

SOUTH AUSTRALIA

**SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 1994**

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*Supported Residential Facilities Regulations 1994*

being

No. 205 of 1994: *Gaz.* 8 December 1994, p. 1969<sup>1</sup>

as varied by

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262<sup>2</sup>

<sup>1</sup> Came into operation 10 December 1994: reg. 2.

<sup>2</sup> Came into operation 3 February 1997: reg. 2.

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.*

2.

**PART 1  
PRELIMINARY**

**Citation**

1. These regulations may be cited as the *Supported Residential Facilities Regulations 1994*.

**Commencement**

2. These regulations will come into operation on 10 December 1994.

**Interpretation**

3. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Supported Residential Facilities Act 1992*;

"**Building Code of Australia**" means the Building Code of Australia published by the Australian Building Codes Board as in force from time to time, and as modified by the variations and additions for South Australia contained in the appendix to the Code;

"**health service provider**" has the same meaning as in section 47 of the Act;

"**manager**" of a supported residential facility means—

(a) if section 34 of the Act applies in relation to the facility—a person approved under that section;

(b) in any other case—a proprietor of the facility;

"**nursing home**" means a supported residential facility where nursing care is provided or offered on a continuing basis;

"**premises**" in relation to a supported residential facility includes the buildings, grounds, fixtures and fittings of the facility;

"**registered nurse**" means a registered nurse under the *Nurses Act 1984*.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

3.

## **PART 2 LICENSING SCHEME**

### **Application for a licence**

4. For the purposes of section 24 of the Act—

- (a) the licence fee is the amount fixed for that purpose by schedule 1; and
- (b) a licensing authority should decide an application for a licence within eight weeks after the application is made.

### **Matters to be considered in granting a licence**

5. Pursuant to section 25(1)(f) of the Act, the licensing authority must take into account, in relation to the standard of the premises (or proposed premises), the extent to which the premises accord with the standards prescribed by or under the Building Code of Australia.

### **Application for renewal of a licence**

6. For the purposes of section 27 of the Act—

- (a) the renewal fee is the amount fixed for that purpose by schedule 1; and
- (b) an application for renewal must be made not less than eight weeks before the date of expiry of the licence; and
- (c) the late application fee is the amount fixed for that purpose by schedule 1; and
- (d) a licence, as renewed, remains in force for a period (not exceeding two years) stated by the licensing authority on the renewal of the licence.

### **Transfer of licences**

7. For the purposes of section 30(2)(b) of the Act, the fee on an application for the transfer of a licence is the amount fixed for that purpose by schedule 1.

### **Existing facilities**

8. For the purposes of section 33 of the Act, the prescribed fee is the amount fixed for lodging an application under section 24(2) of the Act plus the appropriate licence fee.

### **Display of notice**

9. Pursuant to section 36 of the Act, the notice set out in schedule 2 is prescribed.

**PART 3  
DOCUMENTATION**

**Prospectus**

**10.** (1) Pursuant to section 37(1) of the Act, a prospectus must contain the following information relating to the relevant facility and the personal care services provided or offered at the facility:

- (a) a general description of the nature of the facility according to the type or types of accommodation available at the facility;
- (b) a general description of the types of services directly provided or offered at or by the facility, and the current fees or charges for those services;
- (c) if the services offered at the facility include the management of personal finances, details of—
  - (i) the various options available for the management of money held on behalf of residents; and
  - (ii) the kinds of records and accounts that are kept by the facility; and
  - (iii) the arrangements observed at the facility for the provision of information to a resident whose finances are managed by the facility;
- (d) details of any rules or policies that apply to residents;
- (e) details of the rights and responsibilities of residents;
- (f) the number of residents who can be accommodated at the facility;
- (g) details of—
  - (i) any amount payable on becoming a resident, and recurrent fees or charges that are payable by a resident;
  - (ii) to the extent that an amount, fee or charge is not a fixed sum, the nature of the amount, fee or charge, its purpose and its method of calculation;
  - (iii) any provision for the variation of an amount, fee or charge;
- (h) the procedures by which a resident who makes a financial contribution to the facility can obtain information on the financial management of the facility;
- (i) any amount payable to or by a person when he or she ceases to be a resident.

