

## Queensland



### Regulatory Impact Statement for SL 2002 No. 215

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

# RESIDENTIAL SERVICES (ACCREDITATION) REGULATION 2002

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## 1 TITLE

Proposed Regulation to the *Residential Services (Accreditation) Act 2002*.

## 2 BACKGROUND

The Queensland Government proposes to introduce Regulation to the *Residential Services (Accreditation) Act 2002* (the Act). The Act and associated Regulation are new legislation and will be administered by the Office of Fair Trading, a division of the Department of Tourism, Racing and Fair Trading.

Residential Services are defined in section 4 of the Act as:

(1) A service is a “**residential service**” if—

- (a) the main purpose of the service is to provide accommodation, in return for payment of rent, in 1 or more rooms; and
- (b) the room or rooms are occupied, or available for occupation, in the course of the service by at least 4 residents; and
- (c) in the course of the service each of the residents—
  - (i) has a right to occupy 1 or more rooms; and
  - (ii) does not have the right to occupy the whole of the premises in which the rooms are situated; and
  - (iii) does not occupy a self-contained unit; and

- (iv) shares other rooms, or facilities outside of the resident's room, with 1 or more of the other residents.

*Example—*

A service conducted in a boarding house in which each of the residents occupies a room and shares a bathroom, kitchen, dining room and common room with the other residents.

**(2)** Also, a service is a **“residential service”** if—

- (a) subsection (1)(a) and (b) apply to the service; and
- (b) in the course of the service, each of the residents—
- (i) has a right to occupy 1 or more rooms; and
- (ii) does not have a right to occupy the whole of the premises in which the rooms are situated; and
- (iii) is provided with a food service or personal care service.

*Example 1—*

A service, providing rental accommodation to older persons, in which each of the residents occupies a self-contained unit and is provided with a food service or personal care service.

*Example 2—*

A service conducted in a supported accommodation in which each of the residents occupies a room, shares a bathroom, dining room and common room and is provided with meals and a personal care service such as assistance with bathing and dressing.

**(3)** Also, a service is a **“residential service”** if—

- (a) subsection (1)(a) and (b) apply to the service; and
- (b) the service is prescribed under a regulation to be a residential service.

**(4)** For subsection (1)(a), it is immaterial whether or not the rooms are in the same premises.

(The definitions relate to what are commonly known as privately owned boarding houses, supported accommodation hostels and aged rental facilities (“residential services sector”).)

The Act will provide for:

- a registration process which aims to protect residents by ensuring the probity and suitability of persons operating in the industry and by

providing for Regulation to ensure the safety and suitability of residential premises; and

- an accreditation system which aims to encourage continuous quality improvement and will establish (through a Regulation) a set of industry standards.

The Regulation, for which this regulatory impact statement (RIS) is being prepared, will establish the prescribed building standards, the accreditation standards and fees to be charged by Government to administer the regulatory scheme.

### **3 STAKEHOLDERS**

#### **3.1 CONSUMERS**

The residential services industry provides housing for approximately 10,000 people with approximately 5,000 to 5,500 living in boarding houses; 2,000 to 2,500 living in supported accommodation facilities; and over 1,000 people living in aged rental complexes.

Residents within the residential services sector are often frail, elderly, have psychiatric or physical disabilities or are unemployed. Twenty to thirty years ago, many of the people living in supported accommodation today would have been living in state-run or state-subsidised institutions of various types.

Today this form of institutional care is discouraged, and institutional reform initiatives have ensured that remaining facilities are being progressively phased out and closed down.

Older people's private rental complexes are a relatively new type of privately operated accommodation specifically targeted to older people whose primary, and usually sole source of income is the Age Pension. The ageing population and high occupancy rates of other affordable housing options have resulted in a demand for this alternative accommodation option that offers meals and basic support services.

Over recent years, residents entering boarding houses have been identified as having complex support needs and requiring greater levels of care and/or behavioural support. Previous research indicates that some people live in this accommodation because of a lack of resources to live

more independently elsewhere. A percentage of residents have been excluded from, or are awaiting entry to, public or not-for-profit community housing. For others, hostels, boarding houses and aged rental facilities may be an affordable and/or desirable type of accommodation that meets locational and social needs.

### **3.2 RESIDENTIAL SERVICES INDUSTRY**

There are three distinct, but related parts to the private for profit sector providing multi-person dwellings:

- supported accommodation facilities are targeted specifically to people who require support to live within the community. Meals and personal care services are provided to residents;
- boarding houses primarily offer room only accommodation (some continue to provide meals) and access to shared bathroom and kitchen facilities; and
- aged rental accommodation, targets older people on low incomes. Aged rental accommodation is in the form of compact units, generally offering three meals a day, a limited weekly linen service and a small number of communal facilities.

The database developed by the HIDU shows that there are 305 boarding houses and flatettes; 112 supported accommodation facilities (including operators with multiple small premises); and 32 aged rental complexes in Queensland. The Department of Tourism, Racing and Fair Trading is aware of proposals to build 2,500 aged rental units in the coming year. However, based on a comparison and analysis of a number of similar databases it is estimated that there may be up to 20% more premises and 10% more tenants than contained in the HIDU database.

Over 80% of known accommodation facilities are located in south-east Queensland (65% in Brisbane, 9% in Ipswich and 7% in Toowoomba) with the remaining facilities located on the Gold and Sunshine Coasts and northern regional centres such as Cairns, Townsville and Mackay.

### **3.3 STATE GOVERNMENT**

Disability Services Queensland (DSQ) regional area offices may provide accommodation and referral to people with a disability who are eligible to receive support from DSQ. In some of these situations this accommodation may be in residential services.

A broad range of State legislation, which relates to building standards, applies to residential services. Responsibility for the enforcement of the majority of that legislation rests with local governments. The legislation includes:

- *Australia New Zealand Food Authority Food Standards Code*—governs structural standards to ensure hygiene in commercial kitchens;
- *Building Code of Australia & Queensland Development Code*—governs structural standards for buildings;
- *Building Act 1975*—provides for amongst other things, building fire safety standards;
- *Fire and Rescue Service Act 1990*—contains amongst other things further provisions relating to building fire safety; and
- *Health Act 1937* and *Health Regulation 1996*—public health provisions including vermin control.

Queensland Fire and Rescue Service is vested with the responsibility to inspect fire safety management plans prepared by residential service providers, to conduct random audits to ensure building fire safety and is an advice agency for the assessment of building development applications involving alternative solutions which require fire safety management procedures.

### **3.4 LOCAL GOVERNMENT**

Many local governments operate local laws that require rental accommodation with shared facilities, including boarding houses and supported accommodation, to comply with building standards and to register their business.

As identified in 3.2 above, 84% of the residential services recorded on the HIDU database are located in south east Queensland (this includes 65% Brisbane, 9% Ipswich and 7% in Toowoomba). Each of these local councils operate relevant local laws. The remaining 69 premises (16%) are distributed throughout approximately 28 local government areas. Seven of these local governments do not operate local laws that relate specifically to boarding houses or rental accommodation with shared facilities.

In addition, local governments are also responsible for the enforcement of a number of State statutes and subordinate legislation that is relevant to residential service premises including:

- The *Australia New Zealand Food Standards Code* governs structural standards of a variety of commercial kitchens including residential services that provide a food service. Local governments have a duty to enforce this legislation within their individual areas and provides that they may licence a variety of food businesses.
- The *Building and Other Legislation Amendment Act 2002* places a responsibility on local governments to enforce building fire safety standards. This includes compliance inspections of residential service buildings in some circumstances.
- The *Health Regulation 1996* places a duty on local governments to enforce this regulation in relation to vermin control.

## **4 AUTHORISING LAW**

*The Residential Services (Accreditation) Act 2002*

## **5 POLICY OBJECTIVES**

Residents of the residential services sector are some of the most vulnerable people in the Queensland community. With few exceptions, they have limited incomes and many experience a range of disadvantages, including intellectual and/or psychiatric disability, drug and alcohol problems, brain injury, problems associated with ageing, social and economic disadvantage, and social isolation. Given this profile, these residents are more susceptible to exploitation than many other groups in the community and often are unable to exercise the consumer choices that might otherwise allow them to avoid situations of long-term exploitation or abuse.

They surrender a high percentage of their annual income to service providers, the amount of which does not always reflect the level of quality or range of services provided to residents.

The residential services industry is currently unregulated amidst a range of similar service providers required by legislation to adhere to certain standards and conduct requirements.

A number of factors suggest that competition in the industry may be constrained resulting in the market failing to regulate its own standards

effectively. The industry is almost entirely dependent upon disability pension and rental assistance for its income, neither of which is variable. Price competition is limited. Potential residents do not commonly 'shop around' and accommodation decisions are influenced by a number of factors in addition to price, such as the type of services provided, geographical location of the accommodation and proximity to external services such as health care. As there is little or no opportunity to increase revenue through increased prices there is little incentive to improve the standard of services.

The standards of services and accommodation experienced by residents are the substance of many complaints received by government agencies from residents and their advocates.

The proposed legislation aims to improve accommodation standards for residents by introducing Regulation to establish minimum operating standards with which residential service providers must comply, and minimum standards for residential service buildings.

The Queensland Government proposal to regulate the residential services industry is in response to immediate concerns regarding the safety and well being of residents and follows a number of heavily publicised instances of abuse and neglect of residents. It also responds to the needs and expressed wishes of reputable industry members to improve the image of the industry and raise substandard operating practices to acceptable levels.

## **6 LEGISLATIVE INTENT**

To address low standards of service and accommodation experienced by residents and to ensure its priorities and outcomes are achieved, the Queensland Government proposes to introduce Regulation to the Residential Services (Accreditation) Act 2002. The overall objectives of the Act are to: protect the health, safety and basic freedoms of residents; encourage service providers to continually improve the way they conduct residential services; and support fair trading in the residential services industry. Regulation to the Act will provide for industry standards, and fees to be charged by the agency administering the legislation.

