

Authorised Version
**Supported Residential Services (Private
Proprietors) Regulations 2012**
S.R. No. 61/2012

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objectives	1
2 Authorising provision	2
3 Commencement	2
4 Definitions	2
PART 2—ADMINISTRATION AND REGISTRATION	7
5 Applicant's undertaking	7
6 Authority to the Secretary	7
7 Charges and convictions statement	7
8 Manager's statement	8
9 Professional standards statement	9
10 Application for registration of premises	9
11 Prescribed fee for application for registration of premises	10
12 Application for variation of registration to increase the number of beds	10
13 Application for variation of any condition of registration	10
14 Prescribed fee for application for variation of registration	10
15 Application for approval of alterations or extensions	11
16 Prescribed fee for application for approval of alterations or extensions	11
17 Application for approval of a new director or officer of a proprietor that is a body corporate	12
18 Prescribed fee for application for approval of a new director or officer of a proprietor that is a body corporate	12
19 Application for approval of legal personal representative, executor, guardian or administrator to carry on the SRS	12
20 Prescribed fee for application for approval of legal personal representative to carry on a SRS	13
21 Application for approval of manager	13
22 Prescribed fee for application for approval of manager	13
23 Registration statements	13

<i>Regulation</i>	<i>Page</i>
24 Cancellation of registration	14
25 Provision of prescribed documents	14
PART 3—INFORMATION FOR PROSPECTIVE RESIDENTS AND RESIDENTIAL AND SERVICES AGREEMENT	15
26 Act and Regulations to be available	15
27 Information for prospective residents	15
28 Residential and services agreement	17
PART 4—ACCOMMODATION AND PERSONAL SUPPORT STANDARDS	21
29 Accommodation and personal support standards	21
PART 5—MEDICATION	22
30 Storage of medication	22
31 Medication distribution and administration	23
32 Medication records	24
PART 6—STAFFING	26
33 Personal support coordinator	26
34 Minimum staff requirement	26
35 Resignation, termination of employment or absence of personal support coordinator	28
36 Qualifications	28
37 Qualifications of ancillary staff	30
38 Staff to have first aid training	30
39 Criminal record check of prospective employees	31
PART 7—COMPLAINTS	33
40 Principles	33
41 Complaints officer	33
42 Procedures for complaints	33
43 Written record of complaints	34
PART 8—REPORTING AND RECORDS	35
44 Prescribed incident	35
45 Prescribed particulars of prescribed incidents	35
46 Prescribed resident information	35
47 Prescribed particulars of staff information	37
48 Record of staff roster	38
49 Records	38
50 Prescribed reportable incidents	39
51 Prescribed particulars of prescribed reportable incidents	39

<i>Regulation</i>	<i>Page</i>
52 Prescribed time for notification of a prescribed reportable incident	39
53 Record of visits by community visitors	40
54 Record of transfer of residents	40
PART 9—FEES AND MONEY AND PROPERTY OF RESIDENTS	42
55 Prescribed amount of reportable transactions and prohibited transactions	42
56 Prescribed maximum amount of resident's money that may be managed or controlled by proprietor	42
57 Prescribed information in statement acknowledging receipt of a security deposit or fees	42
58 Required records for money held in trust account	43
PART 10—NOTICES TO VACATE	44
59 Prescribed time for notification to Secretary	44
PART 11—MONITORING AND ENFORCEMENT	45
60 Prescribed form of receipt for seized things and samples taken	45
61 Infringement offences	45
PART 12—ELECTION TO THE COMMUNITY (RESIDENTIAL SERVICES) VISITORS BOARD	46
Division 1—Election of community visitors to the board	46
62 When elections must be held	46
63 Appointment and functions of the returning officer	46
64 Notice of an election	47
65 Information in notice	47
66 Nomination and polling days	47
67 Method of nominating	47
68 Form of nomination paper	48
69 Withdrawal of nomination	48
Division 2—Conduct of election	49
70 Contested election	49
71 Order of names on ballot paper	49
72 Distribution of ballot papers	49
73 Candidate's personal statement	50
74 Method of voting	50
75 Manner of lodging vote	51
76 Receipt of reply paid return envelopes	51
77 Invalid votes	52

<i>Regulation</i>	<i>Page</i>	
78	Method of counting votes and declaration of result	52
79	Recounts	52
80	Disputes	53
81	Notification of the election results	53
82	Custody of election papers	53
Division 3—Casual vacancies		53
83	Method for filling casual vacancies	53
Division 4—Transitional provision		54
84	Transitional provision for staggering community visitor board members terms	54
—————		
SCHEDULES		56
SCHEDULE 1—Prescribed Information and Documents for Application for Registration of Premises as a SRS		56
1	Details of applicant and premises	56
2	Suitability of the applicant, or, if the applicant is a body corporate, each director and any other officer of the body corporate empowered to exercise control over the affairs of the body corporate	57
3	Relevant arrangements in place to operate a SRS	58
4	Suitability of building and site for a SRS	59
5	Evidence of the applicant's capacity to operate a SRS	60
SCHEDULE 2—Prescribed Information and Documents for Application for Variation of Registration of Premises		62
PART 1—APPLICATION FOR VARIATION OF REGISTRATION TO INCREASE BED NUMBERS UNDER SECTION 20(1) OF THE ACT		62
1	Details of applicant and premises	62
2	Suitability of the premises	62
3	Relevant arrangements in place to operate a SRS	64
PART 2—APPLICATION FOR VARIATION OF A CONDITION OF REGISTRATION TO WHICH THE SRS IS SUBJECT UNDER SECTION 20(2) OF THE ACT		64
1	Details of applicant and premises	64
2	Details of the proposed variation	64

<i>Regulation</i>	<i>Page</i>
SCHEDULE 3—Prescribed Information and Documents for Application for Approval of Alterations or Extensions	65
1 Details of applicant and premises	65
SCHEDULE 4—Prescribed Information and Documents for Application for Approval of a New Director or Officer of a Proprietor that is a Body Corporate	67
1 Details of applicant and premises	67
SCHEDULE 5—Prescribed Information and Documents for an Application by Legal Personal Representative, Executor, Guardian or Administrator to Carry on the SRS	69
1 Details of applicant and premises	69
SCHEDULE 6—Prescribed Information and Documents for an Application for Approval of a Person to Manage a SRS	71
1 Details of applicant and premises	71
2 Details of the proposed manager	71
3 Suitability of the proposed manager	72
SCHEDULE 7—Prescribed Information for Registration Statements	73
1 Details of the proprietor and premises	73
2 Suitability of the proprietor or director	74
SCHEDULE 8—Information and Documents to Accompany an Application for Cancellation of Registration of a SRS	75
1 Details of applicant and premises	75
SCHEDULE 9—Accommodation and Personal Support Standards	76
LIFESTYLE	76
Standard 1—Privacy, dignity and confidentiality	76
Standard 2—Independence and choice	77
Standard 3—Protection from abuse	77
Standard 4—Protection of private property	78

<i>Regulation</i>	<i>Page</i>
FOOD AND NUTRITION	78
Standard 5—Choice	78
Standard 6—Nutritious food	79
Standard 7—Safe food	79
HEALTH AND WELLBEING	80
Standard 8—Choice of and access to health care providers	80
Standard 9—Personal support	80
Standard 10—Clothing	81
Standard 11—Bedding and linen	82
Standard 12—First aid	82
PHYSICAL ENVIRONMENT	83
Standard 13—A safe environment	83
Standard 14—A clean, comfortable and well maintained environment	83
Standard 15—Emergency procedures and planning	84
SCHEDULE 10—Receipt for Seizure of Things and Samples Taken	86
SCHEDULE 11—Infringement Offences	87
=====	
ENDNOTES	94

Authorised Version

STATUTORY RULES 2012

S.R. No. 61/2012

Supported Residential Services (Private Proprietors) Act 2010

Supported Residential Services (Private Proprietors) Regulations 2012

The Governor in Council makes the following Regulations:

Dated: 28 June 2012

Responsible Minister:

MARY WOOLDRIDGE
Minister for Community Services

YVETTE CARISBROOKE
Acting Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to—

- (a) provide for the administration of the **Supported Residential Services (Private Proprietors) Act 2010**;
- (b) prescribe minimum standards for accommodation and personal support to be provided to residents of supported residential services;
- (c) prescribe fees and other matters authorised by the Act;
- (d) prescribe certain offences as infringement offences.

2 Authorising provision

These Regulations are made under section 207 of the **Supported Residential Services (Private Proprietors) Act 2010**.

3 Commencement

These Regulations come into operation on 1 July 2012.

4 Definitions

In these Regulations—

accommodation and personal support standards means the standards in Schedule 9;

ancillary functions include, but are not limited to, cooking, cleaning and maintenance of the SRS;

applicant's undertaking means the document referred to in regulation 5;

authority to the Secretary means the document referred to in regulation 6;

board means the Community (Residential Services) Visitors Board established under Part 9 of the Act;

Building Code of Australia has the same meaning it has in the **Building Act 1993**;

building permit means, in respect of a structure on the land or premises where the SRS is to operate or is operating, a building permit issued under Part 3 of the **Building Act 1993** on or after 1 August 1997;

building practitioner means—

- (a) a building surveyor, building inspector, engineer or draftsman registered as a building practitioner under Part 11 of the **Building Act 1993**; or

- (b) an architect registered under the **Architects Act 1991**; or
- (c) a licensed surveyor within the meaning of the **Surveying Act 2004**;

building surveyor's statement means a statement issued on or after 1 August 1997 by a building surveyor registered under Part 11 of the **Building Act 1993**;

charges and convictions statement means a statement referred to in regulation 7;

corporate solvency declaration means a declaration signed by a director or officer of a body corporate about the ability of the body corporate to meet its debts;

criminal record check means a certificate noting any criminal history of a person within Australia issued by or on behalf of a duly authorised officer of the police force of Victoria, the Commonwealth or of another State or Territory;

financial statement means a declaration made by a person about his or her financial background, including whether the person is or has been declared bankrupt or insolvent;

health statement means a statement by a person indicating whether he or she believes on reasonable grounds that he or she has any mental or physical condition that may impair his or her ability to operate, exercise control over or manage a SRS;

manager's statement means the statement referred to in regulation 8;

medication means any substance given with the intention of preventing, diagnosing, curing, controlling or alleviating disease or otherwise enhancing the physical or mental welfare of a person, including prescription and non-prescription medicines and complementary health care products;

occupancy permit means an occupancy permit issued under Part 5 of the **Building Act 1993** on or after 1 August 1997;

planning permit means, in respect of the land or premises where the SRS is to operate or is operating—

- (a) a permit issued under Part 4 of the **Planning and Environment Act 1987**;
or
- (b) a certificate of compliance issued under Part 4A of the **Planning and Environment Act 1987**;

professional standards statement means the statement referred to in regulation 9;

proof of identity means evidence provided by a person that—

- (a) includes the person's full name and date of birth; and
- (b) provides adequate information or documents to establish the identity of the person;

referee statement means a statement made by a natural person (the ***referee***), who is over the age of 18 years and unrelated to the person in respect of whom the statement is given, indicating—

- (a) the name and address of the person to whom the statement relates; and

-
- (b) the name, postal address, email address and telephone number of the referee; and
 - (c) the length of time and basis on which the referee has known the person in respect of whom the statement is given; and
 - (d) whether the person in respect of whom the statement is given is of good repute having regard to his or her character, honesty and integrity;

residential facility means any facility that provides accommodation and personal support, regardless of any regulatory scheme under which the accommodation and personal support is provided;

returning officer means the person appointed under regulation 63;

RSA means a residential and services agreement;

SRS means a supported residential service;

staff means—

- (a) the proprietor of the SRS; or
- (b) a director of the SRS; or
- (c) a person employed by the proprietor; or
- (d) a person who provides services in exchange for accommodation at the SRS or benefits other than wages—

but does not include—

- (e) a volunteer; or
- (f) a student undertaking a work placement at the SRS; or
- (g) a resident of the SRS;

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Part 1—Preliminary

r. 4

storage facility includes a drawer, cabinet,
receptacle, cupboard, refrigerator or room;

the Act means the **Supported Residential
Services (Private Proprietors) Act 2010**.