(2) Pursuant to section 37(4) of the Act—

- (a) a copy of the prospectus, and a copy of an alteration to a prospectus, must be lodged by the proprietor of the facility with the relevant licensing authority within 14 days after the prospectus or alteration is brought into effect; and

5.

- (b) the copy lodged under paragraph (a) must be accompanied by a written statement, signed by a proprietor, that sets out—
  - (i) the date on which the prospectus or alteration came into effect; and
  - (ii) in relation to an existing facility, details of any consultation or discussions that have occurred with residents in relation to the matter.

### **Resident contracts**

11. (1) Pursuant to section 38(1) of the Act—

- (a) a resident contract must be entered into within 28 days after personal care services are first provided to the resident (or at any time before services are first provided); and
- (b) the proprietor must ensure that the resident (or his or her representative) understands the nature and effect of the contract, and the rights and responsibilities of the resident, before the contract is entered into; and
- (c) the proprietor must ensure that any inconsistency between the terms and conditions of the contract and the prospectus for the facility is expressly noted in the contract and acknowledged by the parties to the contract by specific endorsement on the contract; and
- (d) the proprietor must ensure—
  - (i) that a copy of the contract is given to the resident at the time that the resident becomes a party to the contract; and
  - (ii) that a fully executed copy of the contract is kept in a safe place at the facility at all times; and
  - (iii) that the resident, and any representative of the resident, has reasonable access to the copy referred to in subparagraph (ii).

(2) Pursuant to section 38(3) of the Act—

- (a) the statement required under section 38(3)(a) must be in the form of schedule 3 and contain the information required under that schedule; and
- (b) the following documents are prescribed for the purposes of section 38(3)(b):
  - (i) a copy of any rules or policies that will apply to the person as a resident of the facility;
  - (ii) a draft or outline service plan for consideration by the resident.

(3) A resident contract must include a provision to the effect that if the resident is absent from the facility for a period specified in the contract (which must be a period not exceeding 14 days), then the fees and charges payable by the resident under the contract on a recurrent or ongoing basis will be reduced to the extent specified in the contract.

**Service plans**

**12.** (1) A service plan must include the following information:

- (a) exact details of the personal care services to be provided to the resident (including the nature, extent and frequency of provision of those services);
- (b) instructions to staff relating to the provision of those services;
- (c) the name, address and telephone number of the resident's chosen medical practitioner;
- (d) current information on the resident's general state of health, and any instructions or information relating to the health or care of the resident given to a staff member by the resident's medical practitioner, or other health service provider who is directly involved in the care of the resident;
- (e) other information specifically required to be included in the service plan under another regulation.

(2) A service plan must be kept in a confidential place at the facility and the proprietor must ensure that it is made available, on request, to the resident or his or her representative, or to a medical practitioner or other health service provider, at any reasonable time.

(3) A service plan must be reviewed and, if necessary, revised if the resident experiences or suffers a significant occurrence or deterioration that adversely affects the resident's health or well-being, and in any event must be reviewed at least once in every 12 months.

(4) A review or revision of the service plan must be undertaken in consultation with the resident (or, if appropriate, a representative of the resident).

**PART 4  
STANDARDS OF CARE**

**Privacy, dignity and respect**

**13.** The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the provision of personal care services and the operation of the facility:

- (a) assistance must be offered and provided discreetly and sensitively and, if appropriate, with a reasonable degree of privacy;
- (b) a resident must, so far as is reasonably practicable, be able to display, or to store safely, (according to his or her choice) his or her personal effects;
- (c) the personal property of a resident must not be used by another person without the resident's permission;
- (d) a resident must not be required to observe unreasonable routines with regard to meal times, bed times, bathing and dressing;
- (e) personal information relating to a resident must be treated on a confidential basis;
- (f) a resident must not be expected or required to share clothing, other items of a personal nature, or toiletries, with another person;
- (g) a resident must be afforded privacy, if he or she so desires, when engaged in conversation with a visitor, a medical practitioner or other health service provider, or another resident;
- (h) a resident must be afforded a reasonable degree of privacy when bathing, showering, toileting or dressing (whether alone or with assistance).

**Personal hygiene**

**14.** The proprietor of a supported residential facility must ensure that a resident is able (or assisted) to maintain personal hygiene in a manner consistent with the resident's needs and preferences.

