



*Residential Services (Accreditation) Act 2002*

# **Residential Services (Accreditation) Regulation 2002**

**Reprinted as in force on 1 July 2007**

**Reprint No. 2A**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 1 July 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Residential Services (Accreditation) Regulation 2002

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# **Residential Services (Accreditation) Regulation 2002**

[as amended by all amendments that commenced on or before 1 July 2007]

## **1 Short title**

This regulation may be cited as the *Residential Services (Accreditation) Regulation 2002*.

## **2 Commencement**

This regulation commences on 23 August 2002.

## **3 Services that are not residential services—Act, s 4(5)(m)**

- (1) A service is not a residential service if the service is conducted mainly to provide accommodation to either or both of the following—
  - (a) employees in connection with their employment;
  - (b) contractors in connection with their contracts for services.
- (2) A retirement village scheme registered under the *Retirement Villages Act 1999* is not a residential service.
- (3) However, for a retirement village scheme registered under that Act before 23 August 2002, subsection (2) continues to apply to the scheme on and from 23 August 2004—
  - (a) only if the scheme is voluntarily accredited before 23 August 2004; and
  - (b) only while the scheme remains voluntarily accredited.
- (4) Also, for a retirement village scheme registered under that Act on or after 23 August 2002, subsection (2) continues to apply to the scheme on and from the date that is 2 years after the date of registration—

- (a) only if the scheme is voluntarily accredited within the 2 years; and
  - (b) only while the scheme remains voluntarily accredited.
- (5) In this section—

**contractor** means a person who does work under a contract for services, including, for example, a subcontractor.

**employee**, in relation to a service—

- (a) includes a person who does unpaid work for or at the direction of an employer; and
- (b) does not include a person employed in the service by the service provider.

**voluntarily accredited** means accredited under the voluntary accreditation scheme of the industry association ‘Aged Care Queensland’.

#### **4 Prescribed building requirements—Act, s 28**

- (1) The prescribed building requirements are the requirements stated in the Queensland Development Code, part 20.<sup>1</sup>
- (2) In this section—

**Queensland Development Code** see the *Building Act 1975*, section 13.

#### **5 Matters prescribed for level 1 accreditation decision—Act, s 42(d)**

- (1) This section prescribes matters for section 42(d) of the Act.
- (2) In having regard to the matter mentioned in section 42(a) of the Act, the chief executive must consider whether the following matters apply—

##### **Privacy and confidentiality**

- Each resident’s right to privacy, dignity and confidentiality in all aspects of the resident’s life is recognised and respected by the service provider, each

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<sup>1</sup> Queensland Development Code, part 20 (Residential Services Building Standard)

associate of the service provider and all staff of the residential service.

### **Agreement for residency**

- The service provider gives information to residents, prospective residents, or representatives of residents or prospective residents, about the type of accommodation and services available.
- The service provider uses an individual resident agreement for each resident.

### **Keeping of records about residents**

- The service provider ensures that a register of residents is maintained containing, for each resident, relevant information reflecting the type of residential service and the resident's needs.

### **Prevention of abuse and neglect**

- The service provider recognises and implements policies and procedures on the rights of residents to live in an environment free of verbal, emotional, sexual or physical abuse or neglect.
- The service provider or an associate of the service provider acts to uphold the legal and human rights of residents.

### **Grievance mechanism**

- Residents and representatives of residents, including advocates, are free to raise and have resolved with the service provider, an associate of the service provider or an external agency, including the Residential Tenancies Authority, any complaint or dispute they may have about the residential service without fear of retaliation.

### **Management of residents with complex or difficult behaviour**

- Needs of residents with complex or difficult behaviour are managed effectively in a way that is respectful of their dignity.

**Access to external providers of professional services**

- Residents have full access to professional case workers or other providers of services from a health, disability or welfare agency or other relevant professional service.
- Residents who have asked for help from an advocate have full access to the advocate by way of visits to or from the advocate.

**Entitlement of residents to independence and freedom of choice**

- Each resident's right of independence and freedom of choice is recognised and respected, if the right does not unreasonably infringe on the rights of other residents.

