

South Australia

**Supported Residential Facilities (Aged Care  
Facilities) Amendment Bill 2018**

A BILL FOR

An Act to amend the *Supported Residential Facilities Act 1992*.

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**The Parliament of South Australia enacts as follows:**

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Supported Residential Facilities (Aged Care Facilities) Amendment Act 2018*.

#### 2—Commencement

This Act will come into operation 3 months after the day on which it is assented to by the Governor.

#### 3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Supported Residential Facilities Act 1992*

#### 4—Amendment of section 3—Interpretation

Section 3—before the definition of *authorised officer* insert:

- 15 *aged care facility* means a facility at which residential accommodation is provided or offered together with personal care services for persons aged 70 years or more (whether or not such accommodation is also provided for younger persons);

#### 5—Amendment of section 29—Licence conditions

- 20 Section 29(1)—after paragraph (b) insert:

and

- (c) in the case of a licence relating to an aged care facility—the condition imposed by section 29A.

## 6—Insertion of section 29A

After section 29 insert:

### 29A—Special conditions for aged care facilities

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- (1) Each licence under this Act relating to a supported residential facility that is an aged care facility is subject to a condition requiring the proprietor of the facility to comply with this section.
- (2) The proprietor of a supported residential facility that is an aged care facility must ensure that—
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- (a) audio-visual recording equipment that complies with any requirements set out in the regulations for the purposes of this paragraph is installed in the bedroom of each resident of the facility; and
- (b) audio-visual recording equipment that complies with any requirements set out in the regulations for the purposes of this paragraph is installed in each common area of the facility.
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- (3) Subject to this section, the proprietor of a supported residential facility that is an aged care facility must ensure that—
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- (a) in the case of audio-visual recording equipment installed in the bedroom of a resident—
- (i) the audio-visual recording equipment is operating at all times when any person is in the bedroom; and
- (ii) the audio-visual recording equipment is monitored in accordance with any requirements set out in the regulations for the purposes of this paragraph by a person or body independent of the aged care facility or the proprietor; and
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- (iii) the images recorded by the audio-visual equipment are reviewed, in accordance with any requirements set out in the regulations for the purposes of this paragraph, by a person authorised in writing by the proprietor; and
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- (b) in the case of audio-visual recording equipment installed in a common area of the facility—
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- (i) the audio-visual recording equipment is operating at all times when any person is in the common area; and
- (ii) the audio-visual recording equipment is monitored in accordance with any requirements set out in the regulations for the purposes of this paragraph by a person or body independent of the aged care facility or the proprietor; and
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(iii) the images recorded by the audio-visual equipment are reviewed, in accordance with any requirements set out in the regulations for the purposes of this paragraph, by a person authorised in writing by the proprietor.

(4) The requirements under subsection (3)(a) will only be taken to apply to a proprietor of a facility if each resident in the bedroom in which the audio-visual recording equipment is installed consents in writing to the operation of the audio-visual recording equipment, and the monitoring and review of images recorded by the equipment.

(5) The proprietor of a supported residential facility that is an aged care facility may recover from a resident the actual costs of—

(a) installing and operating audio-visual recording equipment in the bedroom of the resident; and

(b) monitoring and reviewing images recorded by the audio-visual equipment in accordance with this section,

(however, nothing in this section authorises the recovery of costs in relation to the installation, operation, monitoring or review of audio-visual recording equipment installed in a common area of the facility).

(6) For the purposes of this section, a reference to the consent of a resident will be taken to include a reference to the consent of a person who is authorised under a law of this State, or of the Commonwealth or another State or Territory, to give consent on behalf of the resident.

(7) In this section—

***common area***, of an aged care facility, means an area to which all residents of the facility or members of the public (or both) have access.