Guiding principles for the proposed industry standards are:

- that services should be provided in a safe physical environment;

- that wherever possible, support services for residents should be delivered through agencies external to the facility;
- resident entitlement to choice of medical practitioner or other provider of health services;
- resident entitlement to quiet enjoyment of the facility;
- resident entitlement to independence and freedom of choice including:
  - the right to choose and pursue friendships with members of either sex
  - the right to practice religious and cultural customs
  - the right to participate in activities of choice as long as they do not unreasonably infringe upon the rights of others;
- resident entitlement to be free from exploitation or abuse from the operator or staff; and
- residents and/or their representatives are free to raise and have resolved any complaint or dispute they may have regarding the facility and its services with either the management or with external agencies.

Any proposal to regulate the industry will not extend to residential services already regulated under other schemes. Exclusions for residential services include public and not-for-profit community accommodation providers that abide by standards set out under other regulatory schemes such as:

- aged care services conducted under the *Commonwealth Aged Care Act 1997*;
- services conducted by, or with financial assistance from, the housing department or the Queensland Housing Commission; and
- authorised mental health services under the *Mental Health Act 2000*.

A comprehensive list of exemptions is provided in the Act. Exemptions may also be prescribed by Regulation. It is proposed that an exemption be provided by Regulation for retirement village schemes registered under the *Retirement Villages Act 1999* and accredited under the accreditation scheme of the industry association, Aged Care Queensland.

Retirement village schemes registered under the *Retirement Villages Act 1999* would be required to have obtained industry accreditation within two years of the date of commencement of the *Residential Services*



(Accreditation) Act 2002, or from commencement of a new registered retirement village scheme.

This exemption will include rental units, which are provided with a food service and are located within a retirement village but are not part of the retirement village scheme. This will remove the potential for two different accreditation schemes with similar standards from operating in one retirement village.

#### **BUILDING STANDARDS**

Residential service providers will be required by the Act to provide evidence at registration stage that premises comply with minimum standards prescribed by Regulation relating to building safety and suitability. These standards aim to ensure the health and safety of residents.

#### **ACCREDITATION STANDARDS**

The accreditation scheme, established by the Act, aims to ensure that residential services comply with agreed industry operating standards and continue to comply with minimum building standards to facilitate the protection of residents' health, safety and basic freedoms.

Three levels of accreditation for residential services are proposed. Depending upon the services provided, a residential service operator may require accreditation at more than one level. All services must be accredited at level 1 (Accommodation Services). Services that provide food must also be accredited at level 2 (Food Services) and services that provide personal care services must also be accredited at level 3 (Personal Care Services). The Act will prohibit the conduct of a residential service unless it is accredited at the relevant level. It is proposed that the standards will be prescribed by Regulation.

#### **FEES**

The Regulation will set a number of fees for the purposes of the Act. These will include registration and accreditation fees, renewal of accreditation fees and fees for inspections of the register of undertakings and register of residential services. The fees are intended to only partially recover costs incurred by administering the regulatory scheme.

## **7 CONSISTENCY WITH THE AUTHORISING LAW**

The Regulation is consistent with the authorising law.

## **8 CONSISTENCY WITH OTHER LEGISLATION**

The standard of residential services is influenced by a plethora of legislation. The accreditation standards to be prescribed by Regulation aim to complement those existing regulatory regimes to produce a holistic approach to regulation.

The Regulation is consistent with other legislation.

### **8.1 LOCAL LAWS**

The building standards to be prescribed by Regulation reflect the standards contained in the *Brisbane City Council local law (Accommodation Standards) 1999* and subordinate local law. Sixty-five percent (65%) of residential services recorded on the HIDU database are located within the Brisbane City Council's jurisdiction.

A further 32% of residential services recorded on the database have a local law that contains some or all of the building standards to be prescribed by Regulation. Where the State and local law are inconsistent, the State law will prevail over the local law to the extent of the inconsistency. Local laws may retain additional standards for matters not covered by the Regulation.

### **8.2 BUILDING AND OTHER LEGISLATION AMENDMENT ACT 2002, FIRE AND RESCUE SERVICE ACT 1990, BUILDING ACT 1975**

The *Building and Other Legislation Amendment Act 2002* amends the *Building Act 1975* and the *Fire and Rescue Service Act 1990*. It provides for requirements relating to the preparation of fire safety management plans and a Regulation to prescribe a revised Fire Safety Standard.

All budget accommodation buildings including residential service buildings, that are intended to provide accommodation for 6 or more unrelated residents, must comply with this standard. The Act requires as a minimum, that smoke alarms and emergency lighting be installed in all budget accommodation buildings within one year. Smoke alarms will ensure occupants are provided with early warning of a fire, while emergency lighting will guide them safely out of the building.

The Regulation to the Act will apply to services that are intended to provide accommodation for 4 or more unrelated residents. To ensure consistency across all residential services, minimum building fire safety

standards will be prescribed by the accreditation Regulation for premises that provide accommodation for 4 or 5 residents.

### **8.3 ANZFA FOOD STANDARDS CODE**

The *ANZFA Food Standards Code* sets out requirements for the design and construction of commercial kitchens including those of residential services that provide a food service.

Building requirements prescribed by the proposed Regulation to the Act that relate to kitchen facilities, refer directly to the above food hygiene legislation and propose a number of acceptable solutions for compliance with the requirements of the legislation.

## **9 OPTIONS AND ALTERNATIVES**

This regulatory impact statement evaluates three options to achieve the improvement of standards in residential service accommodation. These are:

- no regulation;
- self-regulation; and
- mandatory standards prescribed by Regulation.

### **9.1 NO REGULATION**

Consumers as residents in the residential services industry have been identified as extremely vulnerable to deceptive or inexperienced behaviour and in need of basic consumer protection to safeguard their health and wellbeing. Regulation to the Act would form an integral part of the new regulatory regime by introducing standards against which a service will be assessed.

By retaining the status quo and failing to introduce the Regulation there would be continued reliance upon the current fragmented and inconsistent regulation of the residential services industry and residents would continue to experience low standards and be placed at risk of exploitation or abuse.

### **9.2 SELF-REGULATION**

Self-regulation relies on industry to regulate and monitor its own performance. This occurs principally through the involvement of a major

industry association in developing voluntary codes of conduct or accreditation processes.

It is widely recognised that an industry or professional association, which is broadly representative of an industry or profession/occupation, is critical to the development and maintenance of voluntary standards. An analysis of various related and non-related industries confirms the necessity for a commitment by industry associations to enforcing the adherence of their members to a 'Code of Ethics' and 'Rules of Professional Conduct'. This is not only a means of increasing industry standards and consumer satisfaction, but increases the industry's credibility and the benefits associated with it.

Self-regulation aims to provide a flexible approach to addressing areas of market failure that tarnish the image of whole sectors of trade. Industry associations would work with industry to develop standards for market conduct and enforce those standards, using membership to the association as a lever for penalty in the event of non-compliance.

### **9.3 MANDATORY STANDARDS PRESCRIBED BY REGULATION**

Proposed mandatory standards are based on draft standards that were tested in a number of facilities in 1999/2000. Performance indicators would be developed in consultation with industry and community representatives to aid objective assessment against the standards.

#### **MANDATORY BUILDING STANDARDS**

The introduction of minimum building standards is proposed. These standards will establish minimum requirements for food preparation areas, sanitary facilities, ventilation of premises, size of bedrooms and adequacy of recreational areas. They will also require that service providers demonstrate that the premises comply with current building fire safety standards. A number of the standards are currently mandatory under separate legislation such as the *ANZFA Food Standards Code*, the *Building Act* and *Health Act* and *Health Regulation*. The residential services Regulation aims to draw these requirements together.

#### **ACCREDITATION STANDARDS FOR ACCOMMODATION SERVICES**

These standards aim to:

- ensure residents' basic freedoms by requiring such things as recognition and respect for residents' rights to privacy and confidentiality, implemented policies on prevention of abuse and

neglect, and residents' access to professional case workers and advocates;

- ensure the health and safety of residents through the maintenance and amenity of residential service buildings; and
- ensure that management and staffing procedures provide for regulatory compliance with all relevant legislation and that appropriate staff are employed in sufficient numbers.

#### ACCREDITATION STANDARDS FOR FOOD SERVICES

This level of accreditation will apply to residential services that provide meals and will relate to food hygiene standards that are already mandated by the *ANZFA Food Standards Code*. In addition, it will regulate the quality of the food service and will require food to be provided which is adequate in quantity, variety and nutritional value to meet each person's daily food requirements. This aims to address issues of concern that have been raised by resident advocates who receive complaints concerning the standard of accommodation and services, including the adequacy and quality of the food provided.

#### ACCREDITATION STANDARDS FOR PERSONAL CARE SERVICES

Personal care services are defined in the Act and include providing a resident with help in bathing and attending to personal hygiene, dressing or undressing, consuming a meal, meeting a mobility problem, taking medication or assistance in managing a resident's financial affairs.

Government recognises that there is a risk of abuse where there is whole of life control over residents with a disability. Many residential service providers deliver personal care services to residents in the absence of other care options. Even in circumstances where external services are available, staff at a residential service may continue to be involved in assisting a resident to meet daily needs or to undertake basic activities.

The accreditation system recognises this reality and the need for basic protection for residents and proposes to set down, by Regulation, minimum standards for the delivery of personal care services to residents.

## **10 COST-BENEFIT ASSESSMENT**

### **10.1 STANDARDS**

Complaints received by Government agencies and resident advocates evidence the low standard of some residential service buildings. It is clear from those low standards that the market conditions do not promote a competitive environment where operators compete on the grounds of quality of accommodation and services. Neither has the market demonstrated an ability to regulate its standards comprehensively and successfully.