- (3) In having regard to the matter mentioned in section 42(b) of the Act, the chief executive must consider whether the following matters apply—

**Kitchens**

- Kitchen facilities, including food storage, preparation and cleaning up facilities, are kept clean and in good repair.

**Laundries**

- Laundry facilities are kept clean and in good repair.

**Common rooms and areas**

- Common rooms and areas are equipped with clean, comfortable furnishings and equipment that are in good repair.

*Examples of common rooms and areas—*

- lounge rooms, verandahs, places for general relaxation and socialising

**Bedrooms**

- Bedrooms are clean and comfortable, providing privacy and personal space to each resident.

**Bathrooms and toilets**

- Bathroom and toilet facilities provide privacy and are kept clean and in good repair.

**Passages and stairways**

- Passages and stairways are kept free of objects to allow safe and unimpeded movement through them at all times.

**Rubbish removal**

- All rubbish is removed regularly and in a way that does not impact on the health and wellbeing of residents and staff of the residential service.

**Cleanliness and good repair**

- Internal and external features of the premises are kept clean and in good repair.

**Inventory and equipment**

- Adequate stocks of goods and equipment necessary for the enjoyment of the residents and the smooth operation of the residential service are available.

**Security and other emergencies**

- Policies and practices are in place to protect the safety of residents.

- (4) In having regard to the matter mentioned in section 42(c) of the Act, the chief executive must consider whether the following matters apply—

**Business practices**

- The service provider applies current business principles to the management and operation of the residential service.

**Workplace health and safety**

- The service provider is aware of and meets obligations under workplace health and safety legislation.

**Human resource management**

- The service provider plans and implements fair and consistent strategies for the recruitment, selection and development of staff of the residential service.
- The service provider ensures that staff are on duty in sufficient numbers to provide agreed services and support to residents.

**Staff training**

- Staff are adequately trained to carry out assigned duties within a safe and supportive environment.

**6 Matters prescribed for level 2 accreditation decision—Act, s 43(c)**

- (1) This section prescribes matters for section 43(c) of the Act.
- (2) In having regard to the matter mentioned in section 43(a) of the Act, the chief executive must consider whether the following matter applies—

**Food and nutrition**

- Residents are provided with food that is adequate in quality, quantity, variety and nutritional value to meet each person's daily food requirements.
- (3) In having regard to the matter mentioned in section 43(b) of the Act, the chief executive must consider whether the following matters apply—

**Kitchens**

- The kitchen facilities comply with Amendment No. 51 to the Food Standards Code.

**Food delivery and storage**

- Procedures are in place to ensure the safe delivery and storage of food.

**Food preparation**

- Persons preparing food observe adequate hygiene standards and ensure food does not spoil before or during preparation.

**Food serving**

- Persons serving food to residents observe adequate hygiene standards and take all steps to prevent the contamination of food and the spread of disease.

**Dining rooms**

- Dining room facilities are clean and comfortable, close to kitchen facilities and separate from lounge room facilities.

- (4) In this section—

*Amendment No. 51 to the Food Standards Code* means the variations and standards collectively known as Amendment No. 51 to the *Food Standards Code*, adopted by the Australia New Zealand Food Standards Council in July 2000 and published in the *Commonwealth of Australia Special Gazette* No. S 464 on 24 August 2000.

## **7 Matters prescribed for level 3 accreditation decision—Act, s 44(c)**

- (1) This section prescribes matters for section 44(c) of the Act.
- (2) In having regard to the matter mentioned in section 44(a) of the Act, the chief executive must consider whether the following matters apply—

### **Access to externally provided support services**

- Personal care services for residents are delivered, wherever possible, through entities external to the residential service.

### **Financial and clerical support**

- Residents have management of their own financial affairs as much as possible or have entities external to the residential service help with financial decisions.
- Where residents require clerical support or help in managing their daily finances, practices are transparent to ensure accountability for funds held for residents.

### **Medication management**

- If residents ask for support to manage their medication, help is given in accordance with medical directions.

### **Health care**

- Residents have a choice of health care provider.
- Where necessary, residents are encouraged and helped to maintain their physical, dental and mental health.

**Clothing**

- Residents are supported to ensure they have access to and wear clothing appropriate to the situation and climate.

**Hygiene management**

- The personal hygiene needs of residents are met in a way consistent with individual needs and respect for dignity and privacy.

