



Residential Services (Accreditation) Act 2002

Residential Services (Accreditation) Regulation 2002

Current as at 1 July 2015



Queensland

Residential Services (Accreditation) Regulation 2002

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Residential Services (Accreditation) Regulation 2002

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)(n)

- (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 5.7.
- (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 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 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.

Editor's note—

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 Emergency Services Act 1990*, chapter 3, part 9A, division 2.

- (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—
 - (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

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1 Application for registration of residential service (Act, s 10(2)(e)(i))	289.60
2 Application for accreditation of residential service (Act, s 47(2)(d))—for each person who is a resident in the residential service when the application is made	28.95
3 Application for renewal of accreditation of residential service (Act, s 50(3)(d))—for each person who is a resident in the residential service when the application is made	28.95
4 Application for amendment of accreditation of residential service (Act, s 53(2))—for each person who is a resident in the residential service when the application is made	10.30
5 Application for replacement accreditation certificate (Act, s 60(2))	36.60
6 Application for registration as service provider for a registered service (Act, s 61(2)(f)(i))	147.75
7 Application for amendment of registration of registered service (Act, s 64(2)(e))	218.65
8 Inspection of register of undertakings (Act, s 152(2))	nil
9 Inspection of register of residential services (Act, s 179(4)(a))	nil
10 Obtaining certificate stating information shown in register of residential services (Act, s 179(4)(b))	20.10

1 Index to endnotes

- 2 Key
- 3 Table of reprints
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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	23 August 2002	
1A	2003 SL No. 54	1 April 2003	

Reprint No.	Amendments included	Effective	Notes
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	
2B	2007 SL No. 326	14 December 2007	
2C	2008 SL No. 266	1 September 2008	
2D	2009 SL No. 120	1 July 2009	
2E	2010 SL No. 128	1 July 2010	
2F	2012 SL No. 97	6 July 2012	

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 128	
21 May 2014	2014 Act No. 17	RA s 35
1 July 2014	2014 SL No. 121	
1 July 2015	2015 SL No. 64	RA s 35

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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 31 August 2015 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

Notes—(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))

Building and Other Legislation Amendment Regulation (No. 3) 2007 SL No. 326 pts 1, 7

notfd gaz 14 December 2007 pp 2131–5

commenced on date of notification

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266

notfd gaz 22 August 2008 pp 2651–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2008 (see s 2)

Fair Trading (Fees) Amendment Regulation (No. 1) 2009 SL No. 120

notfd gaz 26 June 2009 pp 831–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

Fair Trading and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 128 pts 1, 23

notfd gaz 18 June 2010 pp 529–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 10

notfd gaz 6 July 2012 pp 759–60

commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 10

notfd gaz 28 June 2013 pp 739–47

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 (see s 2)

Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 4

date of assent 21 May 2014
commenced on date of assent

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2014
SL No. 121 pts 1, 10**

notfd <www.legislation.qld.gov.au> 20 June 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2015
SL No. 64 pts 1, 9**

notfd <www.legislation.qld.gov.au> 26 June 2015
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2015 (see s 2)

5 List of annotations

Services that are not residential services—Act, s 4(5)(n)

s 3 amd 2004 SL No. 15 s 3; 2012 SL No. 97 s 19

Prescribed building requirements—Act, s 28

s 4 amd 2003 SL No. 150 s 29; 2006 SL No. 227 s 74; 2007 SL No. 326 s 16

Fire safety management plan—Act, s 75

s 9 amd 2014 Act No. 17 s 184 sch 1 pt 4

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

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; 2008 SL No. 266 s 3 sch; 2009 SL No. 120 s 3 sch;
2010 SL No. 128 s 53; 2012 SL No. 97 s 20; 2013 SL No. 128 s 20; 2014 SL No.
121 s 20; 2015 SL No. 64 s 18

SCHEDULE 1—FEES

om 2003 SL No. 143 s 3 sch