Local laws exist in a number of local government areas to regulate the building standards of residential services. This legislation aims to build on those existing building and health standards. However, the Queensland Government has recognised that there are some inconsistencies between local governments in the development, implementation and administration of local laws.

Accreditation standards would reduce these inconsistencies to ensure that residents across Queensland have access to the same standards of accommodation and service delivery regardless of their location and that operators of residential services are dealt with consistently and operate on a level playing field.

The proposal to introduce minimum operating standards through Regulation for rental accommodation that provides personal care services for people with a disability, cannot fully resolve concerns raised by advocacy organisations concerning privately run services. It is however a strategy to balance those concerns with the need to retain services for residents, and aims to minimise risk.

For the purposes of this regulatory impact statement, evaluation of the proposed standards will be restricted to those standards that are not already mandatory, or in the process of becoming mandatory, under other specific legislation. For example, building fire safety standards for buildings that provide accommodation for 6 or more people, general building design and construction requirements and commercial kitchen design and construction standards will not be evaluated. The draft building standards code is presented in Appendix 1 and draft accreditation standards are presented in Appendix 2.

### **10.1.1 Impacts of Mandatory Standards on Residents**

The introduction of requirements to improve the standard of residential services accommodation and services is expected to present a positive impact on the health, safety and living conditions of residents by providing a safe physical environment.

#### **BUILDING STANDARDS**

General building standards will relate to all residential services and will ensure the suitability and amenity of premises. Specific provisions relating to kitchens, dining rooms and laundries will depend upon whether residents prepare their own meals and wash their own laundry or whether services are provided.

For residents who prepare their own meals, kitchen and dining facilities that comply with the standards will enable those residents to prepare and consume adequate and appropriate meals in a safe and hygienic environment. Residents who wash their own laundry will be provided with adequate facilities to ensure that appropriate levels of cleanliness and personal hygiene can be achieved.

The provision of adequate common areas (lounge rooms, verandahs and other places for general relaxation and socialising) both indoors and outdoors will encourage social interaction and reduces the risk of residents becoming socially isolated. Standards relating to adequate space and privacy in bedrooms and sanitary facilities are intended to ensure that residents are treated with appropriate respect and dignity and reside in an environment that is as close to a home environment as possible.

#### **BUILDING FIRE SAFETY FOR PREMISES INTENDED TO ACCOMMODATE 4 OR 5 PEOPLE**

Facilities of this size will not be subject to building fire safety standards contained in the *Building and Other Legislation Amendments Act 2002* (discussed in 8.2 above). Minimum building fire safety standards requiring the provision of smoke alarms and emergency lighting will however be imposed on these smaller facilities through Regulation to the *Residential Services (Accreditation) Act*. The Regulation will also define a fire safety management plan that is required for the purposes of registration. This will ensure that the safety of vulnerable residents in this type of accommodation is not compromised and that they benefit from improved levels of building safety.

## LEVEL 1 ACCREDITATION—ACCOMMODATION SERVICE STANDARDS

These standards can be broken down into three categories:

- meeting residents' needs and rights
- building and amenities
- management and staffing.

The standards relate to general welfare issues and reflect a number of the principles underpinning the regulation described in part 6 of this report. Residents will benefit from a requirement that residential service providers implement policies to ensure a minimum level of operating standards. These policies will address operational issues such as: dealing with resident grievances, ensuring that residents have access to professional caseworkers and ensuring residents' rights to privacy and confidentiality are recognised and respected.

## LEVEL 2 ACCREDITATION—FOOD SERVICE STANDARDS

In addition to requiring compliance with food hygiene legislation, food service standards will aim to ensure that residents are provided with adequate meals.

Residents' health is dependent upon nutritionally adequate meals in appropriate portions. Residents who are malnourished are often at greater risk of infection and illness.

It should be a basic entitlement for residents to be served with adequate and nutritious food. The Department however is aware of a number of complaints concerning the quantity and quality of meals served by residential services and the subsequent need for residents who are able, to use their limited funds to purchase additional food to supplement those meals.

Provisions will require that meals are adequate in quantity, variety and nutritional value and take into account particular dietary needs.

## LEVEL 3 ACCREDITATION—PERSONAL CARE STANDARDS

Government policy concerning the provision of services to people with a disability, as expressed in the *Disability Services Act 1992* (DSA), indicates that for people with a disability there is a risk of abuse when there is whole of life control over residents, as in the case of many supported accommodation facilities.



Personal care standards recognise that these services are currently an integral part of many residential services. The standards provide a basic level of protection by ensuring that policies and procedures are in place to minimise risks. The standards reinforce the principles of the legislation discussed in part 6 of this report.

### NEGATIVE IMPACTS

Whilst the introduction of mandatory standards is expected to produce significant benefits for residents there may also be some negative impacts in limited circumstances.

Studies conducted by the Department of Housing have indicated that residential service businesses are valuable in terms of the potential to realise capital gains. They are however only considered to be marginally viable under their current operating arrangements in terms of cash flow and return on capital. As a consequence of financial constraints some service providers may be unable to meet improved standards without increasing rents. As discussed above, the majority of residents are dependent upon disability pensions, age pensions and income support which is not variable.

This restricts residents' ability to absorb rent increases and may result in a number of scenarios:

1. Residents relocating to cheaper alternative accommodation wherever possible. This accommodation may be in an outer suburb where lifestyle changes would be necessary. The move away from support networks and social contacts to areas where local service infrastructure does not provide adequate facilities may result in increased isolation for some residents.
2. Residents may be unable to find appropriate, affordable long-term accommodation, which may result in acceptance of temporary housing solutions.
3. In extreme cases residents may become homeless.

Industry consultation has also suggested that the costs associated with meeting mandatory standards may result in a number of closures of residential services, again possibly resulting in the scenarios described above.

The introduction of mandatory standards is unlikely to be the sole reason for a facility closing, however it may be a contributory factor for those facilities which are already experiencing serious financial difficulty or which are in an advantageous position to benefit from redevelopment of their land by property developers.

A number of strategies are being developed by Government to negate any adverse impacts of regulation on residents. These aim to minimise the risk of closure and to minimise the risk of residents becoming homeless if closures do indeed result.

The Act requires operators to give notice of closure to the Chief Executive of the Department at least 30 days before ceasing to provide the service, unless they have a reasonable excuse.

The benefits to residents of improved standards of residential services are expected to significantly outweigh the costs described above.

Strategies relating to minimising the risk of closures are discussed below in Impacts of Mandatory Standards on Industry.

#### IMPACTS OF MANDATORY STANDARDS COMPARED WITH NO REGULATION

The current industry practices relating to business operation and poor maintenance of facilities suggest that a failure to introduce mandatory standards will result in continued low standards and significant negative impact on residents.

The need for industry standards was reinforced by comments made by the Coroner during a recent inquest into the death of a resident of a supported accommodation facility, in 1999 in Queensland. The Coroner commented that: *“In my view this is an area which cries out for a thorough and proper investigation by an appropriately appointed independent Inquiry. For example, perhaps there should be an independent regulatory body appointed to oversee the conditions of facilities such as these.”*

#### IMPACTS OF MANDATORY STANDARDS COMPARED WITH SELF-REGULATION

The effectiveness of self-regulation, administered by industry associations, in providing desired outcomes rests on any marketing advantages that may be gained by association membership and adherence to the code, and the sanctions established for failing to comply with the code.

The residential services industry is not currently a particularly competitive market. The proportional representation of the industry, by industry associations is relatively small. There are therefore, few competitive advantages to be gained from association membership or voluntarily improving standards in line with a voluntary code. Substandard operators who do not subscribe to voluntary standards are unlikely to face

lower occupancy rates or charge lower rents and are unlikely to be forced out of the industry.

It follows therefore, that sanctions associated with voluntary codes such as suspension of membership are unlikely to be effective in improving industry standards. Education campaigns that often form a significant part of self-regulation arrangements, are unlikely to be effective given the nature of the market and consumer profile.

Consequently, this option is only likely to be of a very small benefit to consumers in facilities where operators choose to be part of a self-regulation regime. It is anticipated that this would be a minimal number of industry members.

### **10.1.2 Impacts of Mandatory Standards on Industry**

The introduction of mandatory building and operating standards is expected to have a moderate to high financial impact on the industry. Whilst this impact may be most significant for operators who have not maintained their buildings to contemporary standards, it is acknowledged that the costs associated with the additional administrative tasks relating to accreditation will also be significant. The introduction of mandatory standards would bring the residential services industry into line with other rental and care giving facilities.

#### **BUILDING STANDARDS**

In February 2002 the Department of Housing undertook a project to obtain further background information to scope the potential for an affordable loan package to assist owners/operators meet the costs of building upgrades required to achieve the proposed residential services accreditation standards. The project included case studies of ten supported accommodation hostels and ten boarding house premises to obtain independent estimates of the likely physical upgrade costs.

Costs ranged from \$0 to \$49,800<sup>1</sup> for the supported accommodation buildings inspected and between \$2,000 and \$54,000 for the boarding houses inspected. It should be noted however that these costs included kitchen and fire safety improvements. The costs associated with kitchen design and structural standards for compliance with ANZFA food standards legislation, and building fire safety improvements (in buildings that provide

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<sup>1</sup> *Physical upgrade costs to meet the proposed Residential Services Sector Standards for the Department of Housing.* Austin Australia Pty Ltd, February 2002.

accommodation for 6 or more people) for compliance with the *Building and Other Legislation Amendment Act 2002* do not form part of this regulatory assessment. Those costs were assessed during the development of the relevant legislation.