**Living environment**

- A safe, comfortable and homelike environment is available for residents.

**Leisure interests**

- The rights of residents to independence and freedom of choice in pursuing activities of interest to them is recognised and encouraged.

**Preservation of social networks**

- The importance of preserving family relationships and informal social networks is recognised and supported.

**Choice and decision making**

- Residents participate in the decisions about the services they receive.
- Residents are able to exercise choice and control over their lifestyle if this does not unreasonably infringe on the rights of other residents.

**8 Notice of other changes—Act, s 69(1)(d)**

The following matters are prescribed for section 69(1)(d) of the Act—

- (a) a change to the fire safety management plan for the registered premises that affects the plan's compliance with section 9 of this regulation;
- (b) a change in a matter relevant to whether the service provider or an associate of the service provider would be a suitable person under section 22 of the Act;

- (c) the local government for the area in which the registered premises are situated has decided that the premises do not comply with the prescribed building requirements.

## **9 Fire safety management plan—Act, s 75**

- (1) A fire safety management plan for premises<sup>2</sup> must state each of the following and comply with subsection (2)—
  - (a) the allowable number of occupants for the premises, taking into account room size requirements stated in the prescribed building requirements;
  - (b) the proposed maintenance schedule for the premises' fire safety equipment;
  - (c) the evacuation plan for evacuating the premises' occupants, including occupants with an intellectual or physical disability, in the event of a fire on the premises;
  - (d) the proposed training programs for occupants and persons employed on the premises about—
    - (i) fire management and prevention; and
    - (ii) emergency evacuation;
  - (e) a list of the premises' fire safety equipment, together with the brand name and model number of each piece of equipment, if applicable.
- (2) The fire safety management plan must have attached to it, or be accompanied by, a copy of the building plans, in a reasonable scale, identifying the location of the premises' fire safety equipment and fire exits.

## **10 Prescribed records—Act, s 77**

- (1) The service provider for a registered service must make and keep the following records—

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<sup>2</sup> Section 75 of the Act does not apply to premises that are a budget accommodation building, see section 74 of the Act. For premises that are a budget accommodation building, see the *Fire and Rescue Service Act 1990*, part 9A (Building fire safety), division 2 (Obligations of persons for fire safety).

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- (a) the full name, age, date of birth and gender of each resident in the service;
  - (b) the name and contact details of each resident's next of kin, if known, and any known substitute decision maker;
  - (c) details of each complaint received by the service provider about the service, including—
    - (i) the name of the person who made the complaint; and
    - (ii) the date the complaint was made; and
    - (iii) whether the complaint was oral or in writing; and
    - (iv) what action the service provider took to investigate and resolve the complaint; and
    - (v) the date the service provider took the action.
- (2) If the residential service provides a food service, the service provider must also make and keep a record of each resident's special dietary requirements, if any.

*Examples of special dietary requirements—*

- nutritional care plan made by a dietician
  - allergies or food intolerances
  - cultural observances
- (3) If the residential service provides a personal care service, the service provider must also make and keep a record of the following—
- (a) the daily living and medical or health supports required by each resident;
  - (b) the name and contact details of each resident's doctor;
  - (c) the name and contact details of each entity that referred a resident to the service, if known;
  - (d) the details of any direction or instruction given by each resident to the service provider, an associate of the service provider or a staff member of the residential service about the personal care service required by the resident.

- (4) The records mentioned in this section must be kept for at least 3 years after—
- (a) the day a resident to whom the record relates leaves the residential service; or
  - (b) if the resident dies while residing at the residential service, the day the resident dies.
- (5) In this section—
- next of kin* includes spouse.
- substitute decision maker* means—
- (a) an administrator appointed under the *Guardianship and Administration Act 2000*; or
  - (b) an attorney appointed under the *Powers of Attorney Act 1998*; or
  - (c) a guardian appointed under the *Guardianship and Administration Act 2000*.

## 11 Fees

The fees payable under the Act are stated in the schedule.