PART 2—ADMINISTRATION AND REGISTRATION

5 Applicant's undertaking

An application made under this Part must be accompanied by a signed document that the applicant will advise the Secretary within 7 days after becoming aware of any change to the information provided in relation to—

- (a) the suitability of the applicant;
- (b) the suitability of any person the applicant employs to manage a SRS.

6 Authority to the Secretary

An application made under this Part must be accompanied by a signed document authorising the Secretary to—

- (a) make enquiries to establish the truthfulness of the information provided; and
- (b) seek any other information that the Secretary considers necessary for the purposes of making a decision on the application.

Note

Section 199 of the Act states that it is an offence to knowingly give information or make a statement that is false or misleading in a material particular.

7 Charges and convictions statement

- (1) For the purposes of an application made under this Part, a charges and convictions statement means a statement made by a person stating—
 - (a) whether the person has been found guilty of any offence, other than a traffic infringement or a parking infringement; and

- (b) whether, at the time of making the declaration, the person was the subject of a charge pending for an offence, other than a traffic infringement or a parking infringement; and
 - (c) the details of any findings of guilt or charges referred to in paragraphs (a) and (b).
- (2) In this regulation—

parking infringement—

- (a) has the same meaning as it has in the **Road Safety Act 1986**; and
- (b) includes an offence committed outside Victoria which is equivalent to an offence referred to in paragraph (a);

traffic infringement—

- (a) has the same meaning as it has in the **Road Safety Act 1986**; and
- (b) includes an offence committed outside Victoria which is equivalent to an offence referred to in paragraph (a).

8 Manager's statement

For the purposes of an application made under regulation 21, a manager's statement is a statement by a person proposed to manage a SRS, which states that the person—

- (a) is the subject of an application for approval to be a manager under section 68 of the Act;
- (b) has provided the prescribed information and prescribed documents set out in Schedule 6;
- (c) is employed or may be employed as a manager to carry out, direct or undertake the day to day operation of the SRS;

- (d) has agreed to inform the proprietor within 7 days of becoming aware of any changes to the prescribed information or prescribed documents set out in Schedule 6.

9 Professional standards statement

- (1) For the purposes of an application made under this Part, a professional standards statement is a statement made by a person stating whether or not he or she has been the subject of disciplinary proceedings before a Board of a relevant professional discipline leading to—
- (a) removal from a register of practitioners maintained by that Board; or
 - (b) restrictions being imposed on the person's ability to practice professionally within that discipline.
- (2) In this regulation, *relevant professional discipline* means any profession for which registration or a licence is a prerequisite to practising.

Examples

Doctors, nurses, pharmacists, teachers and lawyers.

10 Application for registration of premises

- (1) For the purposes of section 14(2)(a) of the Act, the prescribed information for an application for registration of premises as a SRS is the information set out in Schedule 1.
- (2) For the purposes of section 14(2)(c) of the Act, the prescribed documents for an application for registration of premises as a SRS are the documents set out in Schedule 1.

11 Prescribed fee for application for registration of premises

For the purposes of section 14(2)(b) of the Act, the prescribed fee to accompany an application for registration of premises as a SRS is 48 fee units.

12 Application for variation of registration to increase the number of beds

(1) For the purposes of section 20(3)(a) of the Act, the prescribed information for an application for variation of registration of a SRS to increase the number of beds is the information set out in Part 1 of Schedule 2.

(2) For the purposes of section 20(3)(c) of the Act, the prescribed documents to accompany an application for variation of registration of a SRS to increase the number of beds are set out in Part 1 of Schedule 2.

13 Application for variation of any condition of registration

(1) For the purposes of section 20(3)(a) of the Act, the prescribed information for an application for variation of any condition of registration to which the SRS is subject is the information set out in Part 2 of Schedule 2.

(2) For the purposes of section 20(3)(c) of the Act, the prescribed documents to accompany an application for variation of any condition of registration to which the SRS is subject are the documents set out in Part 2 of Schedule 2.

14 Prescribed fee for application for variation of registration

For the purposes of section 20(3)(b) of the Act, the prescribed fee is 14 fee units.

15 Application for approval of alterations or extensions

- (1) For the purposes of section 25(2)(b) of the Act, the prescribed information for an application for approval of alterations or extensions to the premises of a SRS is the information set out in Schedule 3.
- (2) For the purposes of section 25(2)(c) of the Act, the prescribed documents to accompany an application for approval of alterations or extensions to the premises of a SRS are set out in Schedule 3.
- (3) If any alterations or extensions to be undertaken at a SRS do not require an application under section 25 of the Act, the proprietor must, on the completion of the works, apply to the Secretary in accordance with section 27 of the Act before the altered or extended area is occupied.
- (4) An application referred to in subregulation (3) must be accompanied by a certificate of completion by a relevant authority.

16 Prescribed fee for application for approval of alterations or extensions

For the purposes of section 25(2)(a) of the Act, the prescribed fee to accompany an application for approval of alterations or extensions of a SRS is 21 fee units.

Note

Section 27 of the Act requires a proprietor of a SRS to apply for a variation of registration of the SRS on the completion of works to which an approval for alterations or extensions applied.

17 Application for approval of a new director or officer of a proprietor that is a body corporate

- (1) For the purposes of section 31(2)(a) of the Act, the prescribed information for an application for approval of a person appointed as a director or other officer of a proprietor that is a body corporate, as a suitable person to carry on, exercise control over or manage a SRS, is the information set out in Schedule 4.
- (2) For the purposes of section 31(2)(c) of the Act, the prescribed documents to accompany an application for approval of a person appointed as a director or other officer of a proprietor that is a body corporate, as a suitable person to carry on, exercise control over or manage a SRS, are set out in Schedule 4.

18 Prescribed fee for application for approval of a new director or officer of a proprietor that is a body corporate

For the purposes of section 31(2)(b) of the Act, the prescribed fee to accompany an application to the Secretary for approval of a person appointed as a director or other officer of a proprietor that is a body corporate, as a suitable person to carry on, exercise control over or manage a SRS, is 14 fee units.

19 Application for approval of legal personal representative, executor, guardian or administrator to carry on the SRS

- (1) For the purposes of section 35(4)(a) of the Act, the prescribed information for an application to the Secretary for approval to carry on a SRS for a limited time is the information set out in Schedule 5.

-
- (2) For the purposes of section 35(4)(c) of the Act, the prescribed documents to accompany an application to the Secretary for approval to carry on a SRS for a limited time are set out in Schedule 5.

20 Prescribed fee for application for approval of legal personal representative to carry on a SRS

For the purposes of section 35(4)(b) of the Act, the prescribed fee to accompany an application to the Secretary for approval to carry on a SRS for a limited time is 14 fee units.

21 Application for approval of manager

- (1) For the purposes of section 68(2)(a) of the Act, the prescribed information for an application for approval of a person as a suitable person to be a manager of a SRS is set out in Schedule 6.
- (2) For the purposes of section 68(2)(c) of the Act, the prescribed documents to accompany an application for approval of a person as a suitable person to be a manager of a SRS are set out in Schedule 6.

22 Prescribed fee for application for approval of manager

For the purposes of section 68(2)(b) of the Act, the prescribed fee to accompany an application for approval of a person to be a manager of a SRS is 14 fee units.

23 Registration statements

For the purposes of section 36(3) of the Act, the prescribed information that must be contained in a registration statement is set out in Schedule 7.

24 Cancellation of registration

An application by a proprietor to cancel the registration of a SRS under section 28 of the Act must be accompanied by the information set out in Schedule 8.

25 Provision of prescribed documents

If an applicant makes a number of applications under this Part simultaneously, and the same prescribed documents are required for each application, those prescribed documents need to be provided only once.

**PART 3—INFORMATION FOR PROSPECTIVE RESIDENTS
AND RESIDENTIAL AND SERVICES AGREEMENT**

26 Act and Regulations to be available

A proprietor must ensure that an up-to-date copy of the Act and these Regulations are available at the premises of the SRS for use by staff members, residents and visitors at all times.

Penalty: 10 penalty units.