Of the boarding houses inspected, 70% required improvements to kitchen facilities and common areas and 50% required improvements to sanitary facilities. Of the supported accommodation buildings inspected, 50% required improvements to common areas and sanitary facilities.

These results can be compared to case studies undertaken for the purposes of a report commissioned by the HIDU and conducted by Price Waterhouse Coopers in December 2000. The report concluded that the cost of building improvements ranged from \$6,900 to \$105,850.<sup>2</sup> Again a large proportion (41%) of these costs related to the improvement of kitchen facilities and building fire safety.

Fire safety management plans are required for residential services that accommodate 6 or more people by the *Building and Other Legislation Amendment Act 2002*. To ensure consistency and equity across the residential services industry, the *Residential Services (Accreditation) Act 2002* will extend this requirement to residential services that accommodate less than 6 people.

The Regulation to the Act defines a fire safety management plan as a plan for a building that identifies:

- the number of occupants that the building is designed to accommodate;
- the proposed maintenance schedule for the building's fire safety equipment;
- the evacuation plan for evacuating the building's occupants, including occupants with an intellectual or physical disability, in the event of a fire in the building;
- proposed training programs for occupants and persons employed in the building about:
  - fire management and prevention, and
  - emergency evacuation;

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2 *Hostel Industry Development Unit—Analysis of the Financial Impact of Accreditation*. Price Waterhouse Coopers, December 2000.

- a list of the building's fire safety equipment, together with the brand name and model number.

The introduction of mandatory standards will require a process of building assessments to ascertain compliance with the standards.

The Act provides that evidence of building compliance with the mandatory building standards may be in the form of a notice provided by a local government. It is intended that this notice be either:

- a copy of a local law permit in the case of a local law requiring standards similar to those described in Appendix 1, or
- where no local law exists, or the local law does not prescribe the standards described, or they do not apply to all of the relevant buildings, a notice provided by the local council following a building assessment.

Building standards have been based on local law standards to avoid duplication and to foster consistency across the State. This will allow operators, wherever possible, to utilise permits already in force thereby avoiding further costs associated with regulatory compliance.

#### OPERATING STANDARDS

The introduction of mandatory operating standards will require that service providers demonstrate how they deliver services and how they guarantee that the level and quality of service is maintained over time. This will be achieved by provision of written policies and procedures used to guide service delivery and an audit of the service to confirm that the written processes are followed in practice.

Consultation conducted with industry representatives identified that development and implementation of policies and procedures can be a time consuming task and subsequently impose additional costs for operators. These costs may result from a need to employ additional staff as owner/managers may be required to spend greater amounts of time on administrative tasks instead of direct service delivery.

In addition, mandatory standards will require that staff employed are adequately trained to carry out their assigned duties within a safe and supportive environment. This requirement may result in a need for increased staff training and skills development. There are likely to be costs associated with financing such training.

As discussed earlier, studies conducted by the Department of Housing have indicated that residential service businesses are valuable in terms of

the potential to realise capital gains. They are however only considered to be marginally viable under their current operating arrangements in terms of cash flow and return on capital. In some cases, service providers may be unable to meet the costs associated with complying with mandatory standards due to existing financial limitations and will no longer be able to operate.

The cost of meeting the registration and accreditation standards will impact most significantly on operators who have not maintained their premises to an acceptable standard. It is not anticipated that costs will be as significant for those operators who own new buildings, or who have regularly maintained their buildings, and have operating policies and procedures in place.

There is evidence that some residential service providers have not maintained their buildings to a satisfactory standard having regard for the health and safety of residents. Those adhering to current building standards and whose operating policies and procedures ensure residents' safety and wellbeing, are financially disadvantaged and, in the absence of enforced legislated standards, these service providers are not operating in a competitive market.

As in many industries, it is the facilities with particularly low standards that attract public attention and result in the image of a whole industry being tarnished. This further impacts negatively on businesses that have invested time and financial resources to maintain standards.

The introduction of mandatory standards will require all facilities to meet minimum standards to achieve registration and operate legally. This will present a level playing field for operators and improve competition. Over the longer term it will also improve the image of the industry and provide greater credibility to this form of affordable housing.

#### STRATEGIES TO MINIMISE NEGATIVE IMPACTS OF MANDATORY STANDARDS ON INDUSTRY

The following strategies have been established in order to mitigate possible negative impacts associated with industry regulation.

Mandatory building standards will be presented as a performance-based 'code' which will allow service providers to put forward alternative solutions to meeting the standards. This will provide industry operators with opportunities for innovation and flexibility.

The Department has commenced a project to assist industry operators develop processes and practices that will lead to improved performance.

The project will assist residential service providers to develop and implement the range of written policies and procedures that will be required to meet accreditation standards. A Residential Services Policies and Procedures Manual will be developed and distributed for adaptation and use by services providers. It will provide a blueprint for industry operators to tailor to the needs of their own facilities.

A number of subsidised training courses have been developed and are available to residential service providers. The training package has been developed in conjunction with industry members and accredited by the Department of Employment and Training. The flexible package provides a suite of training courses suitable for both employees, managers and accommodation owners ranging from Certificate 1 to a Diploma in Residential Services Management. Training programs aim to provide employers and staff with the skills, knowledge and attributes required to competently manage a residential service facility. Attendance at training programs is not mandatory.

Staged implementation of the registration and accreditation scheme is proposed to allow residential service providers sufficient time to make necessary building and service improvements. Using a risk management approach to protecting the most vulnerable residents, supported accommodation providers will be the first sector of the industry required to be registered and accredited. The following table illustrates the planned staged implementation.

#### STAGED IMPLEMENTATION

<b>Accommodation type</b>	<b>End year 1</b>	<b>End year 2</b>	<b>End year 3</b>	<b>End year 4</b>
Supported residence:				
• registration (incl. meeting minimum compliance)	X			
• accreditation achieved		X		

<b>Accommodation type</b>	<b>End year 1</b>	<b>End year 2</b>	<b>End year 3</b>	<b>End year 4</b>
Aged rental complex:				
• registration (incl. meeting minimum compliance)		X		
• accreditation achieved			X	
Boarding house:				
• registration (incl. meeting minimum compliance)		X		
• accreditation achieved				X

The Department of Housing has developed an affordable loan product to assist industry operators upgrade their premises to a level that would enable compliance with minimum building safety and suitability standards. This scheme is proposed in response to widespread concerns that without some form of financial assistance, a significant number of facilities covered by the proposed regulation of this industry may close due to the costs associated with compliance, and an inability to recoup these costs through increasing rents. This in turn will impact upon vulnerable residents.

#### **IMPACTS OF MANDATORY STANDARDS COMPARED WITH NO REGULATION**

The retention of the status quo where there are no mandatory standards would result in the continued inconsistency of standards within the industry. Residential service providers who have invested time and financial resources would continue to operate at a financial disadvantage to those who choose not to invest in their business or offer services commensurate with contemporary standards.

There would be no impact on operators who continue to provide low standard services in poorly maintained buildings and a small negative impact on those who provide higher standards and continue to compete at a disadvantage.

#### **IMPACTS OF MANDATORY STANDARDS COMPARED WITH SELF-REGULATION**

The impacts of self-regulation on industry members would be dependent on the level of standards developed. Given the current low standards of capital works and maintenance carried out on residential service facilities,



even minimum building and conduct standards are likely to have a moderate impact on industry.

Peer review and self-assessment components of self-regulation models have merit in assisting service providers to improve performance. They may also assist in establishing a greater level of consumer confidence in the industry generally. This may potentially establish a higher level of competition amongst service providers than is currently evident.

However, as many consumers select residential services according to geography and the services provided, and are unable to pay higher rents, the level of increased competition is unlikely to be significant enough to encourage comprehensive industry participation.

Consultation has revealed that no existing residential services industry association is sufficiently representative to assume responsibility for effective self-regulation in Queensland without significant work by Government. In the current environment, there would be little pressure on operators with low standards, who do not subscribe to a voluntary regulatory scheme, to leave the industry. Overall, there is likely to be a nil or at best, a very small impact on the industry from the introduction of self-regulation and few benefits for industry members who participate.

### **10.1.3 Impacts of Mandatory Standards on Government**

Government is expected to benefit from the changes through recognition that its social policy objectives have been achieved. Specifically, these objectives are to provide safer and more supportive communities and to protect consumers.

It is anticipated however, that Government will incur moderate to high costs associated with administration of the proposed scheme.

As previously discussed, there is a risk that a number of residential services will be unable to withstand the costs associated with complying with mandatory standards and may cease operating. Government may incur public and/or community housing costs through the relocation of residents displaced as a result of the closures.

Practical industry assistance strategies described in 10.1.2 above, aimed at minimising the risk of closure, will also present a cost to Government as will the affordable loan package described above.

## IMPACTS OF MANDATORY STANDARDS COMPARED WITH NO REGULATION

The lack of mandatory standards and the environment created by a lack of regulation is inconsistent with Government's objective to provide safer and more supportive communities and to provide consumer protection. This option was therefore discounted.

## IMPACTS OF MANDATORY STANDARDS COMPARED WITH SELF-REGULATION

Government would be expected to incur minimal costs as responsibility for the delivery of outcomes would rest mainly with industry. Existing costs associated with handling consumer complaints concerning industry operators who fail to comply with the standards would be ongoing, but may be shared with industry through association dispute resolution facilities. Industry associations have few financial resources to self-fund the development of a voluntary code and this may lead to expectations that Government should provide financial assistance for such a program. The costs associated with self-regulation outweigh the minimal benefit expected and self-regulation was not therefore considered further.

### **10.1.4 Impacts of Mandatory Standards on Local Government**

Depending upon the operation of local laws, the introduction of mandatory standards requiring building assessments as described in 10.1.2, may have a small to moderate impact on local governments. The proposed building standards are modelled on *Brisbane City Council Local Law (Accommodation Standards) 1999* and are also reflected in *Model Local Law Number 16 (Rental Accommodation With Shared Facilities) 2000*.

