

**Queensland**



**Subordinate Legislation 2002 No. 215**

***Building Act 1975***  
***Integrated Planning Act 1997***  
***Residential Services (Accreditation) Act 2002***

**RESIDENTIAL SERVICES (ACCREDITATION)  
REGULATION 2002**

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## 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 retirement village scheme registered under the *Retirement Villages Act 1999* is not a residential service.

(2) However, for a retirement village scheme registered under that Act before 23 August 2002, subsection (1) 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.

(3) Also, for a retirement village scheme registered under that Act on or after 23 August 2002, subsection (1) 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.

(4) In this section—

**“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—

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

**“Queensland Development Code”** see the *Standard Building Regulation 1993*, section 5.<sup>2</sup>

## **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.

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2 *Standard Building Regulation 1993*, section 5 (Definitions)—

**“Queensland Development Code”** means the Queensland Development Code published by the department as at 23 August 2002.

**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>3</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>3</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).

- (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—

**“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 schedule 1.

## **12 Consequential amendments**

Schedule 2 amends the regulations it mentions.

**SCHEDULE 1****FEES**

section 11

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| 1.  | Application for registration of residential service—Act, s 10  | \$200  |
| 2.  | Application for accreditation—Act, s 47  | \$20 for each person who is a resident in the residential service when the application is made |
| 3.  | Application for renewal of accreditation—Act, s 50   | \$20 for each person who is a resident in the residential service when the application is made |
| 4.  | Application for amendment of accreditation—Act, s 53   | \$7 for each person who is a resident in the residential service when the application is made  |
| 5.  | Application for replacement accreditation certificate—Act, s 60                                      | \$25   |
| 6.  | Application for registration as service provider—Act, s 61   | \$100  |
| 7.  | Application for amendment of registration—Act, s 64  | \$150  |
| 8.  | Inspection of register of undertakings—Act, s 152  | Nil  |
| 9.  | Inspection of register of residential services—Act, s 179(4)(a)                                      | Nil  |
| 10. | Obtaining certificate stating information shown on register of residential services—Act, s 179(4)(b) | \$13.70  |

## **SCHEDULE 2**

### **CONSEQUENTIAL AMENDMENTS**

section 12

#### **INTEGRATED PLANNING REGULATION 1998**

**1 Section 8(e), after ‘relating to’—**

*insert—*

‘health or’.

#### **STANDARD BUILDING REGULATION 1993**

**1 Section 5, definition “Queensland Development Code”—**

*omit, insert—*

‘“Queensland Development Code” means the Queensland Development Code published by the department as at 23 August 2002.<sup>4</sup>’.

**2 After section 83C—**

*insert—*

#### **‘PART 7B—RESIDENTIAL SERVICES**

##### **‘83D Definitions for pt 7B**

‘In this part—

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4 Copies of the Queensland Development Code are available for inspection at the department’s office at 41 George Street, Brisbane. The Queensland Development Code is also available for inspection on the department’s website at [www.dlgp.qld.gov.au](http://www.dlgp.qld.gov.au).

## SCHEDULE 2 (continued)

**“building work”** means building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building.

**“local government”**, for premises, means the local government for the local government area in which the premises are, or will be, situated.

**“prescribed building requirements”** means the requirements stated in QDC, part 20.<sup>5</sup>

**“residential service”** see the *Residential Services (Accreditation) Act 2002*, section 4.

**‘83E Building work for residential service**

‘(1) This section applies if a development application is made for building work in relation to premises in which a residential service is conducted, or is proposed to be conducted.

‘(2) The application must not be approved unless the local government gives written advice that, if the building work were carried out, the premises would comply with the prescribed building requirements.’

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ENDNOTES

1. Made by the Governor in Council on 22 August 2002.
2. Notified in the gazette on 23 August 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Office of Fair Trading.

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5 QDC, part 20 (Residential Services Building Standard)