**Medication**

**15.** The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the management of the medication of a resident of the facility:

- (a) a resident must be encouraged, where appropriate, to manage his or her own medication;
- (b) the advice of the resident's medical practitioner, or of a registered nurse, must be obtained if there is doubt about a resident's ability to manage his or her own medication, or if there is uncertainty about a resident's medication;
- (c) the medication of each resident must be clearly identified, kept separate from the medication of other residents, and stored in a secure place;

8.

- (d) medication must be kept—
  - (i) in the container in which the medication was dispensed or supplied; or
  - (ii) if appropriate, in a dose administration container that bears a label that includes the resident's name, the generic name and strength of the drug, and the dosage instructions for the resident;
- (e) information about arrangements, instructions or directions for the proper management or administration of medication must be readily available to staff and recorded in the resident's service plan;
- (f) a report must be made to the resident's medical practitioner, or to a registered nurse, if a resident experiences an adverse reaction to any medication, fails to respond to medication in an appropriate manner, or fails to comply with an instruction or direction relevant to the management or administration of medication.

### **Nutrition**

**16.** The proprietor of a supported residential facility must ensure that the following standards are observed in relation to a resident's nutrition:

- (a) a resident must receive suitable and sufficient food and drink taking into account his or her particular dietary needs and cultural background;
- (b) steps must be taken to ensure that food has reasonable nutritional value and that a variety of foods are made available over a reasonable period of time;
- (c) adequate supplies of potable water must always be available;
- (d) special dietary requirements and eating difficulties that require assistance must be recorded in a resident's service plan;
- (e) meals must be provided at appropriate intervals, and at an appropriate temperature;
- (f) tea and coffee making facilities, and cool drink storage facilities, must be available during the day.

### **Mobility**

**17.** The proprietor of a supported residential facility must ensure that the following standards are observed in relation to a resident's mobility:

- (a) a resident must be provided with reasonable assistance to facilitate mobility and independence of movement (if required);
- (b) steps must be taken to ensure that a mobility aid or equipment used by a resident is in good working order,

(but a proprietor is not responsible by virtue of these regulations for the provision of a mobility aid or equipment, or for any costs associated with the maintenance of a mobility aid or equipment).

### **Activities**

**18.** The proprietor of a supported residential facility must ensure that a resident is not prevented from participating in an activity within or outside the facility (provided that the resident does not unreasonably infringe on the rights, peace, comfort or privacy of another person).

### **Notification of certain events**

**19.** The proprietor of a supported residential facility must ensure—

- (a) that a resident's chosen medical practitioner and representative (if any) are informed of a significant deterioration or other event that adversely affects (or could adversely affect) the resident's health or well-being, and that details of the situation and reporting are included in the resident's service plan;
- (b) if it appears that a resident is failing to comply with the advice or recommendations of a medical practitioner or other health service provider, that reasonable steps are taken to discuss the matter with the resident, or with his or her representative, and, if appropriate, with the medical practitioner or health service provider.

### **Personal finances**

**20.** The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the management of a resident's personal finances:

- (a) a resident must, where appropriate, be encouraged to manage his or her own personal finances;
- (b) if a resident is incapable of managing his or her own personal finances, that an appropriate person or authority is contacted about the appointment of an administrator, agent or representative;
- (c) that any amount received on behalf of the resident is kept in a special account;
- (d) that accurate and complete financial records are kept in respect of any aspect of a resident's financial affairs that are managed at the facility, and that those records are made available to the resident, or to his or her representative, at any reasonable time.

### **Records**

**21.** (1) The proprietor of a supported residential facility must ensure, in addition to the foregoing requirements, and whether as part of a service plan or otherwise, that the following records are maintained in an appropriate manner at the facility in respect of each resident:

- (a) medical records, results, directions or instructions provided by a medical practitioner or other health service provider, and details of a visit or examination undertaken at the facility by a medical practitioner or other health service provider;
- (b) details of a special procedure or precaution that must be taken to protect the resident's personal safety, and the safety of others;
- (c) the resident's full name, age, gender, and date of admission, and the name and address of his or her next of kin, and of any representative;

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- (d) the date on which the resident is discharged from, or leaves, the facility, or the date of his or her death;
- (e) details of a direction or instruction given by the resident to the proprietor, or to a member of the staff of the facility.