**Schedule****Fees**

section 11

1	Application for registration of residential service (Act, section 10) . . . . .	230.00
2	Application for accreditation of residential service (Act, section 47)—for each person who is a resident in the residential service when the application is made. . . . .	23.00
3	Application for renewal of accreditation of residential service (Act, section 50)—for each person who is a resident in the residential service when the application is made. . . . .	23.00
4	Application for amendment of accreditation of residential service (Act, section 53)—for each person who is a resident in the residential service when the application is made. . . . .	8.00
5	Application for replacement accreditation certificate (Act, section 60) . . . . .	28.80
6	Application for registration as service provider for a registered service (Act, section 61) . . . . .	114.00
7	Application for amendment of registration as service provider for a registered service (Act, section 64) . . . . .	173.00
8	Inspection of register of undertakings kept under the Act (Act, section 152) . . . . .	nil
9	Inspection of register of residential services kept under the Act (Act, section 179(4)(a)). . . . .	nil
10	Obtaining certificate stating information shown in the register of residential services kept under the Act (Act, section 179(4)(b)). . . . .	15.80

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2007. Future amendments of the Residential Services (Accreditation) Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	23 August 2002	
1A	2003 SL No. 54	1 April 2003	
1B	2003 SL No. 143 2003 SL No. 150	1 July 2003	
1C	2004 SL No. 15	12 March 2004	
1D	2004 SL No. 103	1 July 2004	
1E	2005 SL No. 135	1 July 2005	
1F	2006 SL No. 162	1 July 2006	
1G	2006 SL No. 227	1 September 2006	R1G withdrawn, see R2
2	—	1 September 2006	
2A	2007 SL No. 149	1 July 2007	

## 5 List of legislation

### **Residential Services (Accreditation) Regulation 2002 SL No. 215**

made by the Governor in Council on 22 August 2002

notfd gaz 23 August 2002 pp 1478–81

ss 1–2 commenced on date of notification

remaining provisions commenced 23 August 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

### **Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54**

ss 1–3 sch

notfd gaz 28 March 2003 pp 1125–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2003 (see s 2)

### **Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2003 SL**

No. 143 ss 1–3 sch

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

- Pastoral Workers' Accommodation Regulation 2003 SL No. 150 ss 1–2, pt 10**  
 notfd gaz 27 June 2003 pp 749–56  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2003 (see s 2)
- Residential Services (Accreditation) Amendment Regulation (No. 1) 2004 SL No. 15**  
 notfd gaz 12 March 2004 pp 966–7  
 commenced on date of notification
- Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2004 SL No. 103**  
 notfd gaz 25 June 2004 pp 573–81  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2004 (see s 2)
- Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2005 SL No. 135**  
 notfd gaz 24 June 2005 pp 639–45  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2005 (see s 2)
- Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2006 SL No. 162**  
 notfd gaz 30 June 2006 pp 1060–7  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2006 (see s 2)
- Building Regulation 2006 SL No. 227 ss 1–2, pt 13**  
 notfd gaz 18 August 2006 pp 1821–5  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 September 2006 immediately after the commencement of s 5 of the Building and Other Legislation Amendment Act 2006 No. 36 (see s 2 and 2006 SL No. 226)
- Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2007 SL No. 149 ss 1, 2(2), 3 sch**  
 notfd gaz 29 June 2007 pp 1157–65  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2007 (see s 2(2))

## **6 List of annotations**

- Services that are not residential services—Act, s 4(5)(m)**  
 s 3 amd 2004 SL No. 15 s 3
- Prescribed building requirements—Act, s 28**  
 s 4 amd 2003 SL No. 150 s 29; 2006 SL No. 227 s 74
- Prescribed records—Act, s 77**  
 s 10 amd 2003 SL No. 54 s 3 sch

**Fees**

**s 11** amd 2003 SL No. 143 s 3 sch

**Consequential amendments**

**s 12** om R1 (see RA s 40)

**SCHEDULE—FEES**

ins 2003 SL No. 143 s 3 sch

sub 2004 SL No. 103 s 3 sch; 2005 SL No. 135 s 3 sch; 2006 SL No. 162 s 3 sch; 2007 SL No. 149 s 3 sch

**SCHEDULE 1—FEES**

om 2003 SL No. 143 s 3 sch

**SCHEDULE 2—CONSEQUENTIAL AMENDMENTS**

om R1 (see RA s 40)