

# Amendments to the Residential Services (Accreditation) Act 2002

*Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)*

The *Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)* (the Act) introduces new standards for operators and residents of retirement villages, residential parks and residential services and builds better consumer protections for people across Queensland.

The Act makes changes to three separate pieces of legislation:

- *Manufactured Homes (Residential Parks) Act 2003*
- *Residential Services (Accreditation) Act 2002*
- *Retirement Villages Act 1999*.

## Amendments to the *Residential Services (Accreditation) Act 2002*

The Act amends the *Residential Services (Accreditation) Act 2002* to protect vulnerable Queenslanders by strengthening the rules under which residential services, such as aged rental accommodation, operate. The Act has some changes which came into effect from 10 November 2017 (the date of assent), while others will take longer to implement. These changes will not become effective until they receive 'proclamation' and do not yet appear in the *Residential Services (Accreditation) Act 2002*.

**This fact sheet provides information on changes to the *Residential Services (Accreditation) Act 2002*, that are now in force. It provides an overview of these changes and a reference to the relevant sections of legislation where these amendments are found.**

## Regulation of Residential Services

Amendment	What does it mean?	Reference
Definition of a 'residential service' amended	A service that receives and uses state government funding to provide supported accommodation to persons who are homeless or at risk of homelessness is not defined as a 'residential service' under the Act.	Section 4
Definition of a 'resident' amended	A resident living in a residential service is defined as a person who occupies one or more rooms as their residence, and is not an associate of the service provider or a relevant employee.  A new definition, <i>relevant employee</i> , was also introduced and refers to a person who is employed in the residential service by the service provider.	Section 5
Definition of an 'aged rental scheme' and 'scheme operator' amended	Scheme operators who engage another person to provide a food or personal care service (to residents who pay for the service) are now included in the definition of an aged rental scheme.	Section 6A

Amendment	What does it mean?	Reference
Providing relevant information about cancelled registration	A service provider will now need to provide detailed information about any previous residential services they have operated. This includes the reasons for any previous cancellations of registration.	Section 10
Level 1 accreditation timeframe	The service provider of a Level 1 service must now apply for accreditation within 3 months of the registration date.	Section 35
Level 2 accreditation timeframe	The service provider of a Level 2 service must now apply for accreditation within 3 months of the date they began providing a food service.	Section 36
Level 3 accreditation timeframe	The service provider of a Level 3 service must now apply for accreditation within 3 months of the date they started providing a personal care service.	Section 38
Definition of an accreditation decision	The Chief Executive is empowered to decide on the accreditation and renewal of accreditation for residential services.	Section 41
Renewal of an accreditation	The Chief Executive may now renew an accreditation with conditions.	Section 50
Death of a sole service provider	The personal representative of the estate of a deceased sole service provider is now subject to suitability requirements. If the personal representative of the estate is not deemed suitable, the Chief Executive will appoint a substitute service provider.	Section 70
Substitute service provider	A 'substitute' is a person who is appointed by the Chief Executive to operate a residential service after the death of a sole service provider.	Section 71
Requirement for a fire safety management plan	All services must now have a fire safety management plan in place at all times, not just when they start to conduct a service.	Section 75
Chief Executive can make guidelines	The Chief Executive can make, replace and amend guidelines to assist with administration of the Act and compliance (e.g. accreditation).	Section 180A
Reviewable accreditation decisions	If you don't agree with a condition that is placed on the renewal or accreditation of a service, you can apply to have it reviewed by the Chief Executive.	Schedule 1
Domestic violence definition	The definition of domestic violence reflects the <i>Domestic and Family Violence Protection Act 2012</i> .	Schedule 2

## For more information

For more information regarding the amendments to the *Residential Services (Accreditation) Act 2002* please contact:

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The full version of the Act can be found at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).