(2) A record under subregulation (1) must be kept in a confidential place at the facility and the proprietor must ensure that it is made available, on request, to the resident or his or her representative, or to a medical practitioner or other health service provider, at any reasonable time.

(3) A record required under these regulations must be retained by the proprietor for at least five years after the date on which the resident leaves the facility or, if he or she dies while residing at the facility, the date of his or her death.

**PART 5  
STAFFING ARRANGEMENTS**

**DIVISION 1—MANAGERS**

**Responsibilities of a manager**

**22.** (1) The manager of a supported residential facility must take overall responsibility for the day to day management of the facility and, in particular, must—

- (a) ensure the proper oversight and care of the residents of the facility and ensure that personal care services are provided in accordance with each resident's needs;
- (b) ensure that the facility, and furnishings, fittings and equipment within the facility, are kept clean and safe, and in good repair;
- (c) maintain reasonable records for the purposes of the Act and these regulations;
- (d) without limiting other requirements concerning minimum staffing levels, ensure that the facility is adequately staffed at all times in order to ensure the proper care and safety of residents;
- (e) ensure that the facility is under the proper supervision of a competent person when he or she is not in attendance at the facility;
- (f) maintain a register of staff that includes, in relation to each member of the staff—
  - (i) his or her full name, residential address, and telephone number; and
  - (ii) any qualifications held by the staff member;
- (g) maintain a staff roster;
- (h) comply with the other requirements placed on the manager under these regulations.

Penalty: Division 7 fine.

Expiation fee: \$50.

(2) The proprietor of a supported residential facility must ensure that sufficient resources are provided at the facility to enable the manager to comply with the requirements of these regulations.

**Acting managers**

**23.** (1) If—

- (a) a manager is absent from the duties of office, or the position of manager is temporarily vacant, for a period exceeding seven days; and
- (b) a resident of the facility is in need of personal care services,

an acting manager must be appointed or otherwise assume the duties of the office of manager.

(2) An acting manager must be approved by the relevant licensing authority for the purposes of this provision.

(3) A facility must not have an acting manager for a period exceeding three consecutive months.

### **Management of nursing homes—Directors of Nursing**

**24.** (1) The provision of nursing care at a nursing home must be overseen by a registered nurse who is approved by the relevant licensing authority as being a person who has appropriate qualifications, skills and experience to perform that function at the facility.

(2) If there is a change in the type or level of services provided at a nursing home, the relevant licensing authority may, by notice in writing to the proprietor, revoke an approval under subregulation (1) and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has qualifications, skills and experience that are appropriate to the facility.

(3) A person who is approved by the relevant licensing authority for the purposes of this provision will hold the title "Director of Nursing" (and the Director of Nursing may, but need not necessarily, be the manager of the relevant facility).

(4) A person who, immediately before the commencement of these regulations, held the office of Director of Nursing at a nursing home under the *Health Act 1935* will be taken to have been granted an approval for the purposes of subregulation (1).

## **DIVISION 2—STAFFING REQUIREMENTS**

### **Staffing levels—nursing homes**

**25.** (1) In this regulation—

**"domestic staff"** means persons involved with housekeeping functions in a nursing home and includes a cook, cleaner, laundry worker, gardener or maintenance person;

**"general nurse (supervised)"** means a person enrolled as a general nurse (supervised) under the *Nurses Act 1984*;

**"night shift"** means the period of time beginning at 10.00 p.m. and ending at 7 a.m. on the next day;

**"nursing home assistant"** means a person who is not a registered nurse or a general nurse (supervised), but whose work is concerned with the personal care of individual residents at a nursing home;

**"nursing staff member"** includes a registered nurse, a general nurse (supervised) or a nursing home assistant;

**"therapist"** means an occupational therapist, speech therapist, physiotherapist, podiatrist, recreational therapist or other person whose profession or occupation involves assisting in the rehabilitation of patients.

(2) For the purposes of this regulation, a person is on close call if—

- (a) the person is on the premises of the relevant nursing home and can be summoned immediately by a nursing staff member on duty; or
- (b) the person is on premises within close proximity to the nursing home and has a means by which he or she can be summoned immediately by a nursing staff member on duty.