27 Information for prospective residents

For the purposes of section 44 of the Act, the prescribed matters to be contained in a document to be provided by the proprietor to prospective residents are the following—

- (a) the name and address of the SRS;
- (b) the name of the proprietor of the SRS;
- (c) the number of beds for which the SRS is registered;
- (d) a statement that the SRS is regulated by the Department and that services provided by the SRS must be consistent with the principles and requirements set out in the Act;
- (e) the items and services provided by the SRS and the current fee, charge or other amount that is or may be payable by a resident to the proprietor for those items and services, including—
 - (i) the frequency with which the fee, charge or other amount is payable;
 - (ii) how the fee, charge or other amount is payable;

- (iii) the mechanisms by which residents are informed of any changes to the provision of items or services and any changes to the fees, charges or other amounts applicable to them;
- (iv) any terms and conditions with respect to the refund of a security deposit, a fee in advance, a reservation fee or an establishment fee;
- (v) a statement that a resident has the right to apply to VCAT for an order if the proprietor does not refund a security deposit, establishment fee or a reservation fee in accordance with the Act;
- (f) if a service is offered to manage residents' money, a statement about the maximum amount of money that can be managed;
- (g) the health and community services located in the area;
- (h) the routines observed at the SRS including, but not limited to, meal times, activities and housekeeping schedules;
- (i) any house rules which may be applicable at the SRS;
- (j) how personal support services are planned and reviewed at the SRS, and who may be consulted in the process;
- (k) a statement explaining that a resident may nominate a person to receive information relating to the resident's accommodation and personal support received at the SRS;
- (l) a statement explaining how a residential and services agreement may be ended, including—

- (i) if the resident wishes to leave the SRS, the period within which the resident must give notice to the SRS of his or her intention to leave;
- (ii) that a proprietor may ask a resident to leave if the resident requires more health care or personal support than can be provided at the SRS;
- (m) a statement explaining when a notice to vacate may be given, including—
 - (i) the grounds for which a notice to vacate may be given;
 - (ii) the periods of notice that proprietors must give under the Act;
 - (iii) that a resident has the right to apply to VCAT if he or she disagrees with a notice to vacate;
- (n) how changes to the residential and services agreement may be made, including the required period of notice to be given to the resident prior to the change taking effect;
- (o) the process in place to receive, resolve and advise parties of the outcome of complaints about the SRS, including that residents and their families may also make a complaint to the Department and a community visitor.

28 Residential and services agreement

For the purposes of section 47(1) of the Act, the prescribed information about the nature of services to be provided to a resident in the written agreement between a proprietor and the resident, is—

- (a) the name and address of the SRS;

- (b) the name of the proprietor of the SRS and contact details of the proprietor, or day to day manager, if applicable;
- (c) the number of beds for which the SRS is registered;
- (d) a statement that the SRS is regulated by the Department and that services provided by the SRS must be consistent with the principles and requirements set out in the Act;
- (e) the name of the resident;
- (f) details identifying the resident's accommodation;

Example

Room number.

- (g) the commencement date and duration of the residential and services agreement;
- (h) the name and contact details of the resident's guardian or administrator or person nominated, if any;
- (i) the items and services provided by the SRS and the current fee, charge or other amount that is or may be payable by the resident to the proprietor including—
 - (i) the frequency with which the fee, charge or other amount is payable;
 - (ii) how the fee, charge or other amount is payable;
 - (iii) the mechanisms by which residents would be informed of any changes to the provision of items or services and any changes to the fees, charges or other amounts applicable to them;

- (iv) any terms and conditions with respect to the refund of a security deposit, a fee in advance, a reservation fee or an establishment fee;
- (v) a statement that a resident has the right to apply to VCAT for an order if the proprietor does not refund a security deposit, establishment fee or a reservation fee in accordance with the Act;
- (j) if a service is offered to manage residents' money, a statement about the maximum amount of money that can be managed;
- (k) the routines observed at the SRS including, but not limited to, meal times, activities and housekeeping schedules;
- (l) any house rules which may be applicable at the SRS;
- (m) how personal support services are planned for the resident and reviewed at the SRS and who may be consulted in the process;
- (n) a statement explaining that a resident may nominate a person to receive information relating to the resident's accommodation and personal support received at the SRS;
- (o) a list of the furniture included in the room that belongs to the SRS;
- (p) a statement explaining how the residential and services agreement may be ended including—
 - (i) if the resident wishes to leave the SRS, the period within which the resident must give notice to the SRS of his or her intention to leave;

- (ii) that a proprietor may ask a resident to leave if the resident requires more health care or personal support than can be provided at the SRS;
- (q) a statement explaining when a notice to vacate may be given, including—
 - (i) the grounds for which a notice to vacate may be given;
 - (ii) the periods of notice that proprietors must give in accordance with the Act;
 - (iii) that a resident has the right to apply to VCAT if they disagree with a notice to vacate;
- (r) information about how changes to the residential and services agreement may be made, including the required period of notice to be given to the resident prior to the change taking effect;

Note

Section 48 of the Act sets out the period of notice required if the proprietor proposes to change a term of the RSA.

- (s) the process in place to receive, resolve and advise parties of the outcome of complaints about the SRS, including that residents and their families may also make a complaint to the Department and a community visitor.
-

**PART 4—ACCOMMODATION AND PERSONAL SUPPORT
STANDARDS**

29 Accommodation and personal support standards

For the purposes of section 59 of the Act, the prescribed accommodation and personal support standards are set out in Schedule 9.

PART 5—MEDICATION

30 Storage of medication

- (1) For the purposes of section 63 of the Act, reasonable steps by a proprietor to maintain adequate storage of residents' medication are the following—
 - (a) any medication held on behalf of a resident is kept in a lockable storage facility that is secured to prevent access by an unauthorised person;
 - (b) when the storage facility is unlocked, it is kept under the direct supervision of an authorised staff member;
 - (c) any medication required to be stored at or below a particular temperature is stored at the appropriate temperature in a lockable storage facility in accordance with the requirements in paragraphs (a) and (b);
 - (d) no alteration is made to any label affixed to a container supplied by the person who dispensed the prescribed medication;
 - (e) adequate precautions are taken to ensure safe storage of medication that a resident personally administers to himself or herself.
- (2) Prescribed medications of any description must not be kept at a SRS if—
 - (a) a resident for whom the medication is prescribed no longer resides at the SRS; or
 - (b) the expiry date for the medication has passed; or
 - (c) the resident no longer requires the medication.

-
- (3) A prescribed medication stored on behalf of a resident must be returned to that resident when the resident leaves the SRS or temporarily transfers to another service or health agency.

31 Medication distribution and administration

- (1) For the purposes of section 63 of the Act, reasonable steps to maintain adequate distribution and administration of residents' medication are the following—
- (a) prescribed medication is only administered in accordance with the directions of the person who prescribed it, regardless of the method or route of administration;
 - (b) non-prescribed medication must be distributed in accordance with the product instructions unless advised otherwise by a health practitioner;
 - (c) before administering or supervising the administration of medication to a resident, the staff member responsible for giving the medication confirms that the medication is being provided to the correct resident, at the correct dose, by the correct route, at the correct frequency and at the correct time;
 - (d) the staff member administering the medication should consult with the treating health practitioner or a pharmacist in relation to any concern about the appropriateness of a medication before administering the medication or substance;
 - (e) the proprietor or staff member notifies the relevant health practitioner of—
 - (i) any failure of administration, whether due to refusal or otherwise;
 - (ii) any error in medication administration.

-
- (2) Subregulation (1) does not apply if the resident is responsible for the administration of the medication to himself or herself.
 - (3) If a resident is responsible for the administration of medication to himself or herself, the proprietor or staff member must notify the relevant health practitioner if there is reason to believe that the resident has maladministered or failed to administer that prescribed medication.

32 Medication records

- (1) A proprietor must maintain the following records of residents' medication—
 - (a) the resident's full name, date of birth and known medication allergies;
 - (b) any prescription, direction or administration details with regards to each medication;
 - (c) the name of each medication, its strength, dosage and route and frequency of administration;
 - (d) the date on which the record was commenced and, if applicable, completed.
- (2) For each instance of administration of a medication, the record that must be made at the time of administration is—
 - (a) the date and time the medication was administered;
 - (b) any variation from the directions for administration;
 - (c) the name and signature of the person who administered or supervised the administration of the medication;

-
- (d) any failure of administration, whether due to refusal or otherwise;
 - (e) any error in medication administration.
- (3) Subregulation (2) does not apply if the resident is responsible for the administration of the medication to himself or herself.

Note

The definition of *medication* in regulation 4 includes prescription and non-prescription medication and complementary health care products.

PART 6—STAFFING

33 Personal support coordinator

In this Part, *personal support coordinator* means a person who—

- (a) on behalf of or in conjunction with the proprietor, is responsible for the coordination and continuity of the personal support provided to the residents at the SRS; and
- (b) is qualified in accordance with regulation 36.

34 Minimum staff requirement

- (1) For the purposes of section 64(1) of the Act, the proprietor of a SRS must ensure that—
 - (a) from Monday to Friday inclusive, between the hours of 7 a.m. and 7 p.m.—
 - (i) a personal support coordinator is on duty for a period of not less than 38 hours with not less than 2 hours worked on each day;

Note

The role of the personal support coordinator may be shared. The role may also be performed by the proprietor for some or all of the hours.

- (ii) for every 30 residents or fraction of 30 residents at the SRS, at least one staff member is on duty to provide personal support to residents;
 - (iii) at least one staff member is on duty who has completed first aid training in accordance with regulation 38;

-
- (b) on Saturday and Sunday between the hours of 7 a.m. and 7 p.m.—
- (i) at least one staff member qualified in accordance with regulation 36 is on duty for a period of not less than 15·2 hours, with not less than 3·2 hours worked on each day;
 - (ii) for every 30 residents or fraction of 30 residents at the SRS, at least one staff member is on duty to provide personal support to residents;
 - (iii) at least one staff member is on duty who has completed first aid training in accordance with regulation 38;
- (c) at all other times there is at least one staff member who—
- (i) is on duty and is able to respond to any first aid or emergency issue;
 - (ii) has first aid training in accordance with regulation 38.
- (2) For the purposes of section 64(2) of the Act, the proprietor must ensure that, at all times, if necessary, staff members in addition to those required by subregulation (1) are on duty so that the personal support requirements of each resident are fully met in a timely manner in accordance with residents' support plans.
- (3) For the purposes of section 64(3) of the Act, the proprietor must ensure that additional numbers of appropriately trained ancillary staff are on duty at a SRS to assist in the proper functioning of the SRS.

35 Resignation, termination of employment or absence of personal support coordinator

- (1) If the employment of a personal support coordinator is terminated or a personal support coordinator resigns, the proprietor must—
 - (a) notify the Secretary within 7 days; and
 - (b) employ a new personal support coordinator as soon as practicable; and
 - (c) appoint an acting personal support coordinator until a permanent appointment is made.
- (2) If the personal support coordinator is absent for more than 7 days, an acting personal support coordinator must be appointed.
- (3) If an acting personal support coordinator is employed for more than 12 weeks, the person is required to be qualified in accordance with regulation 36.

