

# Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020

## Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Michael de Brenni MP, Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport, provide this human rights certificate with respect to the Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020 made under the *Residential Services (Accreditation) Act 2002*.

In my opinion, the Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

Retirement villages are regulated under the *Retirement Villages Act 1999* (RV Act).

All retirement villages in Queensland must be registered under the RV Act

A leasehold or licence retirement village scheme, or that part of a leasehold or licence retirement village scheme, that comprises accommodation units that are:

- not self-contained or
- self-contained where residents are provided with a food service or personal care service;

will be a residential service, unless it is an aged care service conducted under the *Aged Care Act 1997* (Cth).

Residential services including, for example, boarding houses and aged rental schemes are regulated under the *Residential Services (Accreditation) Act 2002* (RSA Act) and must register and be accredited under the RSA Act.

Section 4 of the RSA Regulation exempts a retirement village scheme from the RSA Act if the scheme is accredited by a body recognised by the Chief Executive. This is to avoid unnecessary regulation and registration of retirement villages under two different legislative schemes.

Previously, a retirement village accredited by Aged Care Queensland, was exempt from registration and accreditation as a residential service under the RSA Act. However, Aged Care Queensland no longer exists, and so there was no recognised industry body to accredit retirement villages. The Australian Retirement Village Accreditation Scheme (ARVAS) is a new voluntary industry accreditation scheme for retirement villages and seniors housing which was established by the industry groups Property Council of Australia (PCA) and Leading Age Services Australia (LASA). ARVAS commenced operating in October 2019.

The purpose of the Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020 is to extend the transitional provision in the RSA Regulation for two years to allow more operators to voluntarily become compliant and accredited with a new industry body.

If the extension to the transitional provisions regarding accreditation of retirement villages is not made, the undesired consequence is that retirement villages will be subject to regulation and registration under both the RV Act and RSA Act. This would impose costs on operators which may be passed on to residents. There will also be a cost to the department which would need to register and accredit the relevant retirement villages as residential services. To date, there has been no disadvantage to residents referable to villages not having to register under the RSA Act.

## Human Rights Issues

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020 is considered essential to prevent dual regulation and registration for retirement villages.

This amendment in no way limits the human rights of an individual.

## Conclusion

In my opinion, the Residential Services (Accreditation) (Extension of Transitional Provision for Retirement Villages) Amendment Regulation 2020 is compatible with the *Human Rights Act 2019* because it does not raise human rights issues or limit an individual's human rights.

**MICHAEL DE BRENNI MP**  
MINISTER FOR HOUSING AND PUBLIC WORKS  
MINISTER FOR DIGITAL TECHNOLOGY AND  
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