(3) The following requirements are prescribed as minimum staffing levels that must be maintained at a nursing home where not more than 16 persons who require nursing care reside:

- (a) a registered nurse must be on duty and another nursing staff member must be on close call at all times, provided that during the night shift a registered nurse may be on close call if there is another nursing staff member on duty during that time; and
- (b) an adequate number of nursing staff members and therapists must be employed to ensure the proper care of the residents; and
- (c) there must be sufficient domestic staff members to maintain the premises in a clean condition, to prepare, serve and clear away meals, and to maintain adequate laundry and linen services.

(4) The following requirements are prescribed as minimum staffing levels that must be maintained at a nursing home where more than 16 persons who require nursing care reside:

- (a) two nursing staff members, at least one of whom is a registered nurse, must be on duty at all times; and
- (b) an adequate number of nursing staff members and therapists must be employed to ensure the proper care of the residents; and
- (c) there must be sufficient domestic staff members on duty to maintain the premises in a clean condition, to prepare, serve and clear away meals and to maintain adequate laundry and linen services.

**Staffing levels— other facilities that provide nursing care**

**26.** If a supported residential facility that is not a nursing home nevertheless provides nursing care, the proprietor must ensure that the staff of the facility includes a registered nurse.

**PART 6  
FACILITIES AND SAFETY**

**Bedrooms**

**27.** (1) Each resident of a supported residential facility must be allocated a bedroom (either on a single or share basis), and his or her own bed.

(2) A floor plan of the bedrooms at the facility, including the names of residents who sleep in each room, must be maintained at the facility's main office, or at some other convenient location at the facility.

(3) A resident of a supported residential facility, or his or her representative, must be consulted before the resident is allocated another bedroom.

**Bathroom facilities**

**28.** (1) Adequate and reasonable bathing facilities must be provided at a supported residential facility.

(2) Without limiting subregulation (1)—

(a) grab rails must be fitted in shower cubicles, water closets and bathrooms; and

(b) hand washing facilities must be easily accessible for residents and staff; and

(c) a reasonable supply of hot water must be available for the use of the residents at any reasonable time; and

(d) hot water for bathing must be provided at a temperature that does not cause scalding.

**Access and egress**

**29.** (1) A supported residential facility established after the commencement of these regulations must be designed, constructed and fitted in a manner that facilitates reasonable movement about the facility.

(2) Without limiting subregulation (1), handrails, ramps and, for a multistorey building, lifts, must be fitted if required by the relevant licensing authority.

**Storage and utility rooms**

**30.** Storage facilities must be provided at a supported residential facility to ensure that appliances, surplus furniture and equipment, residents' baggage, and other surplus items, are stored so that the facility can be kept clean and tidy, and so that persons can move safely about the facility.

**Cleanliness and maintenance**

**31.** (1) A supported residential facility must be maintained in a clean, safe and hygienic condition, and in good and safe repair.

(2) A resident of a supported residential facility must be provided with clean bed linen or a clean mattress so often as is reasonably appropriate to his or her personal needs and comfort.

(3) A reasonable number of appropriate waste receptacles must be readily available throughout a facility.

### **Food hygiene**

**32.** (1) Except as otherwise approved by the relevant licensing authority, a supported residential facility must be fitted with a kitchen that has adequate lighting and ventilation, reasonable space, and appropriate equipment.

(2) A resident must be provided at each meal with eating and drinking utensils that are clean and of good quality.

### **Fire safety**

**33.** (1) Reasonable precautions must be taken to protect the safety of residents of a supported residential facility from fire.

(2) Without limiting subregulation (1), and other statutory requirements—

- (a) reasonable means of emergency exit for residents must be available at all times;
- (b) the facility must be maintained and managed in accordance with any recommendation of the relevant fire authority;
- (c) fire fighting equipment must be installed and maintained at a facility in accordance with any recommendation of the relevant fire authority;
- (d) emergency exits must be clearly marked and kept free of impediments;
- (e) an evacuation procedure for residents of the facility must be established at a facility and known to all staff and residents;
- (f) regular evacuation drills must be undertaken at a facility;
- (g) a floor plan or plans that show fire exits and emergency evacuation routes must be kept in an accessible place at the facility at all times.