36 Qualifications

- (1) For the purposes of section 64 of the Act, and if required by these Regulations, a staff member is appropriately trained if he or she holds one of the following qualifications awarded by a registered training organisation—
 - (a) Certificate III in Aged Care;
 - (b) Certificate III in Home and Community Care;
 - (c) Certificate III in Disability;
 - (d) Certificate IV in Mental Health;
 - (e) Certificate IV in Alcohol and Other Drugs;

-
- (f) a qualification in a related client support area that is recognised by a relevant authority as being at least equivalent to one of the qualifications referred to in paragraphs (a) to (e).
- (2) A person is taken to meet the requirements of a qualification under subregulation (1) if the person holds a current registration with one of the following bodies—
- (a) the Nursing and Midwifery Board of Australia;
 - (b) the Medical Board of Australia.
- (3) A proprietor must ensure that the personal support coordinator, in addition to holding a qualification under subregulation (1), undertakes a minimum of 40 hours training every 3 years in the priority areas approved by the Secretary.
- (4) In this regulation—
- registered training organisation** means an entity registered by a state or territory training authority to deliver nationally recognised training;
- related client support area** means the provision of support which focuses on daily living activities for people with physical, intellectual or psychiatric disabilities, complex or age-related disabilities;
- relevant authority** means—
- (a) the Overseas Qualifications Unit within the Department administering the **Education and Training Reform Act 2006**; or
 - (b) the Australian Education International National Office of Overseas Skills Recognition within the Commonwealth

Department administering the
Education Services for Overseas
Students Act 2000 of the
Commonwealth; or

- (c) a Victorian or Commonwealth
government authority or unit which has
the task of recognising skills obtained
overseas; or
- (d) a registered training organisation for
qualifications gained in Australia.

37 Qualifications of ancillary staff

For the purposes of section 64 of the Act, a
proprietor must ensure that a person on duty for
the purpose of performing an ancillary function at
the SRS—

- (a) is appropriately trained; and
- (b) if necessary to perform the ancillary
function, holds an appropriate qualification
to perform that function.

38 Staff to have first aid training

(1) For the purposes of regulation 34(1)(a)(iii), (b)(iii)
and (c)(ii), the proprietor of a SRS must ensure
that the staff member on duty responsible for
providing first aid assistance at the SRS has
completed and obtained the following—

- (a) a statement of attainment for—
 - (i) the Health Training Package Unit
HLTFA301B, renewed at least every
3 years; and
 - (ii) the Health Training Package Unit
HLTCPR201A, renewed annually; or

(b) a course of study approved by the Secretary and recognised by the Community Services and Health Industry Skills Council as being equivalent to HLTFA301B and HLTCPR201A.

(2) A notice of approval of a course of study under subregulation (1)(b) must be published in the Government Gazette.

39 Criminal record check of prospective employees

(1) Before employing a member of staff, a proprietor must consider the results of a criminal record check issued no earlier than 6 months before the date on which the staff member is to commence employment.

(2) A proprietor must not employ a person whose criminal record check discloses a conviction, for which a term of imprisonment has been imposed, for—

(a) murder;

(b) manslaughter;

(c) a sexual offence or an offence committed in another jurisdiction that is equivalent to a sexual offence;

(d) any other form of assault.

(3) A proprietor may employ a person whose criminal record check discloses that the person has been found guilty of any offence other than those specified in subregulation (2) if the proprietor determines that the person is suitable to be employed, having regard to—

(a) the nature, seriousness and relevance of the conviction; and

(b) the role to be performed by that person.

-
- (4) A proprietor must ensure that any information in a criminal record check read by the proprietor is not divulged by the proprietor directly or indirectly, to any person other than the Secretary in accordance with the Act.
- (5) In this regulation, *sexual offence* has the same meaning as it has in the **Criminal Procedure Act 2009**.
-

PART 7—COMPLAINTS

40 Principles

A proprietor must ensure that the complaints system of the SRS—

- (a) provides that a complaint is handled in a fair, reasonable, confidential and timely manner;
- (b) is described in a document, in clear, easy to read language, which is made available to residents and their families and friends and staff;
- (c) includes an annual review of complaints received to identify the causes of serious or recurrent complaints and uses reasonable endeavours to resolve recurrent issues.

41 Complaints officer

- (1) For the purposes of section 75(1) of the Act, a proprietor must appoint a staff member who is regularly available as a complaints officer, to receive and deal with complaints from residents or anyone else about any aspect of the operation or services at the SRS.
- (2) A proprietor must ensure that staff, residents and residents' families and friends are informed of the name of the complaints officer.

42 Procedures for complaints

- (1) For the purposes of section 75(1) of the Act, a proprietor must—
 - (a) ensure that every resident and staff member is informed of the complaints procedure;
 - (b) ensure that the initial investigation of the complaint commences within 2 business days after it is made;

-
- (c) use best endeavours to keep the complainant informed of the progress in resolving the complaint and any actions being taken to resolve the matter;
 - (d) inform the complainant of the decision on the resolution of the complaint and the reasons for the decision, whether or not it is determined that any action is required.

43 Written record of complaints

- (1) For the purposes of section 75(1) of the Act, a proprietor must ensure that a written record of each complaint is made and includes—
 - (a) the date of the complaint;
 - (b) the nature and details of the complaint;
 - (c) the actions taken in relation to the complaint;
 - (d) the date and method of communication of the outcome of the complaint.
 - (2) A proprietor must ensure that the written record of complaints is kept in a consolidated form.
-

PART 8—REPORTING AND RECORDS

44 Prescribed incident

For the purposes of section 76(1) of the Act, a prescribed incident is any event that threatens the safety of a resident or staff.

45 Prescribed particulars of prescribed incidents

For the purposes of section 76(1) and (5)(a) of the Act, the prescribed particulars that must be contained in a record of a prescribed incident are—

- (a) a description of the incident including—
 - (i) what occurred;
 - (ii) the date and time it occurred;
 - (iii) where it occurred;
 - (iv) the names of any person involved in or affected by the incident;
- (b) the action taken in response to the incident;
- (c) the date, time and name of any person notified of the incident;
- (d) the printed name and signature of the person making the record of the incident.

46 Prescribed resident information

For the purposes of section 76(2) and (5)(a) of the Act, the prescribed particulars to be kept in respect of each resident are—

- (a) full name;
- (b) gender;
- (c) date of birth;
- (d) date of admission to the SRS;

- (e) nationality;
- (f) languages spoken;
- (g) religious denomination (if any);
- (h) pension number and type (if any and if known by the proprietor);
- (i) resident's room number at the SRS;
- (j) name and contact details of the resident's relative or next of kin (if any);
- (k) name and contact details of the resident's administrator (if any);
- (l) name and contact details of the resident's guardian (if any);
- (m) name and contact details of the person nominated (if any);
- (n) name and contact details of the resident's medical practitioner and other health service providers (if any);
- (o) the resident's RSA and any documents amending or varying the RSA from time to time;
- (p) any personal information or health information within the meaning of the **Health Records Act 2001**, which is held within the SRS including, but not limited to, true copies of—
 - (i) all documents forming part of the resident's personal support plan;
 - (ii) any documents amending or varying the resident's personal support plan from time to time;
 - (iii) any record relating to the administration of medication to the resident at the SRS;

- (q) any documents prepared in relation to the taking or retaining of a security deposit, a fee in advance, a reservation fee or an establishment fee;
- (r) any documents prepared in relation to money managed or controlled on behalf of the resident under Part 5 of the Act;
- (s) a list of items of personal property belonging to the resident brought into the SRS;
- (t) any notice to vacate issued to the resident;
- (u) any record of transfer of the resident to another facility.

47 Prescribed particulars of staff information

For the purposes of section 76(3) and (5)(a) of the Act, the prescribed particulars to be kept in respect of each current and former staff member are—

- (a) the person's name;
- (b) the date the person's employment commenced at the SRS;
- (c) a copy of any relevant qualifications or certificates of completed training of the employee, (if applicable);
- (d) the person's employment position at the SRS;
- (e) the date of issue and the reference number of the criminal record check;
- (f) the date of termination of employment (if applicable).

48 Record of staff roster

For the purposes of section 76(4) and (5)(a) of the Act, the prescribed particulars to be kept in the record of staff rosters are—

- (a) the name of the SRS;
- (b) the commencement date and end date for the period to which the roster applies;
- (c) the days, times and number of hours to be worked by each employee during the roster period and the capacity in which the employee is rostered.

49 Records

- (1) For the purposes of sections 76(5)(b) and 77(2)(b) of the Act, the prescribed manner of keeping all records that are required to be kept under the Act is—
 - (a) in the English language; and
 - (b) in a secure location that is readily accessible by authorised officers at any time for the purposes of monitoring compliance with the Act and these Regulations.
- (2) For the purposes of sections 76(1), 76(5)(b) and 77(2)(b) of the Act, records which relate to prescribed incidents and prescribed reportable incidents must be maintained in one of the following—
 - (a) a bound book with consecutively numbered pages; or
 - (b) a loose-leaf system in which each incident, and each page of a report of the incident, is consecutively numbered; or
 - (c) a database on a computer maintained at the SRS in which each incident is assigned a unique number.

50 Prescribed reportable incidents

For the purposes of section 77(1) of the Act, a prescribed reportable incident is—

- (a) an unexpected death of a resident;
- (b) a serious injury of a resident;
- (c) a fire or other emergency event;
- (d) an alleged serious assault (sexual or physical).

51 Prescribed particulars of prescribed reportable incidents

For the purposes of section 77(2)(a) of the Act, the prescribed particulars that must be included in a record of a prescribed reportable incident are—

- (a) a description of the incident including—
 - (i) the date and time it occurred;
 - (ii) where it occurred;
 - (iii) the names of any persons involved in or affected by the incident;
 - (iv) what occurred;
- (b) the action taken in response to the incident;
- (c) the name of any person notified of the incident and the date and time at which the person was notified;
- (d) the printed name and signature of the person making the record of the incident.

52 Prescribed time for notification of a prescribed reportable incident

For the purposes of section 77(3) of the Act, the prescribed reporting time within which a proprietor must notify the Secretary of a prescribed reportable incident is by the end of the

next business day after the occurrence of the incident.

53 Record of visits by community visitors

For the purposes of section 192 of the Act, the prescribed form for recording the visits of community visitors to a SRS is a record containing—

- (a) the name of the SRS;
- (b) the number of registered beds;
- (c) the name of the person in charge of the SRS at the time of the visit;
- (d) the names of the community visitors attending;
- (e) the date, time and duration of the visit;
- (f) the matters discussed between the community visitors and the person in charge;
- (g) any actions arising from matters discussed;
- (h) the signature of the community visitor;
- (i) the signature of the person in charge.