Eighty-four percent (84%) of residential services recorded on the HIDU database are located in south east Queensland (this includes 65% Brisbane, 9% Ipswich and 7% in Toowoomba). Local governments in each of these areas operate relevant local laws. The remaining 69 (representing 16%) residential services are distributed throughout approximately 28 local government areas.

A significant proportion of these local governments operate local laws that relate specifically to boarding houses or rental accommodation with shared facilities. Accordingly, they undertake building inspections. Local governments operating local laws applicable to buildings providing accommodation for 6 or more people may be subjected to small additional costs resulting from assessment of residential service buildings that provide

accommodation to 4 or 5 people. This is only expected to be minimal, as the majority of relevant local laws do apply to premises providing accommodation for 4 or more people.

The impact is expected to be most significant for 7 of the 29 local governments, where residential services are known to be located and where a local law is not in operation. These local governments do not therefore undertake building inspections.

Local governments required to conduct building inspections for the purposes of assessing compliance with the mandatory standards may charge residential service providers a reasonable fee.

The introduction of mandatory standards will not prevent the operation of local laws and the registration of premises at a local level, including the charging of a registration fee. However, in accordance with section 31 of the *Local Government Act 1993* where the State legislation and a local law are inconsistent, the State law will prevail over the local law to the extent of the inconsistency.

Enforcement and administrative action may be taken by the Office of Fair Trading accreditation unit against residential service providers for non-compliance with mandatory building standards that are common at both local and State level. This includes refusal to register or accredit a facility, placing conditions on registration and accreditation and cancelling accreditation. This may result in reduced administrative costs for local governments.

#### **IMPACTS OF MANDATORY STANDARDS COMPARED WITH NO REGULATION**

The continued status quo with standards introduced through local laws would have no negative impact on local governments. Local governments that do not currently operate local laws and are not required to undertake building assessments would not incur any costs associated with the additional responsibilities.

#### **IMPACTS OF MANDATORY STANDARDS COMPARED WITH SELF REGULATION**

Self-regulation of the industry would have little impact on local governments as compared to the introduction of mandatory standards.

The benefits associated with mandatory standards that build upon existing standards, and retaining building assessments at local government level, include avoiding the confusion and further regulatory burden on

operators. These benefits outweigh the costs to local governments presented by this regulatory framework of mandatory standards.

### SUMMARY

The failure to introduce comprehensive standards in Regulation will result in a less than holistic approach as industry standards would be limited to current requirements under other specific legislation such as local laws.

This piecemeal approach will result in the continuance of the inconsistency and frequent low standards experienced by residents as evidenced by complaints received by a number of government agencies, residents' advocates, and by media exposés. Allowing this activity to continue by failing to regulate and introduce mandatory standards would not support the Government's social justice objectives and priority outcomes of protecting vulnerable consumers in the marketplace.

### **10.2 FEES**

The *Residential Services (Accreditation) Act 2002* provides for a number of fees and charges. These include:

- Registration;
- Accreditation;
- Renewal of accreditation;
- Applying for an amendment to accreditation;
- Applying for a replacement accreditation certificate;
- Register change of service provider;
- Amendment of registration (change of premises);
- Inspection of the register of undertakings;
- Inspection of the register of residential services; and
- Obtaining a certificate from the CEO stating information shown on the register.

The level of fees and charges will be prescribed by Regulation and will represent minimum cost recovery by Government. A sliding fee scale is proposed for accreditation based on the number of beds in each facility which would see larger service providers paying higher fees thereby

reducing the costs for the smaller operators whose operating margin is likely to be lower. The proposed fees are set out below.

<b>Provision</b>	<b>Proposed fee</b>
Application for registration (s10)	\$200
Application for accreditation (s 47)	\$20 per bed
Renewal of accreditation (s 50)	\$20 per bed. As the processing of an application for renewal of accreditation will involve the same processes and procedures as an application for initial accreditation, it is proposed that the same fee apply to both. Further, it would be inappropriate to encourage operators to continually renew short-term accreditation rather than improve standards and achieve longer-term accreditation by use of reduced renewal fees.
Amendment of accreditation on application of service provider (s 53)	\$7 per bed. Amendment of a particular level of accreditation will require some re-evaluation of the service. Applications will be assessed on a case-by-case basis. If amendments are requested for more than one level of accreditation a separate application will be required for each level.
Applying for a replacement accreditation certificate (s 60)	\$25 – this fee is consistent with the fee imposed by the most recent Office of Fair Trading legislation, the Property Agents and Motor Dealers Act for a similar provision.
Register change of service provider (s 61)	50% of registration fee - \$100 Unlike registration, applications made under this provision do not require an assessment of building compliance and fire safety documentation, although the Chief Executive may request further information from the applicant.

<b>Provision</b>	<b>Proposed fee</b>
Amendment of registration (change of premises) (s 64)	75% of registration fee - \$150 Amendment of registration to show a change of premises will require an assessment of the building suitability. This will involve an assessment of the building compliance notice, the fire safety management plan and any other relevant documentation reasonably required by the Chief Executive.
Inspection of register of residential services (s179)	No fee – provision of the register is a community service. It is important to encourage the use of the register to ensure that potential residents are referred to registered premises only.
Inspection of register of undertakings (s152)	No fee – as above
Obtaining a certificate from the Chief Executive stating information shown on the register (s179)	\$13.70 – this fee is based on the fee charged for requests from the public for <i>Business Names Act</i> register information. Requests from the public for certified Business Names Act register information constitutes the highest volume of requests for certified information from the Office of Fair Trading. It is therefore considered to be an appropriate benchmark.

### **10.2.1 Impact on Consumers**

The introduction of fees and charges for industry, such as registration and accreditation fees, may have a negative impact on consumers if:

- the costs are passed on in the form of increased rent, or
- are not passed on but result in financial pressure on service providers to cease operating or to cease providing particular elements of their service.

This may result in the scenarios discussed in Negative Impacts in 10.1.1 (page 12). Government aims to minimise the negative impacts by adopting a fee structure which represents minimal cost recovery.

There will be no charges for inspecting the register of residential services or the register of undertakings held by the Office of Fair Trading. This is designed to encourage interested parties to check the registration or accreditation status of a facility before referring a resident to a residential service.

It is important that agencies are encouraged to refer residents only to residential services that comply with the requirements of the new legislation. Failure to do so may place vulnerable residents in premises that continue to operate with unacceptable standards. Consideration will be given to displaying the registers on the departmental web site to maximise availability. There would also be no charge for accessing the registers on the web site.

### **10.2.2 Impact on Industry**

There is widespread concern that the residential services industry is a marginally viable industry that may be faced with increased closures as a result of the costs of regulation. A model of minimum cost recovery for registration and accreditation fees and charges has therefore been adopted to minimise the impact of fees on industry.

The sliding scale of fees further aims to ensure that any adverse impacts on smaller businesses, whose operating margins are likely to be low, are not disproportionate when compared to larger businesses. The fees are established at a level where they are unlikely to yield any significant negative impact on industry operators.

The proposed fees compare favourably with those charged by other agencies that administer mandatory accreditation schemes. For example, the accreditation fees applicable to a service approved under the *Aged Care Act 1997* (Cwth) are set out below.

<b>Number of allocated residential care places</b>	<b>Fee</b>
Less than 20	No fee
20 - 25	\$1,500 + \$500 for each additional allocated above 20 places
26 - 100	\$3,050 + \$95 for each allocated place or \$9,500 whichever is the least
More than 100	\$12,550

The imposition of fees and charges on industry would ordinarily result in industry participants meeting increased operating costs through higher rents and charges. As the residents of the majority of the residential services however rely on government income support there is minimal opportunity for this industry sector to increase rents. Increases are more likely to pressure clients to relocate resulting in lower occupancy rates in those facilities.

### **10.2.3 Impact on Government**

The model of minimum cost recovery will present Government with significant set-up and ongoing costs of administering the regulatory scheme. The benefits of minimising the closure rate and the costs to Government associated with those closures however outweigh the impact of administration costs.

To achieve effective operation of the legislation and to ensure that only those industry participants who comply with the regulatory scheme operate, it will be important to encourage referral agencies, residents and their advocates to check the registration and accreditation status of residential services before contracting with them for accommodation. No fees will therefore apply to inspecting the registers. Whilst this may present a cost to Government the benefit of the community service and effective operation of the legislation will outweigh the costs.

## **11 FUNDAMENTAL LEGISLATIVE PRINCIPLES**

The Regulation is consistent with fundamental legislative principles.

## **12 NATIONAL COMPETITION POLICY**

In accordance with the State's obligations relating to the implementation of National Competition Policy (NCP) a review of the *Residential Services (Accreditation) Bill* was undertaken. The review was undertaken in accordance with the Queensland Government's *Public Benefit Test Guidelines* and took into account the introduction of industry registration



and accreditation standards, and Government fees to partially recover costs associated with administering the scheme.

The Public Benefit Test (PBT) report assessed the costs and benefits of implementing the regulatory framework comprising the *Residential Services (Accreditation) Bill* and Regulation compared with five other regulatory alternatives, including retaining no regulation, co-regulation, self-regulation, inspection-based regulation and mandatory accreditation.

The PBT Report supported the regulatory framework now represented by the *Residential Services (Accreditation) Act 2002* including the use of industry standards to be prescribed by Regulation.

The proposed industry standards are likely to introduce barriers to entry in the residential services industry by imposing higher set up costs and operating costs for industry participants. These costs may result from for example, the provision of additional facilities such as cooking and food storage facilities, sanitation and laundry facilities, the implementation of new policies and procedures and an increase in the quality or quantity of food provided.