### **Heating, cooling and ventilation**

**34.** (1) The temperature of rooms occupied by residents of a supported residential facility must, so far as is reasonably practical, be maintained at a temperature that is reasonably comfortable for residents.

(2) A supported residential facility must be reasonably ventilated.

### **Lighting**

**35.** The rooms and passages within a supported residential facility, and the grounds of a supported residential facility, must be reasonably lighted.

### **Laundry**

**36.** A resident of a supported residential facility must be provided with adequate laundry facilities or services.

**Communication facility**

**37.** (1) A communication system must be installed at a supported residential facility at the direction of the relevant licensing authority.

(2) A communication system installed at a supported residential facility must be maintained in a fully-functional state.

(3) Reasonable steps must be taken to ensure that each resident understands how to operate a communication system installed at a facility.

**Secure grounds**

**38.** A nursing home, or other supported residential facility that provides accommodation for disoriented residents, must have an area within its grounds that can be safely used by disoriented residents.

**PART 7  
MISCELLANEOUS**

**Disputes**

**39.** (1) A procedure aimed at the resolution of disputes within the facility must be established at a supported residential facility.

(2) The procedure must include a provision that allows for the involvement of an independent person to assist or represent a resident who requests or needs assistance in a situation of dispute.

(3) The procedure must be incorporated in the rules of the facility.

(4) A complaint made by a resident of a facility to a proprietor or staff member must be dealt with in a prompt and reasonable manner and, if appropriate, on a confidential basis.

(5) If a provision of this regulation is not observed, the proprietor of the relevant facility is guilty of an offence.

Penalty:                      Division 7 fine.  
Expiation fee:                \$50.

\* \* \* \* \*

**Indemnity fund**

**41.** (1) Pursuant to section 56(4) of the Act, the prescribed percentage of licence fees, expiation fees and fines to be paid to the fund is 10 per cent.

(2) The amounts payable to the *Supported Residential Facilities Indemnity Fund* under section 56(4) of the Act must be remitted to the Fund Manager within 28 days after the end of the financial year in which they are received by the relevant authority.

(3) A claim for payment from the *Supported Residential Facilities Indemnity Fund* must be made, assessed and determined in accordance with the following procedures:

- (a) the claim must be made in writing and addressed to the Fund Manager;
- (b) the claim must be accompanied or supported by information required by the Fund Manager;
- (c) the Fund Manager may require the claimant to attend before the Fund Manager to answer questions, or to provide additional information, reasonably required by the Fund Manager to determine the claim;
- (d) the Fund Manager should seek to assess and determine the claim as expeditiously as possible and in any event within eight weeks after the receipt of the information supplied to the Fund Manager in accordance with this regulation;
- (e) the Fund Manager must ensure that written notice of his or her determination is served on the claimant.

**Fees**

**42.** (1) The fees set out in schedule 1 are prescribed for the purposes of the Act.

(2) If an inspection of premises in relation to which an exemption under section 4 of the Act applies is undertaken by an authorized officer under section 22(1)(a)(iii) of the Act on the basis of a complaint, or some other reasonable information that suggests that an investigation is warranted in the circumstances, an inspection fee of \$180 is payable by the proprietor of the premises.

(3) A fee under subregulation (2) is payable within seven days after the completion of the inspection.

**Offences**

**43.** If a provision of Part 3, 4, 5 or 6 of these regulations is not observed, the proprietor of the relevant facility is guilty of an offence.

Penalty: Division 7 fine.  
Expiation fee: \$50.

**False advertising**

**44.** A person must not promote or advertise, or cause to be promoted or advertised, a supported residential facility as a nursing home unless—

- (a) the facility is approved as a nursing home under the *National Health Act 1953* of the Commonwealth; or
- (b) the facility complies with the requirements of these regulations that specifically relate to nursing homes.

Penalty: Division 7 fine.  
Expiation fee: \$50.