54 Record of transfer of residents

- (1) If a resident is temporarily or permanently transferred to another facility, a proprietor must ensure that—
 - (a) a transfer record is made and a copy of the record is kept at the SRS as part of the record of prescribed resident information;
 - (b) the original of the transfer record is provided to the facility to which the resident is transferring.
- (2) For the purposes of subregulation (1), the particulars to be kept in relation to the transfer record are—

-
- (a) the resident's name, date of birth, gender, language and religious denomination (if any);
 - (b) the pension number and type of pension (if any and if known to the proprietor);
 - (c) the name and contact details of the resident's relative or next of kin (if any);
 - (d) the name and contact details of the resident's guardian (if any);
 - (e) the name and contact details of the resident's administrator (if any);
 - (f) the name and contact details of the person nominated (if any);
 - (g) the name and telephone number of the transferring SRS and the name of the service or agency where the resident is being transferred;
 - (h) the transfer date;
 - (i) the reason for transfer;
 - (j) the name and contact details of the resident's medical practitioner and other health service providers (if any);
 - (k) the details of any medication sent with the resident;
 - (l) the details of any allergies of the resident;
 - (m) a summary of the current personal support needs of the resident;
 - (n) a note about accompanying reports sent with the resident (if any).
-

**PART 9—FEES AND MONEY AND PROPERTY OF
RESIDENTS**

55 Prescribed amount of reportable transactions and prohibited transactions

- (1) For the purposes of the definition of *reportable transaction* in section 3(1) of the Act, the prescribed amount is \$250.
- (2) For the purposes of section 4(1)(a) and (d) of the Act, the prescribed amount is \$250.
- (3) For the purposes of section 4(1)(e) of the Act, the prescribed amount is \$850.

56 Prescribed maximum amount of resident's money that may be managed or controlled by proprietor

For the purposes of section 79(2) of the Act, the prescribed amount is an amount equivalent to one month's fees in respect of the relevant resident.

57 Prescribed information in statement acknowledging receipt of a security deposit or fees

For the purposes of section 94 of the Act, the prescribed information is—

- (a) the name of the resident and the name of the person from whom the money is received;
- (b) the name of the SRS;
- (c) the date of payment;
- (d) the amount paid;
- (e) the purpose of the payment;
- (f) any terms and conditions with respect to the refund of the money;

- (g) the name, account number, ADI and branch at which the money has or will be deposited;

Note

The **Interpretation of Legislation Act 1984** provides that an ADI means an authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth.

- (h) the printed name and signature of the person making the statement.

58 Required records for money held in trust account

For the purposes of section 96 of the Act, the separate records of money held in a trust account in relation to each resident must include—

- (a) the name of the resident and the name of the person from whom the money is received;
- (b) the name of the SRS;
- (c) the date of payment;
- (d) the amount paid;
- (e) the purpose of the payment;
- (f) any terms and conditions with respect to the refund of the money;
- (g) the name, account number, ADI and branch at which the money has or will be deposited.

PART 10—NOTICES TO VACATE

59 Prescribed time for notification to Secretary

If a notice to vacate has been given to a resident under section 110, 114, 115, 116 or 117 of the Act, the prescribed time for notifying the Secretary under section 108(2) of the Act is by the end of the next business day after the notice to vacate has been given.

PART 11—MONITORING AND ENFORCEMENT

60 Prescribed form of receipt for seized things and samples taken

For the purposes of section 145(1) of the Act, the prescribed form of the receipt for seized things and samples taken is the form in Schedule 10.

61 Infringement offences

- (1) For the purposes of section 155(1) of the Act, an offence specified in column 2 of the table in Schedule 11 is prescribed as an infringement offence.
- (2) For the purposes of section 155(3) of the Act, the prescribed infringement penalty for an infringement offence is the amount specified in column 4 of the table in Schedule 11 in respect of that infringement offence.
- (3) The description of the offence in column 3 of the table in Schedule 11 is not to be taken to affect—
 - (a) the nature or elements of an offence to which the description refers; or
 - (b) the operation of these Regulations.

**PART 12—ELECTION TO THE COMMUNITY
(RESIDENTIAL SERVICES) VISITORS BOARD**

Division 1—Election of community visitors to the board

62 When elections must be held

- (1) For the purposes of section 193(2)(b) of the Act, elections must be—
 - (a) held before 30 June in each year; and
 - (b) conducted in accordance with this Division and Division 2.
- (2) The office of one community visitor elected to the board falls vacant each year.
- (3) A community visitor elected to the board holds office from 1 July of the year that he or she was elected for a period of 2 years unless—
 - (a) the community visitor resigns; or
 - (b) the office of the community visitor becomes vacant before the end of that period.

63 Appointment and functions of the returning officer

The Public Advocate must appoint a returning officer—

- (a) to conduct elections of members to the board;
- (b) to conduct an election to fill any casual vacancy of the office of the community visitor in respect of the board;
- (c) to ensure a list of names and addresses of community visitors is kept and maintained;
- (d) to fix dates for nomination day and polling day;

- (e) to determine questions relating to the validity or regularity of votes.

64 Notice of an election

- (1) The returning officer must give notice of an election in accordance with subregulation (2) not later than 1 April in each year.
- (2) Notice of an election must be given by sending a copy of the notice to the postal address of each community visitor on the list of community visitors provided to the returning officer by the Public Advocate.

65 Information in notice

The notice of an election must specify—

- (a) the nomination day, on or before which nomination of candidates for election must be lodged;
- (b) the place where nominations must be lodged;
- (c) the polling day.

66 Nomination and polling days

- (1) The nomination day must be on or before 1 May in each year.
- (2) The polling day must be—
 - (a) on or before 1 June in each year; and
 - (b) at least 21 days after the nomination day.

67 Method of nominating

- (1) A community visitor who intends to be a candidate at an election must lodge, or cause to be lodged, a nomination paper with the returning officer not later than 12 noon on the nomination day.

- (2) A nomination paper may be lodged—
 - (a) in person; or
 - (b) by sending the paper by post; or
 - (c) by sending a copy of the paper by facsimile or by other electronic transmission.
- (3) The returning officer must give a receipt for a nomination to any candidate—
 - (a) whose nomination paper is lodged in accordance with subregulation (1); and
 - (b) who requests a receipt.

68 Form of nomination paper

A nomination paper must—

- (a) be in writing; and
- (b) state that the community visitor is nominating himself or herself as a candidate for election to the board; and
- (c) state the full name and address of the community visitor nominating as a candidate; and
- (d) include the signature of the candidate and the date of the signing of that nomination paper.

69 Withdrawal of nomination

- (1) A community visitor who has nominated as a candidate for an election may withdraw from the election by giving notice of withdrawal in writing by a method referred to in regulation 67(2) to the returning officer not later than 12 noon on the nomination day.
- (2) The returning officer must not include the name of a community visitor who has withdrawn under subregulation (1) on any ballot paper for the election.

Division 2—Conduct of election

70 Contested election

- (1) If more than one nomination is received, the returning officer must conduct an election.
- (2) The returning officer must prepare ballot papers, postal ballot envelopes and reply paid return envelopes for the election.
- (3) A ballot paper must include—
 - (a) the full name of each candidate who has nominated for election to the board and who has not withdrawn under regulation 69; and
 - (b) instructions on the method of voting under regulation 74.

71 Order of names on ballot paper

- (1) The returning officer must determine by lot the order in which the names of the candidates are to appear on the ballot paper.
- (2) The order of names of the candidates must be determined in the presence of—
 - (a) at least one other person; and
 - (b) any candidate who wishes to be present, or his or her representative.

72 Distribution of ballot papers

At least 14 days before the polling day, the returning officer must send to the postal address of each community visitor a postal ballot envelope containing—

- (a) voting instructions;
- (b) a ballot paper;

- (c) a ballot paper envelope;
- (d) a reply paid return envelope addressed to the returning officer;
- (e) each candidate's personal statement or advice that the candidate has not lodged a personal statement.

73 Candidate's personal statement

- (1) A candidate may lodge a personal statement for inclusion in the postal ballot envelope.
- (2) A candidate's personal statement must be—
 - (a) no longer than 150 words; and
 - (b) signed by the candidate; and
 - (c) lodged with the returning officer no later than 12 noon on the third day after the nomination day.
- (3) A candidate's personal statement may be lodged—
 - (a) in person; or
 - (b) by sending the statement by post; or
 - (c) by sending a copy of the statement by facsimile or by other electronic transmission.
- (4) A candidate must not in his or her personal statement refer to another candidate standing for election without the written consent of that other candidate.

74 Method of voting

To record a valid vote, a community visitor must insert the number "1" on the ballot paper opposite the name of the candidate who is the community visitor's choice for member of the board.

75 Manner of lodging vote

After marking the ballot paper, the elector must—

- (a) place the ballot paper in the ballot paper envelope and seal the envelope; and
- (b) sign his or her name on that envelope and include the date of the signing of that envelope; and
- (c) place the ballot paper envelope in the reply paid return envelope and seal that envelope; and
- (d) post or deliver the reply paid return envelope to reach the returning officer before 4 p.m. on polling day.

76 Receipt of reply paid return envelopes

In the presence of a person nominated by the Public Advocate and as soon as practicable after the close of the election, the returning officer must—

- (a) remove the ballot paper envelope from each reply paid return envelope received before 4 p.m. on polling day; and
- (b) record receipt of the ballot paper envelope on the list of community visitors; and
- (c) separate the signed ballot paper envelopes from the unsigned ballot paper envelopes; and
- (d) disallow the unsigned ballot paper envelopes; and
- (e) remove and separate the ballot papers from the signed ballot paper envelopes; and
- (f) count the votes.

77 Invalid votes

A ballot paper must not be counted if—

- (a) it is not enclosed in a ballot paper envelope signed by a community visitor; or
- (b) it is received from a person whose name is not on the list of community visitors; or
- (c) it does not have a number "1" placed opposite one of the candidates' names in accordance with regulation 74.

78 Method of counting votes and declaration of result

- (1) The returning officer must declare as elected to the board the candidate who received the most votes.
- (2) In the event of a tie of votes between candidates, the returning officer must separately place the names of those candidates in a container and arrange for another person to draw out the name of one of those candidates as the elected candidate.

79 Recounts

- (1) The returning officer may recount the votes at any time before the declaration of the election—
 - (a) on the written request of any candidate stating the reasons for the request; or
 - (b) on his or her own motion.
- (2) The returning officer must advise all candidates if a recount is to be conducted.

80 Disputes

The Public Advocate must determine any question arising as to the validity or regularity of any vote.

81 Notification of the election results

- (1) As soon as practicable after declaring the results of the election, the returning officer must notify the results of the election to the Public Advocate and each candidate.
- (2) The Public Advocate must inform each community visitor in writing of the results of the election within 14 days after the day on which the results of the election are declared.

82 Custody of election papers

The returning officer must ensure the safe custody of all materials used in an election for 30 days from the day on which the results of that election are declared.

Division 3—Casual vacancies

83 Method for filling casual vacancies

- (1) If a vacancy arises in an office of an elected member of the board other than by expiry of the member's office, the Public Advocate must appoint a returning officer to conduct an election for a community visitor to fill the casual vacancy for the remainder of the current office.
- (2) The returning officer must comply with the requirements of Divisions 1 and 2 to the extent that they are applicable for the filling of a casual vacancy.