Industry would incur an overall small to moderate net cost calculated by taking into account:

- moderate costs to improve buildings and service levels. The level of accreditation required and the implementation of the scheme would be staged to minimise impact on industry;
- small costs to meet accreditation fees and building assessments. It is intended that fees remain low and are based on bed numbers to ensure minimal impact on smaller businesses; and
- small costs resulting in closures, although these should be less than other options due to staged implementation and financial and other assistance measures.

Consumers would incur an overall moderate benefit calculated by taking into account:

- moderate benefits for consumers in facilities that continue to operate through improved building and conduct standards; and
- small-to-moderate costs for consumers in facilities that attempt to pass on costs or close as a result of compliance costs, the level of which should be minimised by staged implementation and industry assistance described above.

Government, including local government would incur a moderate net cost calculated by taking into account:

- moderate to high set up costs and ongoing funding requirements due to minimal cost recovery through registration and accreditation fees;
- moderate costs to fund financial and other assistance; and
- small savings to local governments where enforcement of issues previously covered by local laws are taken on by the State accreditation unit.

Overall the public benefit test identified a small to moderate benefit attributed to the chosen model.

## **APPENDIX 1—REGISTRATION STANDARDS (PROPOSED BUILDING STANDARDS)**

### **FOREWORD**

The *Residential Services (Accreditation) Act 2002* requires residential service providers to register their residential service with the accreditation unit located within the Office of Fair Trading.

Registration requirements include demonstrating that the building in which the residential service is offered complies with the mandatory building standards contained in this code.

The building standards focus on objectives and outcomes and are presented as performance based requirements. A number of acceptable solutions are identified and listed for each outcome. Premises may need to use some or all solutions depending on the nature of the building and business. Alternatively, you may be able to meet an outcome using a solution or method not listed in this code. This allows for service providers to put forward alternative solutions to meeting the standards thus supporting innovation and flexibility.

Before implementing alternatives, seek advice from your local government. Local government officers will assess if a building meets the acceptable solution given or if alternative solutions proposed are sufficient to meet the performance criteria.

### **PURPOSE**

To ensure buildings being used as residential services accommodation provide suitable standards of health, safety and amenity for residents.

### **APPLICATION**

This code applies to all buildings at which residential services are provided. Buildings may also be required to comply with the Building

Code of Australia. This code does not apply to buildings at which the following services are provided –

- (a) an aged care service conducted by an approved provider under the *Aged Care Act 1997* (Cwlth);
- (b) an authorised mental health service under the *Mental Health Act 2000*;
- (c) a service conducted in a hostel or nursing home under a licence in force under the *Health Act 1937*, part 3, division 5;
- (d) a service conducted in a private hospital under a licence in force under the *Private Health Facilities Act 1999*;
- (e) a service conducted as part of, or under an agreement with, a school or other educational institution to provide accommodation to students or employees of the school or institution;
- (f) a service conducted with financial assistance from the education department mainly to provide accommodation to school students;
- (g) a service conducted mainly to provide accommodation to holiday makers, tourists or travellers e.g. backpackers, bed and breakfasts and motels.
- (h) a service conducted in licensed premises under the *Liquor Act 1992*;
- (i) a service to provide accommodation under the Supported Accommodation Assistance Program (SAAP);
- (j) a service conducted under funding given by, or in premises owned by, Aboriginal Hostels Limited ACN 008 504 587; or
- (k) a service conducted -
  - (i) by the disability services department; or
  - (ii) under a grant of financial assistance under the *Disability Services Act 1992*;
- (l) a service conducted by, or with financial assistance from, the housing department or the Queensland Housing Commission; and
- (m) another service prescribed under a regulation not to be a residential service.

## COMPLIANCE

A residential service building will comply with this code if it satisfies the performance criteria. Compliance with the performance criteria can only be achieved by –

- (a) complying with the acceptable solutions; or
- (b) formulating an alternative solution which complies with the performance criteria or is shown to be at least equivalent to the acceptable solutions; or
- (c) a combination of (a) and (b).

Where an alternative solution is utilised, the building compliance notice issued by the local government should highlight the solution and how this demonstrates that the relevant performance criterion is met.

## ASSOCIATED REQUIREMENTS

Compliance with this code may not be the only requirement for a residential service building. Other legislation including State Acts, Local Government planning schemes and Local Laws may impose additional requirements. Designers, builders and owners should satisfy themselves that they will achieve compliance with all legislative requirements including-

- *Residential Services (Accreditation) Act 2002;*
- *Residential Services (Accommodation) Act 2002;*
- *ANZFA National Food Safety Standards 3.1.1; 3.2.2 and 3.2.3;*
- *Fire and Rescue Authority Act 1990, Section 104E;*
- *Sewerage and Water Supply Act 1949, Standard Water Law and Clause 1.6.2 of AS/NZ 3500.4.2 - 1997 - National Plumbing and Drainage Code - Hot Water Supply Systems - Acceptable Solutions;*
- *Health Regulation 1996, Part 17 - Vermin Proofing;*
- *Building Act 1975 incorporating the Building Code of Australia 1996;*
- *Environmental Protection (Waste Management) Regulation 2000;*

- National Code of Practice for the Storage and Handling of Dangerous Goods. *Web site: <http://www.home.pacific.net.au/~chem/index.htm>*; and
- *Integrated Planning Act 1997.*

## DEFINITIONS

**Note:** - italicised words within the body of the text are defined.

**ANZFA** - Australian and New Zealand Food Authority

**Bedrooms** - a room used for sleeping accommodation only.

**Building compliance notice** - defined in schedule 2 of the *Residential Services (Accreditation) Act 2002* as a notice, issued by a local government for the local government area in which the premises are situated, stating that the premises comply with the prescribed building requirements.

**Common area** – areas such as lounge rooms, recreation rooms, verandahs, and covered outdoor relaxation areas.

**Dining room** - where meals are eaten at a table or a designated area used for dining.

**Exit** - Means any, or any combination of the following if they provide egress to a road or open space:

- (i) an internal or external stairway;
- (ii) a ramp;
- (iii) a fire-isolated passageway; and
- (iv) a doorway opening to a road or open space.

**Fire Hazard** - means the danger in terms of potential harm and degree of exposure arising from the start and spread of fire and the smoke and gases that are thereby generated.

**Floor area** - area measured within walls of a room or space.

**Food service** - means a service of regularly providing meals to residents.

**Kitchen** - where meals are prepared for or by residents.

**Open space** – means a space on the allotment, or a roof or similar part of a building adequately protected from fire, open to the sky and connected directly with a public road.

**Personal care service** means a service of regularly providing a resident with:

- (a) help in -
  - (i) bathing, toileting or another activity related to personal hygiene; or
  - (ii) dressing or undressing; or
  - (iii) consuming a meal; or
  - (iv) meeting a mobility problem of a resident; or
  - (v) taking medication; or
- (b) help in managing the resident’s financial affairs.

**Protective hanging space** - means an enclosed cupboard.

**Property** - the building and external common areas.

**Resident** - a resident in a residential service accommodation is a person -

- (a) who, in the course of the service, occupies 1 or more rooms as the person’s only or main residence; and
- (b) who is not: the service provider; or a relative of the service provider; or a person employed in the service by the service provider.

**Residential service** -

- 1) A service is a residential service if -
  - (a) the main purpose of the service is to provide accommodation, in return for payment of rent, in 1 or more rooms; and
  - (b) the room or rooms are occupied, or available for occupation, in the course of the service by at least 4 residents; and
  - (c) in the course of the service each of the residents -
    - (i) has a right to occupy 1 or more rooms; and
    - (ii) does not have the right to occupy the whole of the premises in which the rooms are situated; and
    - (iii) not occupy a self-contained unit; and

- (iv) shares other rooms, or facilities outside of the resident's room, with 1 or more of the other residents.

*Example—*

A service conducted in a boarding house in which each of the residents occupies a room and shares a bathroom, kitchen, dining room and common room with the other residents.

- 2) Also a service is a residential service if -
- (a) subsection (1) (a) and (b) above apply to the service; and
  - (b) in the course of the service, each of the residents -
    - (i) has a right to occupy 1 or more rooms; and
    - (ii) does not have a right to occupy the whole of the premises in which the rooms are situated; and
    - (iii) is provided with a food service or personal care service.

*Example—*

A service, providing rental accommodation to older persons, in which each of the residents occupies a self-contained unit and is provided with a food service or personal care service.

- 3) Also, a service is a residential service if -
- (a) subsection (1)(a) and (b) apply to the service; and
  - (b) the service is prescribed under a regulation to be a residential service.
- 4) For subsection (1)(a) it is immaterial whether or not the rooms are in the same premises.

**Residential service accommodation buildings** - are premises or complexes, including parts of premises or complexes, where a residential service is provided.

**Sanitary facilities** - means toilets, basins, showers, kitchen sinks, laundry tubs, and the like.

**Storage facilities** - storage of cleaning equipment and cleaning agents.

**Travel distance** - means the distance between a bedroom or any part of the premises to open space.

**Unencumbered area** - means a clear circulation space with no fixtures or fittings intruding within the space.



**Performance Criteria****Acceptable Solutions****KITCHEN FACILITIES**

P1 A kitchen must have-

- (a) adequate food preparation areas; and
- (b) suitable capacity to cater for the number of residents expected to prepare meals; and
- (c) *unencumbered area* and safe access to the kitchen at all times; and
- (d) fixtures and finishes which maintain the wholesomeness of food; and
- (e) suitable cooking appliances and refrigerator space sufficient for the number of meals being prepared; and
- (f) suitable cleaning facilities for washing and cleaning of utensils; and
- (g) adequate storage facilities to prevent contamination of food and utensils; and
- (h) adequate light and ventilation to maintain safe and hygienic conditions.

