provided by Council to Homeless Persons. Available at – www.chp.org.au.

² 'Going Bad: Homeless Men in an Australian City, Melbourne', Jordon, A. (1994) and 'On the threshold: The future of private rooming houses in the City of Yarra, Melbourne: Brotherhood of St Laurence' Jope, S. (2000).



Who Are The Coalition Members?

Council to Homeless Persons

www.chp.org.au

Established in 1972, the Council to Homeless Persons is the peak Victorian body representing individuals and organisations with a stake or interest in homelessness. The policy work of the Council to Homeless Persons (CHP) contributes to informed and constructive advocacy, which seeks to both reduce and eliminate the existence of homelessness and to ensure improvements in the responses to and circumstances of people who are homeless.

PILCH Homeless Persons' Legal Clinic

www.pilch.org.au

The Homeless Persons' Legal Clinic is a project of PILCH. The HPLC provides free legal assistance to, and advocacy on behalf of, people who are homeless or at risk of homelessness. In addition to delivering direct legal services, the HPLC aims to use the law to promote, protect and realise the human rights of people experiencing homelessness; to redress unfair and unjust treatment of people experiencing homelessness and to reduce the extent to which homeless people are disadvantaged by the law. To these ends, it undertakes extensive law reform work, public policy advocacy and community legal education.

Tenants Union of Victoria

www.tuv.org.au

The Tenants Union of Victoria was formed over thirty years ago to promote and protect the rights of tenants and residents in all forms of residential accommodation in Victoria. The Tenants Union aims to help individual tenants and to work for social change to improve conditions for tenants in the future.

Fitzroy Legal Centre

www.fitzroy-legal.org.au

Fitzroy Legal Service provides casework to clients in our catchment area and plays a significant role in the areas of law reform and community legal education, which is closely bound up with the practice of preventative law, demystification of the law, self-help and empowerment.



Springvale Monash Legal Service

www.smls.com.au

SMLS is a community organisation providing free, confidential legal advice to all members of the community. SMLS provides community members with an otherwise unavailable means of becoming informed about their rights and how to enforce them. Moreover, a mix of caseload, lobbying, education and legal action strategies ensures the community has access to a more holistic form of justice.

The following individuals are also members of the coalition:

Charandev Singh
Allan Martin
Gerard Ahearne

Media on 211A Fire and Private Boarding Houses

Inside Melbourne's seedy boarding house world

<http://www.theage.com.au/news/national/inside-melbournes-seedy-boarding-house-world/2006/10/13/1160246328513.html?page=fullpage#contentSwap1>

Rooming house complaints ignored (October 24, 2006)

<http://www.theage.com.au/news/national/rooming-house-complaints-ignored/2006/10/23/1161455664156.html>

Death Home Probe Ban (October 3, 2006)

<http://www.news.com.au/heraldsun/story/0,21985,20514807-2862,00.html>

Brunswick Fire Exposes Lax Boarding House Rules (October 3, 2006)

<http://www.theage.com.au/news/national/brunswick-fire-exposes-lax-boarding-house-rules/2006/10/02/1159641268660.html>

Recent media on boarding houses and the housing and homelessness crisis

Diddly Squat (October 9, 2008)

<http://www.theage.com.au/national/diddly-squat-20081008-4wp8.html>

'New Generation Housing' Can Open Doors for the Marginalised (September 29, 2008)

<http://www.theage.com.au/opinion/new-generation-housing-can-open-doors-for-the-marginalised-20080928-4pnn.html?page=-1>

Rooming Tenants Crisis Flares (August 23, 2008)

<http://www.theage.com.au/national/rooming-tenants-crisis-flares-20080822-40ea.html>

Landlord Crams 48 Students into One House (May 17, 2008)

<http://www.news.com.au/story/0,23599,23712361-2,00.html>

Crisis Homes Filthy Dens of Fear: Report (March 23, 2008)

<http://www.theage.com.au/news/national/crisis-homes-filthy-dens-of-fear-report/2008/03/22/1205602734628.html>



Melbourne Announces Plans for 90,000 New Homes (Mar 4, 2008)

<http://www.abc.net.au/news/stories/2008/03/04/2178937.htm>

Boarding House Operators Exploit Homeless (October 14, 2006)

<http://www.theage.com.au/news/national/operators-exploit-homeless/2006/10/13/1160246328442.html>

Is this Melbourne's Worst Landlord? (Nov 5, 2006)

<http://www.theage.com.au/news/national/melbournes-worst-landlord/2006/11/04/1162340095862.html?page=fullpage#contentSwap1>

This is the Real Housing Crisis (November 1, 2003)

<http://www.theage.com.au/articles/2003/10/31/1067566086261.html?from=storyrhs>

Useful further information

Video project by ConnectED and Prahran Mission

<http://connectedhomeless.com/>

HomeGround Services/The Salvation Army Crisis Services/RMIT research report: Chamberlain, Johnson and Theobald "Homelessness in Melbourne – Confronting the Challenge" Centre for Applied Social Research RMIT University (2007)

http://www.salvationarmy.org.au/salvwr/assets/main/documents/reports/homelessness_in_melbourne.pdf

"Rooms for the Future: Strategy and Action Plan for the Retention and Development of Socially Responsible Private Rooming Houses"

www.yarracity.vic.gov.au/community/pdf/housing/rooms%20for%20the%20future.pdf

Regulatory Impact Statement: Proposed Health (Prescribed Accommodation) Regulations 2008

http://www.housing.vic.gov.au/regulatory-impact-statement?SQ_DESIGN_NAME=print

Emma Greenhalgh et al, On the Move: An issues paper identifying emerging trends in rooming houses in inner urban Melbourne. Queensland Institute of Technology, February 2003:

<http://www.poa.asn.au/aust/links.htm>

Gallagher, Kim, Gove, Mark "Tenuous and dangerous ... 'Go to a boarding house? I would rather sleep out!' Parity (Melbourne), v.20, no.6, July 2007: 4-5

http://www.chp.org.au/parity/articles/results.chtml?filename_num=00294

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