- (3) The returning officer must record the name of the candidate—
- (a) who is the sole nominee; or
 - (b) if more than one nomination is received, the candidate who received the most votes at the election to fill the casual vacancy—
- as elected to the board and advise the Public Advocate and each of the candidates accordingly.
- (4) Despite subregulation (1), if a casual vacancy occurs less than 2 months before the office expires, the Public Advocate is not required to comply with that subregulation and the office may remain vacant until a community visitor is elected in accordance with Division 2.
- (5) Despite subregulation (2), if a casual vacancy occurs less than 4 months before the office expires, the Public Advocate is not required to comply with any requirements as to time under Divisions 1 and 2 if the returning officer is satisfied that it is necessary to dispense with those requirements in order to conduct the election to fill the casual vacancy as expeditiously as is practicable and appropriate in the circumstances.

Division 4—Transitional provision

84 Transitional provision for staggering community visitor board members terms

- (1) Subject to section 214 of the Act, a community visitor holding office as a member of the board immediately before 1 July 2012 continues as a member of the board either until 30 June 2013 or 30 June 2014 unless he or she sooner resigns or the office of that community visitor becomes vacant.

-
- (2) In respect of the offices referred to in section 193(2)(b) of the Act—
- (a) the office held by the community visitor who received the most votes when elected to office will fall vacant on 30 June 2014; and
 - (b) the office held by the community visitor who received the second most votes when elected to office will fall vacant on 30 June 2013.
- (3) If it cannot be determined under subregulation (2) which office is held by each community visitor, the returning officer must separately place the names of both office holders in a container and arrange for another person to draw out the name of—
- (a) one office holder and declare that the office held by that person will fall vacant on 30 June 2014; and
 - (b) the second office holder and declare that the office held by that person will fall vacant on 30 June 2013.
- (4) The returning officer must notify in writing both office holders with the date on which each office will become vacant by 1 August 2012.
-

SCHEDULES

SCHEDULE 1

Regulation 10

PRESCRIBED INFORMATION AND DOCUMENTS FOR APPLICATION FOR REGISTRATION OF PREMISES AS A SRS

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the name and postal address of the applicant;
- (b) the name, postal address, email address, telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) if the applicant is a body corporate—
 - (i) the full name, postal address, email address and telephone number of each director, and any other officer empowered by his or her position to exercise control over the affairs of the body corporate;
 - (ii) the name, role and level of involvement of each director in the management and operation of the SRS;
- (d) the name, street address (including number), email address, and telephone and facsimile numbers of the SRS;
- (e) the name, postal address and telephone number of the landlord, if any.

2 Suitability of the applicant, or, if the applicant is a body corporate, each director and any other officer of the body corporate empowered to exercise control over the affairs of the body corporate

2.1 The prescribed information is—

- (a) details of the applicant's qualifications and experience in operating or working in a SRS or any other similar residential facility;
- (b) details of any sanctions, conditions or restrictions imposed on the applicant or any residential facility under the ownership or management of the applicant, within the last 5 years;
- (c) details of any business which has been placed under external administration within the last 10 years, while under the applicant's ownership or management;
- (d) details about the previous business experience of each person who is a party to the application indicating the capacity in which that person operated.

2.2 The prescribed documents are—

- (a) proof of identity;
- (b) 2 referee statements;
- (c) a criminal record check issued within the 6 months preceding the date of the application;
- (d) the following statements—
 - (i) a health statement;
 - (ii) a financial statement;
 - (iii) a charges and convictions statement;

- (iv) a professional standards statement;
- (v) in the case of a body corporate, a corporate solvency declaration;
- (e) an applicant's undertaking;
- (f) an authority to the Secretary.

3 Relevant arrangements in place to operate a SRS

3.1 The prescribed information is—

- (a) evidence of the nature and extent of the applicant's right to occupy the premises;
- (b) proposed staffing qualifications and staff training arrangements.

3.2 The prescribed documents are—

- (a) a staff roster;
- (b) where the application for registration is pursuant to an acquisition of the business of the operation of a SRS, evidence of that acquisition;
- (c) copies of—
 - (i) information for prospective residents;
 - (ii) a template residential and services agreement;
 - (iii) a template support plan;
 - (iv) a template resident transfer form.

Notes

- 1 If a manager is employed under section 67 of the Act, the prescribed information and documents for an application for approval of a person to manage a SRS should also be submitted with an application under regulation 10.
- 2 If the application is made because of a change of ownership of an existing SRS, the prescribed information and documents for an application for cancellation of registration from the outgoing proprietor should also be submitted with the application under regulation 10.

4 Suitability of building and site for a SRS

- 4.1 The prescribed information is the number of single and double rooms and the number of beds proposed to be registered.
- 4.2 Except in the case of an application for a change of ownership of an existing SRS, the prescribed documents are—
- (a) plans and diagrams prepared or endorsed by a building practitioner including—
 - (i) a site plan showing the location of the SRS and its location relative to any buildings or areas not forming part of the SRS;
 - (ii) a plan showing the elevation of the land and the buildings on it;
 - (iii) a detailed floor plan showing the whole building and any proposed alterations including—
 - (A) the location, dimensions and use of each indoor and outdoor space forming part of the SRS;
 - (B) bedroom room numbers;
 - (C) proposed number of beds per bedroom;
 - (D) the location of each bed;
 - (E) the dimensions and floor area of each bedroom, excluding any ensuite or bathroom;
 - (F) the location of each call bell;
 - (G) a calculation of the space ratio of the number of residents to the internal communal space of the premises;

Sch. 1

-
- (b) a copy of the following permits issued by the relevant authority—
 - (i) a planning permit for the use of the premises as a SRS;
 - (ii) a building permit;
 - (iii) an occupancy permit;
 - (c) a report by a building surveyor that the premises is currently compliant with the Building Code of Australia and any guidelines on SRS design issued by the Department.

5 Evidence of the applicant's capacity to operate a SRS

5.1 The prescribed information is details of any external funding available to the applicant.

5.2 The prescribed documents are—

- (a) a business plan containing at least the following information—
 - (i) the purpose and objectives of the business;
 - (ii) the profile of the proposed target group of residents, including the level and type of disabilities that are intended to be catered for;
 - (iii) the types of services proposed to be provided by the SRS;
 - (iv) estimated future demand for the services provided by the SRS;
- (b) financial statements showing a balance sheet and profit and loss figures for each of the preceding 3 years (if applicable);
- (c) a projected profit and loss forecast for the next 12 month period;

-
- (d) in the case of a body corporate—
- (i) an extract from the database maintained by the Australian Securities and Investments Commission showing the Australian Company Number (or other identifying number) and the registered business office of the body corporate; and
 - (ii) if the body corporate is required under section 292, 293 or 294 of the Corporations Act to prepare a financial report or a director's report, a copy of these reports that comply with the requirements of that Act.
-

SCHEDULE 2

Regulations 12 and 13

PRESCRIBED INFORMATION AND DOCUMENTS FOR APPLICATION FOR VARIATION OF REGISTRATION OF PREMISES

PART 1—APPLICATION FOR VARIATION OF REGISTRATION TO INCREASE BED NUMBERS UNDER SECTION 20(1) OF THE ACT

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the name and postal address of the applicant;
- (b) the name, postal address, email address, telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) the name and street address of the SRS.

1.2 The prescribed document is the certificate of registration.

2 Suitability of the premises

2.1 The prescribed information is—

- (a) if the variation did not require a prior application to alter or extend, details of the number of additional beds to be registered;
- (b) if the variation was preceded by an application to alter or extend, details of the alterations or extensions completed.

2.2 The prescribed documents are—

- (a) a copy of the Secretary's approval of that application;
- (b) an "as built" floor plan, prepared by a building practitioner, of the whole building showing—
 - (i) details of each proposed additional bedroom including the room number, proposed number of beds per bedroom and the location of each bed;
 - (ii) the dimensions and floor area of each additional bedroom, excluding any ensuite or bathroom;
 - (iii) the location of each call bell;
 - (iv) a calculation of the space ratio of the total proposed number of residents to the internal communal space of the premises;
- (c) if the variation did not require an application to alter or extend—
 - (i) an occupancy permit from the relevant authority;
 - (ii) a report by a building surveyor on the compliance of the completed works with the Building Code of Australia and any guidelines on SRS design issued by the Department;
- (d) if the variation was preceded by an application to alter or extend, a report by a building surveyor on the compliance of new bedrooms and/or ensuites with the Building Code of Australia and any guidelines on SRS design issued by the Department.

3 Relevant arrangements in place to operate a SRS

- 3.1 The prescribed information is projected additional staffing arrangements.
- 3.2 The prescribed document is a proposed staff roster.

PART 2—APPLICATION FOR VARIATION OF A CONDITION OF REGISTRATION TO WHICH THE SRS IS SUBJECT UNDER SECTION 20(2) OF THE ACT

1 Details of applicant and premises

- 1.1 The prescribed information is—
 - (a) the name and postal address of the applicant;
 - (b) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
 - (c) the name and street address of the SRS;
 - (d) the certificate of registration.

2 Details of the proposed variation

- 2.1 The prescribed information is details of the proposed variation to the condition of registration.
- 2.2 The prescribed document is an authority to the Secretary.

Note

Under section 41 of the Act, the Secretary may require the applicant to provide any further information in relation to an application that the Secretary requires in order to make a decision on the application.

SCHEDULE 3

Regulation 15

PRESCRIBED INFORMATION AND DOCUMENTS FOR APPLICATION FOR APPROVAL OF ALTERATIONS OR EXTENSIONS

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the name and postal address of the person or entity applying for the alteration or extension;
- (b) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) the name and street address of the SRS;
- (d) details of the nature of the proposed alterations or extensions including the impact of the works on residents and how the impact will be managed to reduce disruption to residents.