A1 (a) Where *residents* prepare their own meals, a *kitchen*-

- (i) has a minimum *floor area* of-
  - (A) 0.65m<sup>2</sup> per person; or
  - (B) where combined with a dining room - 1m<sup>2</sup> per person; and
  - (C) in any case, not less than 16m<sup>2</sup>; and
- (ii) has the floor covered with a durable, impervious material finished to a smooth even surface free of cracks and crevices; and
- (iii) has walls and ceilings finished with a durable light coloured impervious material, having a smooth even surface free of cracks and crevices; and
- (iv) has walls behind each stove and cooking appliance ceramic tiled or lined with a smooth impervious material; and
- (v) has light and ventilation in accordance with Part 3.8 of the Housing Provision of the Building Code of Australia; and
- (vi) has food storage facilities and cupboards of 0.06m<sup>2</sup> per resident adequate to prevent contamination of food, and cooking or eating utensils, by dirt, dust, flies or the like; and

**Performance Criteria****Acceptable Solutions**

(vii) has a space of-

(A) for a refrigerator- 50 litres per resident; and

(B) for a freezer- 10 litres per resident for the storage of perishable goods; and

(viii) has a sink with a drainer and reticulated hot and cold water; and

(ix) has electric or gas stoves and ovens in accordance with the following-

No of Residents	Ovens	4 burner stoves
1—15	1	1
16—30	1	2
31—45	2	3
46—60	2	4
over 60	2	4 + 1 for each additional 15 residents (or part thereof) over 60

(b) Where a *food service* is provided, a kitchen complies with the ANZFA National Food Safety Standards 3.1.1; 3.2.2 and 3.2.3.

**LAUNDRY FACILITIES**

P2 Adequate laundry and clothes drying facilities must be provided to cater for the number of residents

A2 Where laundering is done on the premises for residents, laundries are to be equipped with:

(a) Washing machines.

i) One 5kg capacity heavy duty commercial, automatic front loading washing machine to handle incidental loads,

**Performance Criteria****Acceptable Solutions**

- ii) In addition, one 10kg capacity heavy duty commercial, automatic front loading washing machine for each 20 residents or part thereof. The machine should be capable of high speed extraction (min. 350g) and shall incorporate automatic chemical injection and electric or steam heating to enable sanitizing temperatures to be achieved in the washer.

**b) Dryers.**

- i) One heavy duty domestic dryer to match the 5kg washer. The dryer should be mounted on top of the washer,
- ii) In addition, one 10kg capacity heavy duty dryer for each of the 10kg capacity washers. Dryers to be capable of drying a 10kg load from the washers in 35 minutes,
- iii) One large laundry tub and one hand wash basin,
- iv) Separate dirty linen receiving area with durable benches, shelving and fixtures suited to hygiene standards and regulations,
- v) Separate clean, linen sorting and handling area with durable benches, shelving and fixtures suited to hygiene standards and regulations,

**Performance Criteria****Acceptable Solutions**

- vi) Suitable, separate storage/holding areas for clean and dirty linen, as well as appropriate ventilation,
- vii) Safe ironing facilities and equipment applicable to the capacity of the laundry,
- viii) Suitable and complying chemical storage and handling facilities for washers,
- ix) Suitable, durable and hygienic floor, wall and ceiling finishes.

Where residents do their own laundry, laundries are equipped with-

- (i) one 7kg fully automatic washing machine per 15 residents or part thereof; and
- (ii) one wash trough per 15 residents or part thereof; and
- (iii) clothes drying facilities comprising –
  - (a) 7.5m clothes line per resident; or
  - (b) heat-operated drying cabinet or appliance in same room as washing machine; and
- (iv) a safety compliant iron and ironing board; and
- (v) hot and cold water reticulation to each wash trough and washing machine provided.

**Performance Criteria****Acceptable Solutions****COMMON AREAS**

P3 Adequate *common areas* and facilities must be provided for general relaxation and socialisation and must be a mix of indoor and outdoor areas

A3 (a) Common areas are provided with a floor area of at least 0.5m<sup>2</sup> per *resident*; and

(b) A maximum of 50% of the provided *floor area* is to be located externally; and

(c) External *common areas* are roofed or covered.

**BEDROOMS**

P4 Bedrooms must provide adequate personal space and facilities for each resident.

A4 (a) The minimum unencumbered floor area for each bedroom is-

(i) for one person – 7.5m<sup>2</sup>; or

(ii) for two people – 11m<sup>2</sup>; or

(iii) for three people – 16.5m<sup>2</sup>; or

(iv) for more than three people – 16.5m<sup>2</sup> plus an additional 5.5m<sup>2</sup> per additional person; and

(b) Where more than one person sleeps in a room there is a minimum of 750mm provided between beds; and

(c) Each bedroom is separately accessible without passing through any other bedroom; and

(d) Each bedroom is provided with -

(i) a general purpose outlet; and

(ii) storage for each resident with minimum dimensions of 300mm wide and 450mm deep and 900mm high; and

(e) Protective hanging space of 0.6m per resident for clothing; and

**Performance Criteria****Acceptable Solutions**

(f) Bedding is provided for each resident which includes-

- (i) a bed frame or base; and
- (ii) a mattress; and
- (iii) a mattress protector.

**STORAGE FACILITIES**

P5 Adequate *storage facilities* for cleaning chemicals and equipment are located to ensure-

- (a) there are no impediments to safe movement about the premises; and
- (b) chemicals are stored in a safe manner.

A5 (a) Storage facilities for cleaning equipment are provided in the kitchen, laundry or an external storage facility with minimum dimensions of 300mm wide and 450mm deep and 2100mm high; and

(b) Incompatible chemicals are stored in accordance with the National Code of Practice for the Storage and Handling of Dangerous Goods so that they cannot come into contact and result in a fire hazard; and

E.g. An oxidiser is not stored near a flammable liquid. Oxidisers include chemicals such as bleach-based cleaning liquids, pool chlorine etc. Flammable liquids include chemicals such as methylated spirits, engine oil, etc.

(c) Quantities of flammable and combustible chemicals stored should not exceed the minor storage limits as stated in Table 2.1 of AS1940 - The Storage and Handling of Flammable and Combustible Liquids; and

(d) Any storage above the prescribed quantities with AS1940 - Storage and Handling of Flammable and Combustible Liquids, are approved by local government.

**Performance Criteria****Acceptable Solutions****DINING ROOM**

P6 Suitable *dining room* facilities must be provided appropriate to the number of residents dining at any one time and the number of meals expected to be prepared.

A6 (a) Where meals are prepared or provided for *residents, dining room* facilities include –

- (i) tables and seating of at least 600mm of table per resident for 50% of the *residents*; and
- (ii) A dining room is located-
  - (A) close to *kitchen facilities*; and
  - (B) separate from lounge facilities.

**LIGHTING**

P7 Adequate lighting must be provided for the security and safety of *residents* without creating nuisance.

A7 (a) Lighting complies with AS/NZ 1680 Interior Lighting including Part 1-1990 General Principles and recommendations; Part 2.1-1993 Circulation spaces and other general areas.

**SANITARY FACILITIES**

P8 Suitable *sanitary facilities* for personal hygiene must be provided for the *residents*.

A8 (a) Where private facilities are not provided, *sanitary facilities* provided for *residents* for each building or group of buildings are-

- (i) a bath or shower for each 10 *residents* or part thereof; and
- (ii) a closet pan and washbasin for each 10 *residents* or part thereof; except that –
- (iii) if one urinal is provided for each 25 males up to 50 and one additional urinal for each additional 50 males or part thereof, then one closet pan for each 12 males may be provided; and

**Performance Criteria****Acceptable Solutions**

(iv) at least one closet pan is screened from adjacent compartments with a door and partitions extending from the floor to at least 1.8m above the floor; and

(b) Hot and cold water is provided to all sanitary facilities except only cold water is provided to water closets and urinals; and

(c) For females adequate means of disposal of sanitary towels is provided. The removal is in accordance with the *Environmental Protection Regulation 2000*.

**VERMIN CONTROL**

P9 The undetected entry of vermin into buildings must be prevented to minimise the risk of the spread of disease.

A9 (a) Every floor, wall, partition, ceiling, roof and every ancillary fitting thereto of every building or other structure on such place is constructed and maintained to prevent the undetected entry of vermin into such places; and

(b) Every hole or opening in every floor, wall, partition, ceiling or roof and in every ancillary fitting of every building or other structure is securely covered with vermin-proof material.



**Performance Criteria****Acceptable Solutions****VENTILATION AND DAMPNESS**

P10 Each room must be adequately ventilated and be resistant to moisture penetrating from the outside including rising damp from the ground to prevent –

- (a) the creation of unhealthy conditions; and
- (b) damage to building elements.

A10 (a) Each room is naturally ventilated by permanent openings with an opening or openable size not less than 5% of the floor area of the room required to be ventilated; and

(b) Permanent openings are-

- (i) windows, or
- (ii) doors; or
- (iii) ventilated skylights; and

(c) Permanent openings are open to-

- (i) a suitably sized court yard, or
- (ii) the sky; or
- (iii) an open verandah, carport, or the like; and

(d) Cellars or basements are not used as a habitable room; and

(e) Resistance to the ingress of moisture to prevent dampness is satisfied by -

- (i) waterproofing of wet areas in a building complying with the relevant parts of AS3740-1994 Waterproofing of Wet Areas Within Residential Buildings; and
- (ii) sarking-type materials used for weatherproofing of roofs and walls complying with AS/NZ 4200 Parts 1 and 2; and
- (iii) moisture from the ground is prevented from reaching -
  - (A) the lowest floor timbers; and

**Performance Criteria****Acceptable Solutions**

- (B) the walls above the lowest floor joists; and
  - (C) the walls above the damp-proof course; and
  - (D) the underside of a suspended floor constructed of a material other than timber, and the supporting beams or girders; and
- (iv) where a damp-proof course is provided, it must consist of a material that complies with AS/NZ 2904-1995 Damp Proof Courses and Flashings; and
  - (v) where the floor of a room is laid on the ground or on fill, moisture from the ground is prevented from reaching the upper surface of the floor and adjacent walls by the insertion of a vapour barrier in accordance with AS2870-1996 Residential Slabs and Footings; and
  - (vi) floor wastes are provided and are graded to floor wastes in bathrooms and laundries where located over habitable rooms or public space; and
  - (vii) the sub-floor is ventilated in accordance with Clause F1.12 of the Building Code of Australia.