**SCHEDULE 1**  
*Supported Residential Facilities Act 1992*

*Fees*

	\$
1. On the lodging of an application for a licence (section 24(2))— application fee .....	55
2. On a decision by a licensing authority to issue a licence—licence fee .....	275
(a) This fee must be paid within seven days after the applicant receives written notification from the licensing authority that the application for a licence has been approved.	
(b) If the term of a licence is less than 12 months, the licence fee is a proportion of the above fee, being the proportion that the number of whole months in the period of the licence bears to 12.	
3. If the term of a licence exceeds 12 months, an annual licence fee is payable on the anniversary of the granting of the licence .....	275
(a) If the licence is due to expire before the second anniversary of the granting of the licence, the annual licence fee is a proportion of the above fee, being the proportion that the number of whole months in the period between the first anniversary of the granting of the licence and the date on which the licence is due to expire bears to 12.	
4. On the lodging of an application for the renewal of a licence (section 27(1)(b))—renewal application fee .....	55
5. On a decision by the licensing authority to renew the licence—licence fee .....	275
(a) This fee must be paid within seven days after the applicant receives written notification from the licensing authority that the application for renewal has been approved.	
(b) If the term of a licence on renewal is less than 12 months, the licence fee is a proportion of the above fee, being the proportion that the number of whole months in the period of the licence bears to 12.	
(c) If the term of a licence on renewal exceeds 12 months, the annual licence fee under item 3 is payable.	
6. Late application fee under regulation 6 (section 27(3)) .....	25
7. On the application for the transfer of a licence (section 30(2)(b)) .....	55
8. On an application to a licensing authority under section 43(5)(c) of the Act .....	25

**SCHEDULE 2**

*Supported Residential Facilities Act 1992  
(Regulation 9)*

**NOTICE**

*Supported Residential Facilities Act 1992  
(Section 36)*

These premises are licensed under the *Supported Residential Facilities Act 1992*

The licence was issued on *[insert relevant date]* and the relevant licensing authority for the facility is *[insert relevant details]*

The proprietor(s) of the facility is/are:

.....  
.....  
.....  
.....

(Full name, address and telephone number)

The manager of the facility is:

.....

(Full name of manager)

The licence will expire on . . . . / . . . . / . . . . .

.....  
Authorised Officer

. . . . / . . . . / . . . . (Date)

**SCHEDULE 3  
STATEMENT TO BE PROVIDED TO A PERSON BEFORE THE  
EXECUTION OF A RESIDENT CONTRACT**

*Supported Residential Facilities Act 1992  
(Section 38)*

YOU SHOULD SEEK INDEPENDENT LEGAL ADVICE IF YOU ARE UNSURE ABOUT ANY ASPECT OF THIS DOCUMENT, OR OF ANY DOCUMENT WHICH YOU ARE REQUIRED TO SIGN OR WHICH IS PROVIDED TO YOU IN RELATION TO YOUR RESIDENCY AT A SUPPORTED RESIDENTIAL FACILITY.

YOU HAVE A PERIOD OF FIFTEEN (15) BUSINESS DAYS AFTER—

- (A) THE DATE OF ANY CONTRACT WHICH YOU MAY SIGN; OR
- (B) THE DATE OF THE SUPPLY OF THIS STATEMENT, THE RULES AND POLICIES OF THE FACILITIES AND AN OUTLINE OF A SERVICE PLAN (WHICHEVER IS THE LATER),

IN WHICH YOU MAY WITHDRAW FROM THE CONTRACT.

YOU ARE ADVISED TO READ AND CAREFULLY CONSIDER ANY DOCUMENTS PROVIDED TO YOU.

The following information is provided to you in relation to the facility and services:

**1. THE FACILITY**

1.1 The facility is situated at .....

.....

.....

1.2 The name(s) and contact address(es) and telephone number(s) of the proprietor(s) of the facility is/are as follows:

.....

.....

.....

**2. YOUR ACCOMMODATION**

2.1 The type of accommodation that is available to you is as follows (specify):

.....

A layout of the accommodation is attached to this document. *(Attach the layout.)*

2.2 The location of the accommodation within the facility is noted on the attached plan. *(Attach the plan.)*

**3. SERVICES THAT MAY BE PROVIDED TO YOU**

3.1 You are to be provided with the following services by the facility:

.....  
.....  
.....  
.....  
.....

3.2 The following services will also be available at the facility:

.....  
.....  
.....  
.....

3.3 The following equipment will be available to you at the facility:

.....  
.....  
.....  
.....

3.4 The following special (and additional) arrangements are being made for you, or on your behalf:

.....  
.....  
.....  
.....  
.....

3.5 The following restrictions may affect the provision of the above services:

.....  
.....  
.....  
.....  
.....