1.2 The prescribed documents are—

- (a) a copy of the certificate of registration;
- (b) plans and diagrams prepared or endorsed by a building practitioner, showing the whole building and the proposed alterations including—
 - (i) the location, dimensions and use of each indoor and outdoor space forming part of the SRS;
 - (ii) bedroom room numbers;
 - (iii) proposed number of beds per bedroom;

Sch. 3

- (iv) the location of each bed;
 - (v) the dimensions and floor area of each bedroom, excluding any ensuite or bathroom;
 - (vi) the location of each call bell;
 - (vii) a calculation of the space ratio of the number of residents to the internal communal space of the premises;
 - (c) a copy of the following permits issued by the relevant authority—
 - (i) a planning permit for the proposed alteration of the premises;
 - (ii) a building permit;
 - (d) projected additional staffing requirements and proposed roster;
 - (e) an applicant's undertaking;
 - (f) an authority to the Secretary.
-

SCHEDULE 4

Regulation 17

PRESCRIBED INFORMATION AND DOCUMENTS FOR APPLICATION FOR APPROVAL OF A NEW DIRECTOR OR OFFICER OF A PROPRIETOR THAT IS A BODY CORPORATE

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the name and postal address of the applicant;
- (b) the name, postal address, email address, telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) the name and street address of the SRS;
- (d) the number of the certificate of registration;
- (e) the name, postal address, email address, telephone and facsimile numbers of the new director or officer;
- (f) details of the new director's or officer's qualifications and experience in operating or working in a SRS or any other similar residential facility;
- (g) details of any sanctions, conditions or restrictions imposed on the new director or officer or any residential facility under the ownership or management of the new director or officer, within the last 5 years;
- (h) details of any business which has been placed under external administration within the last 10 years, while under the ownership or management of the new director or officer;

Sch. 4

(i) details of the role and level of involvement of the person in the management and operation of the SRS.

1.2 The prescribed documents in relation to each proposed new director or officer are—

- (a) proof of identity;
 - (b) 2 referee statements;
 - (c) a criminal record check issued within the 6 months preceding the date of the application;
 - (d) the following statements—
 - (i) a health statement;
 - (ii) a financial statement;
 - (iii) a charges and convictions statement;
 - (iv) a professional standards statement;
 - (e) an applicant's undertaking;
 - (f) an authority to the Secretary.
-

SCHEDULE 5

Regulation 19

PRESCRIBED INFORMATION AND DOCUMENTS FOR AN APPLICATION BY LEGAL PERSONAL REPRESENTATIVE, EXECUTOR, GUARDIAN OR ADMINISTRATOR TO CARRY ON THE SRS

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the name and postal address of the applicant;
- (b) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) the name and street address of the SRS;
- (d) details of the person's qualifications and experience in operating or working in a SRS or any other similar residential facility;
- (e) details of any sanctions, conditions or restrictions imposed on the person or any residential facility under the ownership or management of the person, within the last 5 years;
- (f) details of any business which has been placed under external administration within the last 10 years, while under the person's ownership or management.

1.2 The prescribed documents are—

- (a) proof of identity;
- (b) 2 referee statements;

Sch. 5

- (c) a criminal record check issued within the 6 months preceding the date of the application;
- (d) the following statements—
 - (i) a health statement;
 - (ii) a financial statement;
 - (iii) a charges and convictions statement;
 - (iv) a professional standards statement;
 - (v) in the case of a body corporate, a corporate solvency declaration;
- (e) an applicant's undertaking;
- (f) an authority to the Secretary.

Note

If a manager is employed under section 67 of the Act, the prescribed information and documents for an application for approval of a person to manage a SRS should also be submitted with an application under regulation 19.

SCHEDULE 6

Regulation 21

**PRESCRIBED INFORMATION AND DOCUMENTS FOR AN
APPLICATION FOR APPROVAL OF A PERSON TO
MANAGE A SRS**

1 Details of applicant and premises

- 1.1 The prescribed information is—
- (a) the name and postal address of the applicant;
 - (b) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
 - (c) the name and street address of the SRS;
 - (d) the number of the certificate of registration.

2 Details of the proposed manager

- 2.1 The prescribed information is—
- (a) the name, postal address, email address and telephone and facsimile numbers of the person who is proposed to be the manager;
 - (b) details of the person's qualifications and experience in operating or working in an SRS or any other similar residential facility;
 - (c) if the person has been involved in a managerial capacity in a residential facility, details of any sanctions, conditions or restrictions imposed within the last 5 years on the person or the residential facility under the management of the person;

Sch. 6

- (d) if the person has been involved in an ownership capacity, details of any such business which has been placed under external administration within the last 10 years.

2.2 The prescribed documents are—

- (a) an applicant's undertaking;
- (b) an authority to the Secretary.

3 Suitability of the proposed manager

3.1 The prescribed documents to be provided by the proposed manager in relation to himself or herself are—

- (a) proof of identity;
 - (b) 2 referee statements;
 - (c) a criminal record check issued within the 6 months preceding the date of the application;
 - (d) the following statements—
 - (i) a health statement;
 - (ii) a charges and convictions statement;
 - (iii) a professional standards statement;
 - (iv) a manager's statement;
 - (e) an applicant's undertaking;
 - (f) an authority to the Secretary.
-

SCHEDULE 7

Regulation 23

**PRESCRIBED INFORMATION FOR REGISTRATION
STATEMENTS**

1 Details of the proprietor and premises

1.1 The prescribed information is—

- (a) the name, postal address, email address and telephone and facsimile numbers of the proprietor of the SRS;
- (b) if the proprietor is a body corporate—
 - (i) the full name, postal address, email address and telephone number of each director, and any other officer empowered by his or her position to exercise control over the affairs of the body corporate;
 - (ii) the name, role and level of involvement of each director in the management and operation of the SRS;
- (c) the name, street address (including number), email address and telephone and facsimile numbers of the SRS;
- (d) the name and address of any other person who has an interest in the premises of the SRS as owner or lessee;
- (e) the name of the person employed to be the manager of the SRS, if not the proprietor;
- (f) the name of the person employed as the personal support coordinator.

2 Suitability of the proprietor or director

2.1 The prescribed documents are—

- (a) a criminal record check issued within the 6 months of the date of the Secretary's request;
 - (b) the following statements—
 - (i) a health statement;
 - (ii) a financial statement;
 - (iii) a charges and convictions statement;
 - (iv) a professional standards statement;
 - (v) in the case of a body corporate, a corporate solvency declaration;
 - (c) an applicant's undertaking;
 - (d) an authority to the Secretary.
-

SCHEDULE 8

Regulation 24

INFORMATION AND DOCUMENTS TO ACCOMPANY AN APPLICATION FOR CANCELLATION OF REGISTRATION OF A SRS

1 Details of applicant and premises

1.1 The prescribed information is—

- (a) the full name and postal address of the registered proprietor;
- (b) the name, postal address, email address and telephone and facsimile numbers of the contact person for the purposes of the application;
- (c) the name and address of the SRS;
- (d) the date on which the cancellation of the registration should become effective;
- (e) the reasons for the cancellation;
- (f) how the proprietor proposes to satisfy the proprietor's obligations under the Act regarding notification of residents;
- (g) if the cancellation relates to a change of ownership to a new proprietor who intends to submit an application for registration of the SRS, the name, address and contact details of the new proprietor.

1.2 The prescribed documents are—

- (a) the SRS registration certificate;
 - (b) an authority to the Secretary.
-

SCHEDULE 9

Regulation 29

ACCOMMODATION AND PERSONAL SUPPORT STANDARDS

The purpose of this Schedule is to set out the minimum standards required under the Act, and to identify the reasonable steps expected of proprietors to give effect to requirements under the Act.

LIFESTYLE

Standard 1—Privacy, dignity and confidentiality

- 1.1 The purpose of this standard is to ensure that residents' rights to privacy, dignity and confidentiality are respected by the proprietor and staff at the SRS.
- 1.2 Minimum requirements are—
 - (a) facilities provided allow residents to undertake personal activities (for example, bathing, toileting and dressing) in private;
 - (b) where rooms are shared, provision is made to ensure residents' privacy to the documented satisfaction of the residents concerned;
 - (c) facilities provided must be suitable for disabled use, if required;
 - (d) residents' personal and health information is securely stored.

Standard 2—Independence and choice

- 2.1 The purpose of this standard is to ensure that residents' rights to independence and freedom of choice are recognised, provided they do not unreasonably affect the rights of other residents.
- 2.2 Minimum requirements are—
- (a) residents are encouraged to exercise choice in their lifestyle and participate in decisions regarding the services they receive;
 - (b) residents' interests and preferences are reflected in activities provided at the SRS;
 - (c) residents are assisted, as far as possible, with transport and making arrangements to engage in activities outside the SRS;
 - (d) arrangements in place assist residents to maintain relationships with families and friends, including arrangements to receive visitors and make or take telephone calls in private, at reasonable times, having regard to the needs of other residents;
 - (e) residents are not subject to unusual or unreasonable routines in respect of daily living activities (for example, house rules that unreasonably restrict bed times or meal times).

Standard 3—Protection from abuse

- 3.1 The purpose of this standard is to ensure that residents live in an environment free of verbal, emotional, sexual or physical abuse, harassment, exploitation or neglect.

Sch. 9

3.2 Minimum requirements are—

- (a) staff listen and speak to residents in a respectful, supportive and courteous manner;
- (b) residents are not subject to abusive language;
- (c) bullying, intimidation and physical, verbal or sexual abuse of residents by staff or other residents is not tolerated and, if it occurs, is dealt with swiftly.

Standard 4—Protection of private property

4.1 The purpose of this standard is to ensure that residents' private property is protected.

4.2 Minimum requirements are—

- (a) residents are provided with suitable storage facilities for their personal property;
- (b) private property is not taken, borrowed or given to another person without the permission of the resident or resident's guardian;
- (c) if a resident moves out of the SRS, personal belongings are forwarded to the alternate accommodation.

FOOD AND NUTRITION

Standard 5—Choice

5.1 The purpose of this standard is to ensure that residents' health and dietary needs and preferences are taken into account in the selection of food.

5.2 Minimum requirements are—

- (a) dietary needs and preferences are discussed with each resident as part of the development of individual ongoing support plans;

-
- (b) kitchen staff are informed of dietary preferences and menus are planned taking these into consideration;
 - (c) food acquisition and supplies reflect the planned menu.

Standard 6—Nutritious food

- 6.1 The purpose of this standard is to ensure that residents are provided with food that is adequate in quality, quantity, variety and nutritional value to meet their daily requirements.
- 6.2 Minimum requirements are—
 - (a) menu planning is undertaken with reference to published dietary guidelines or, when necessary, the advice of a qualified dietician or nutritionist and is adequate in quality and quantity;
 - (b) menus are rotated regularly to ensure variety;
 - (c) food provided meets specific dietary requirements of residents;
 - (d) residents have ready access at all times to drinking water and other beverages.

Standard 7—Safe food

- 7.1 The purpose of this standard is to ensure that food facilities and storage and preparation practices comply with relevant laws.
- 7.2 Minimum requirements are—
 - (a) staff adhere to the requirements of the SRS's registration under the **Food Act 1984**;

- (b) staff adhere to the safe food handling practices, food storage and equipment requirements in accordance with the Australia New Zealand Food Standards Code.

HEALTH AND WELLBEING

Standard 8—Choice of and access to health care providers

- 8.1 The purpose of this standard is to ensure that residents are offered the opportunity to select their own health care providers and are provided with reasonable support to access those providers in a timely way.