**Performance Criteria****Acceptable Solutions****EARLY WARNING SYSTEM**

P11 Building occupants must be provided with appropriate automatic warning on the detection of smoke so that they may evacuate in the event of a fire to a place of safety, having regard to-

- (a) the height of the building; and
- (b) the construction of the building; and
- (c) the mobility and other characteristics of the occupants; and
- (d) the power supply available to the building.

A11 In all residential services buildings with less than 6 people, smoke alarms are installed on or near the ceiling-

- (a) in every bedroom; and
- (b) in every enclosed or internal corridor, hallway associated with a bedroom or common areas at a maximum of 5m centres, or
- (c) if there is no enclosed or internal corridor or hallway, in an area between the bedrooms and the remainder of the building; and
- (d) on each storey; and
- (e) comply with AS 3786; and
- (f) are powered by-
  - (i) a consumer mains power supply, where available; or
  - (ii) a tamper-proof lithium battery where a consumer power supply is not available.

Note- Buildings which are intended to provide accommodation for 6 or more people are required to comply with the requirements of the Fire Safety in Budget Accommodation Buildings under the *Building Act 1975*.

**Performance Criteria****Acceptable Solutions****EMERGENCY LIGHTING**

P12 A system of lighting for safe evacuation in the event of a fire must be provided, to the degree necessary, appropriate to-

- (a) the function or use of the building; and
- (b) the *floor area* of the building; and
- (c) the distance of travel to an exit; and
- (d) the characteristics of the occupants.

A12 In *residential services buildings* with less than 6 people, a system of lighting is installed which consists of-

- (a) a light incorporated within and activated by the smoke alarm required by A11 (b) and (c); or
- (b) the existing lighting located within the areas nominated in A11 (b) and (c) activated by the smoke alarms in these areas.

Note- Buildings intended to provide accommodation for 6 or more people are required to comply with the requirements of the Fire Safety in Budget Accommodation Buildings under the *Building Act 1975*.

**EMERGENCY TELEPHONE ACCESS**

P13 Suitable provision must be provided for residents to ring emergency services in the event of an emergency

A13 A landline telephone is provided.

**Informative Notes:**

In accordance with Clause 1.6.2 of AS/NZ 3500.4.2-1997 and section 38(3) of the *Standard Water Law*, all new hot water installations shall, at the outlet of all sanitary fixtures used primarily for personal hygiene purposes, deliver hot water not exceeding -

- (a) 45°C for nursing homes or similar facilities for young, aged, sick or disabled persons; and
- (b) 50°C in all other buildings.

Note: Compliance with these temperature limits is optional for kitchen sinks and laundry tubs.

## **APPENDIX 2 ACCREDITATION STANDARDS**

### **LEVEL 1 ACCREDITATION STANDARDS – ACCOMMODATION SERVICES (ALL RESIDENTIAL SERVICES)**

#### **A MEETING RESIDENT’S NEEDS AND RESIDENT’S RIGHTS**

##### **1A.1 PRIVACY AND CONFIDENTIALITY**

Each resident’s right to privacy, dignity and confidentiality in all aspects of his/her life is recognised and respected by the residential service provider and the residential service provider’s associates and all the staff of the premises.

##### **1A.2 AGREEMENTS FOR RESIDENCY**

Each service provider gives information to residents or prospective residents (or their representative) about the type of accommodation and services available and uses an individual resident agreement.

##### **1A.3 KEEPING OF RECORDS ON RESIDENTS**

The service provider ensures that a register of residents is maintained. The register should contain relevant information on each resident. The level of information to be recorded should reflect the type of residential service and the needs’ of residents. (Refer to Privacy and Confidentiality Standard 1A.1)

##### **1A.4 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 acts to uphold the legal and human rights of service recipients.

##### **1A.5 GRIEVANCE MECHANISM**

Residents and/or their representatives (including advocates) are free to raise and have resolved any complaint or dispute they may have regarding the residential service with either the service provider or a service provider’s associate, or with external agencies.

**A MEETING RESIDENT'S NEEDS AND RESIDENT'S RIGHTS****1A.6 MANAGEMENT OF CHALLENGING BEHAVIOUR**

The needs' of residents with challenging behaviours are managed effectively in a way that is respectful of their dignity.

**1A.7 ACCESS TO PROFESSIONAL CASE WORKERS, ADVOCATES AND EXTERNAL SERVICE PROVIDERS**

Any resident who has a professional case worker or other service provider from a health, disability, welfare agency or other relevant service is entitled to have full access to that worker by way of visits to or from the worker. Any resident who has requested assistance from an advocate should have full access to the advocate by way of visits to or from the advocate.

**1A.8 RESIDENT ENTITLEMENT TO INDEPENDENCE AND FREEDOM OF CHOICE**

Each resident's right to independence and freedom of choice is recognised and respected as long as it does not unreasonably infringe upon the rights of others.

**B BUILDINGS AND AMENITIES**

NOTE: These standards relate to maintenance and amenity and should be read in conjunction with the prescribed building standards (outlined in Appendix 1)

**1B.1 KITCHENS**

Food storage, preparation and cleaning up facilities are kept in sound, clean condition.

**1B.2 LAUNDRIES**

Laundry facilities are maintained in a proper sanitary condition and in good repair.

**1B.3 COMMON ROOMS**

Common areas (lounge rooms, verandahs, places for general relaxation and socialising) are equipped with sound, comfortable furnishings and equipment.

**B BUILDINGS AND AMENITIES****1B.4 BEDROOMS**

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

**1B.5 BATHROOMS AND TOILETS**

Bathroom and toilet facilities provide privacy and are maintained in a proper sanitary condition and in good repair.

**1B.6 PASSAGES AND STAIRWAYS**

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

**1B.7 REMOVAL OF RUBBISH**

All rubbish is removed regularly and in accordance with licensed cleansing contractor's procedures.

**1B.8 CLEANLINESS AND GOOD REPAIR**

The internal and external features of the property are maintained in a clean hygienic and sound condition.

**1B.9 INVENTORY AND EQUIPMENT**

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

**1B.10 SECURITY AND OTHER EMERGENCIES**

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

**C MANAGEMENT AND STAFFING****1C.1 BUSINESS PRACTICES**

Service providers apply current business principles to the management and operation of the residential service.

**1C.2 REGULATORY COMPLIANCE**

Service providers have systems in place to identify and ensure compliance with all relevant legislation, regulatory requirements, professional standards and guidelines. Service providers are aware of and meet their obligations under Workplace Health and Safety legislation.

**1C.3 HUMAN RESOURCE MANAGEMENT**

Service providers plan and implement fair and consistent strategies for the recruitment, selection and development of staff. Service providers ensure that staff are on duty in sufficient numbers to ensure the provision of agreed services and supports to residents. (Note: the term staff includes paid employees, caretakers, volunteers or residents paid to undertake tasks on behalf of the service provider or service provider's associate.)

**1C.4 STAFF TRAINING**

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



**LEVEL 2 ACCREDITATION STANDARDS (FOOD SERVICE) (RESIDENTIAL SERVICES THAT PROVIDE MEALS WILL REQUIRE ACCREDITATION AT LEVELS 1 AND 2)**

**2.1 FOOD AND NUTRITION**

Residents are provided food, which is adequate in quantity, variety, and nutritional value to meet each person's daily food requirements.

**2.2 DINING ROOMS**

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

N.B The above standards are in addition to compliance with the *ANZFA Food Standards Code*.

**LEVEL 3 ACCREDITATION STANDARDS (PERSONAL CARE SERVICE) (RESIDENTIAL SERVICES THAT PROVIDE PERSONAL CARE SERVICES WILL REQUIRE ACCREDITATION AT LEVELS 1, 2 AND 3)**

**3.1 ACCESS TO EXTERNALLY PROVIDED SUPPORT SERVICES**

Wherever possible, personal care services for residents should be delivered through agencies external to the accommodation.

**3.2 FINANCIAL AND CLERICAL SUPPORT**

Residents should have management of their own financial affairs as much as possible or have an external person/organisation involved in assisting with financial decisions. When residents require clerical support and/or assistance in managing their finances day to day, practices are accountable and transparent.

**3.3 MEDICATION MANAGEMENT**

When residents request support to manage their medication, assistance is provided safely and correctly in accordance with medical directions.

**3.4 HEALTH CARE**

Residents have a choice of medical provider. Residents are encouraged and assisted where necessary to maintain their physical, dental and mental health.

**3.5 CLOTHING**

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

**3.6 HYGIENE MANAGEMENT**

Residents' personal hygiene needs are met in a way consistent with individual need and respect for dignity and privacy.

**3.7 LIVING ENVIRONMENT**

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

**3.8 LEISURE INTERESTS**

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

**3.9 PRESERVATION OF SOCIAL NETWORKS**

The residential service recognises the importance of preserving family relationships and informal social networks and supports these.

**3.10 CHOICE AND DECISION MAKING**

Residents participate in the decisions about the services that they receive, and are enabled to exercise choice and control over their lifestyle to the extent that they do not infringe on the rights of others.

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**ENDNOTES**

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Tourism, Racing and Fair Trading.