**4. YOUR PAYMENTS**

4.1 You are required to pay the following amounts on the commencement of the resident contract [or on or before you commence to reside at the facility]:

<i>Description</i>	<i>Amount</i>
.....	\$ .....
.....	\$ .....
.....	\$ .....

4.2 Recurrent charges. The following fees and charges are payable while you remain a resident of the facility:

*(This section must be repeated for each applicable type of fee or charge.)*

Description: .....

Amount: \$ .....

This covers the following services/items:

.....  
.....  
.....

The fee or charge was last adjusted on the following date ... / ... / ... ,

when it was adjusted by \$ .....

In respect of the last adjustment, residents were given .....

.....

days/weeks/months notice of the adjustment.

The estimated date of the next adjustment will be on the following date:

..... / ..... / .....

4.3 The following fees or charges (not mentioned above) may become payable in the future:

<i>Description</i>	<i>Amount (if known)</i>
.....	\$ .....
.....	\$ .....
.....	\$ .....

4.4 You are entitled to the following amounts when you cease to be a resident of the facility:

.....  
.....  
.....  
.....

4.5 Before an amount is paid under 4.4, the following conditions must be met:

.....  
.....  
.....  
.....

**5. ROUTINES AND TIMES**

5.1 The following routines apply at the facility:

.....  
.....  
.....  
.....

5.2 You will be expected to observe the following time-requirements while you are a resident of the facility:

.....  
.....  
.....  
.....

**6. COMPLAINTS**

You may wish to make a complaint about the accommodation or services provided at the facility, or about any other aspect of the facility. If so, the following procedures should be observed:

.....  
.....  
.....  
.....

**7. YOUR FUTURE POSITION**

7.1 Your contract must be terminated in writing. The contract calls on you to take the following action in order to terminate:

.....  
.....  
.....  
.....  
.....

7.2 It is proposed that the contract may require review or renegotiation in the following circumstances:

.....  
.....  
.....  
.....  
.....

**8. YOUR FUTURE OBLIGATIONS**

You may be required to observe certain rules and policies. Please ensure that you read a copy of any rules or policies before you agree to sign any documents.

(In all sections, delete comments where not applicable and add comments where required).

*For facilities under construction*

*It is not always possible for the proprietor to provide accurate information regarding the future of a facility that is under construction.*

*If necessary, the proprietor of the facility should provide the best available information and best estimates regarding work to be completed. Prospective residents considering residing in a facility that is not yet completed should treat the matter with caution.*

In addition to facilities already completed at the time of this document, the following facilities are under construction or planned:

**1. FACILITIES**

1.1	Accommodation	Development Stage No. (if applicable) .....
-----	---------------	--

Independent units—

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

Serviced apartments (Hostel units)—

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

No. of units	.....	Est. completion date	...../...../.....
--------------	-------	----------------------	-------------------

Other (*specify*)

1.2	Communal Facilities ( <i>specify</i> )	Development Stage No. (if applicable) .....
-----	--	--

.....

.....	.....	Est. completion date	...../...../.....
-------	-------	----------------------	-------------------

.....

.....	.....	Est. completion date	...../...../.....
-------	-------	----------------------	-------------------

.....

.....	.....	Est. completion date	...../...../.....
-------	-------	----------------------	-------------------

1.3	Gardens	
	.....	
	.....	

1.4	Outdoor Facilities	
	.....	
	.....	

**2. PROPOSED SERVICES**

**3. DEVELOPMENT CONSENTS**

The following information describes any conditions or requirements of development consent affecting the construction and/or services to be provided by the proprietor:

.....

.....

.....

.....

## **APPENDIX 1**

### **LEGISLATIVE HISTORY**

#### **Transitional Provisions**

*(Transitional provision from Regulation No. 259 of 1996, reg. 4)*

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

#### **Legislative History**

Regulation 22(1):	varied by 259, 1996, reg. 3 (Sched. cl. 27)
Regulation 39(5):	varied by 259, 1996, reg. 3 (Sched. cl. 27)
Regulation 40:	revoked by 259, 1996, reg. 3 (Sched. cl. 27)
Regulations 43 and 44:	varied by 259, 1996, reg. 3 (Sched. cl. 27)

**APPENDIX 2****DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25