Examples

General practitioner, allied health provider, dentist.

- 8.2 Minimum requirements are—
- (a) preferred health care providers are identified by residents and included in each resident's individual ongoing support plan;
 - (b) residents are assisted, as far as possible, with making appointments and with transport arrangements to attend appointments with health care providers;
 - (c) residents are encouraged to access health care promptly if any sign of deterioration in their health status appears.

Standard 9—Personal support

- 9.1 The purpose of this standard is to ensure that residents' health and wellbeing is optimised through providing personal support services in a way that takes account of individual residents' needs and preferences.

9.2 Minimum requirements are—

- (a) residents' support plans document the needs of residents for all aspects of personal support, including hygiene, toileting, dressing, eating, medication, mobility, requirements for accessing health care and emotional support;
- (b) residents' support plans document the type, frequency and timing of assistance to be provided to meet residents' personal support needs and preferences;
- (c) hygiene issues requiring medical or other professional attention are addressed in a timely way;
- (d) residents have access to an appropriate range of toiletries, including individual and personal items, to adequately maintain their personal hygiene;
- (e) equipment provided to promote residents' mobility and sensory function is kept in good order.

Standard 10—Clothing

10.1 The purpose of this standard is to ensure that residents wear their own clean clothing, appropriate to the climate, individual activities and personal preferences.

10.2 Minimum requirements are—

- (a) residents have access to their own clothing;
- (b) clothing is named clearly, but discreetly;
- (c) clothing is laundered regularly.

Standard 11—Bedding and linen

11.1 The purpose of this standard is to ensure that residents' beds are maintained with clean bedding and linen which is kept in good repair and is appropriate for climatic conditions.

11.2 Minimum requirements are—

- (a) bedding (including linen, blankets, quilts and mattresses) is regularly cleaned, checked and repaired or replaced when necessary;
- (b) protection of bedding is provided when required;
- (c) residents have access to additional bedding for warmth when required.

Standard 12—First aid

12.1 The purpose of this standard is to ensure that at all times, a well-equipped and maintained first aid kit is available, which is easily recognisable and accessible to staff.

12.2 Minimum requirements are—

- (a) first aid materials are kept in an easily recognisable container that is located in a place easily accessible to staff;
- (b) staff are made aware of how to use first aid materials;
- (c) a regular stocktake of first aid materials is undertaken.

PHYSICAL ENVIRONMENT

Standard 13—A safe environment

- 13.1 The purpose of this standard is to ensure that residents live in a safe and stable environment.
- 13.2 Minimum requirements are—
- (a) functioning call bells are located and accessible in each bedroom, bathroom, shower and in residents' toilets;
 - (b) call bells are tested regularly to ensure continuous operation;
 - (c) if appropriate, grab rails are provided in each toilet, shower room and bathroom;
 - (d) there is sufficient lighting in passages, stairways, bathrooms, shower rooms and toilets for safe movement around the SRS;
 - (e) there are sufficient power outlets available in every bedroom to accommodate electrical appliances without the need for extension cords;
 - (f) hot and cold water is supplied to all showers, baths and hand basins and the temperature of the hot water controlled to avoid the risk of scalding;
 - (g) processes are in place and maintained to identify and manage risks and hazards to residents.

Standard 14—A clean, comfortable and well maintained environment

- 14.1 The purpose of this standard is to ensure that residents live in a clean and comfortable environment that is well maintained.

Sch. 9

14.2 Minimum requirements are—

- (a) all facilities, fittings, fixtures, furniture and equipment are maintained in a proper state of repair and in good working order;
- (b) cleaning and maintenance of the premises, grounds, furniture, fixtures, fittings and equipment is undertaken in accordance with a schedule adequate for the needs of the resident population;
- (c) waste is not permitted to accumulate at the premises or on the grounds and is collected at regular and frequent intervals;
- (d) pending the collection of waste and rubbish, it is stored so as to minimise any risk of fire hazard or injury to residents;
- (e) offensive odours are identified at the premises and controlled and vermin are eradicated;
- (f) the temperature of the premises is maintained at a level at which residents are comfortable;
- (g) residents have access to bedside lighting as well as general room lighting.

Standard 15—Emergency procedures and planning

15.1 The purpose of this standard is to ensure that the proprietor has an effective emergency management plan in place and can respond to first aid emergencies at all times.

15.2 Minimum requirements are—

- (a) an up to date map of the SRS which identifies the number of each bedroom door, and clearly marked exit points, is kept in a prominent place;

-
- (b) procedures for managing emergencies and evacuations are documented and maintained;
 - (c) all staff are aware of their roles and responsibilities in activating emergency procedures;
 - (d) residents are informed about emergency and evacuation procedures;
 - (e) regular fire drills and evacuation procedures are carried out.
-

SCHEDULE 10

Supported Residential Services (Private Proprietors) Regulations 2012
Regulation 60

RECEIPT FOR SEIZURE OF THINGS AND SAMPLES TAKEN

Note

Under regulation 60, this receipt is required from an authorised officer who has taken a sample or seized a thing at the premises of a SRS.

Name of the SRS:

Address of the SRS:

I, *[Print Full Name]*, being an authorised officer of the Department, am seizing under section 145 of the **Supported Residential Services (Private Proprietors) Act 2010** the documents or things listed below.

THINGS SEIZED OR SAMPLES TAKEN

- 1.
- 2.
- 3.

Signed: *[Authorised officer]* Date: Time:

Signed: *[Proprietor/staff member]* Date: Time:

THINGS OR SAMPLES RETURNED

Signed: *[Authorised officer]* Date: Time:

Signed: *[Proprietor/staff member]* Date: Time:

SCHEDULE 11

Regulation 61

INFRINGEMENT OFFENCES

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement</i> <i>Offence</i>	<i>Column 3</i> <i>Description of</i> <i>Offence</i>	<i>Column 4</i> <i>Infringement</i> <i>Penalty</i>
1	An offence against section 18 of the Act	Failure of proprietor to display certificate of registration	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
2	An offence against section 30 of the Act	Failure of proprietor to notify the Secretary of person ceasing to be a director/officer of a body corporate proprietor	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
3	An offence against section 34 of the Act	Proprietor operates SRS with unapproved director/officer of body corporate proprietor	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
4	An offence against section 37 of the Act	Failure of a proprietor to provide Secretary with a registration statement within 28 days	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
5	An offence against section 45(2) of the Act	Failure of a proprietor to record details of a resident's person nominated	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Description of Offence</i>	<i>Infringement Penalty</i>
6	An offence against section 45(3) of the Act	Failure of a proprietor to keep resident's person nominated details up to date	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
7	An offence against section 46(1) of the Act	Failure of a proprietor to record details of resident's guardian	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
8	An offence against section 46(2) of the Act	Failure of a proprietor to record details of resident's administrator	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
9	An offence against section 46(3) of the Act	Failure of a proprietor to keep details of resident's guardian or administrator up to date	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
10	An offence against section 47(2) of the Act	Failure of a proprietor to provide a copy of the RSA to a resident within 48 hours of admittance	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
11	An offence against section 48(2) of the Act	Failure of a proprietor to provide written notice of changes to RSA	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units

Authorised by the Chief Parliamentary Counsel

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Description of Offence</i>	<i>Infringement Penalty</i>
12	An offence against section 56(1) of the Act	Failure of a proprietor to prepare interim resident support plan within 48 hours of admittance	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
13	An offence against section 57(2) of the Act	Failure of proprietor to review and update resident's support plan at least once every 6 months	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
14	An offence against section 58(7) of the Act	Failure of a proprietor to inform the resident's guardian/person nominated of the death of a resident as soon as practicable	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
15	An offence against section 68(1) of the Act	Failure of a proprietor to apply to the Secretary for approval of a new manager within 7 days of that employment	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
16	An offence against section 74(2) of the Act	Failure of a proprietor to inform Secretary when an approved manager ceases to work at SRS, is on leave or unable to perform role	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Description of Offence</i>	<i>Infringement Penalty</i>
17	An offence against section 76(1) of the Act	Failure of a proprietor to maintain a record of prescribed incidents	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
18	An offence against section 76(2) of the Act	Failure of a proprietor to maintain a record of prescribed resident information	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
19	An offence against section 76(3) of the Act	Failure of a proprietor to maintain records of prescribed staff information	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
20	An offence against section 76(4) of the Act	Failure of proprietor to maintain records of staff rosters	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
21	An offence against section 77(1) of the Act	Failure of a proprietor to maintain records of prescribed reportable incidents	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
22	An offence against section 79(1) of the Act	Failure of a proprietor to obtain written consent from resident to manage or control resident's money	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Description of Offence</i>	<i>Infringement Penalty</i>
23	An offence against section 79(3) of the Act	Failure of a proprietor to keep a copy of resident's written consent to manage/control resident's money	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
24	An offence against section 80(1) of the Act	Failure of a proprietor who manages/controls resident money to maintain an accurate and up to date record of resident income and expenditure	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
25	An offence against section 80(2) of the Act	Failure of a proprietor to ensure records individually itemise financial transactions	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
26	An offence against section 90(1) of the Act	Proprietor requesting a security deposit greater than 1 month's fees	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
27	An offence against section 90(2) of the Act	Proprietor accepting a security deposit greater than 1 month's fees	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Description of Offence</i>	<i>Infringement Penalty</i>
28	An offence against section 91(1) of the Act	Proprietor requesting a resident to pay fees in advance greater than 1 month's fees	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
29	An offence against section 91(2) of the Act	Proprietor accepting a fee greater than 1 month's fees in advance without written request by resident	In the case of a natural person, 6 penalty units In the case of a body corporate, 30 penalty units
30	An offence against section 94 of the Act	Failure of a proprietor to provide a prescribed statement in respect of fees	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
31	An offence against section 99 of the Act	Failure of a proprietor to return security deposit within 14 days	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
32	An offence against section 118 of the Act	Failure of a proprietor to provide appropriate notice to vacate	In the case of a natural person, 2 penalty units In the case of a body corporate, 10 penalty units
33	An offence against section 158 of the Act	Failure of a proprietor to display a copy of undertaking	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units

Authorised by the Chief Parliamentary Counsel

Supported Residential Services (Private Proprietors) Regulations 2012
S.R. No. 61/2012

Sch. 11

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement</i> <i>Offence</i>	<i>Column 3</i> <i>Description of</i> <i>Offence</i>	<i>Column 4</i> <i>Infringement</i> <i>Penalty</i>
34	An offence against section 163 of the Act	Failure of a proprietor to display compliance notice	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
35	An offence against section 192 of the Act	Failure of a proprietor to keep a record of community visitor visits	In the case of a natural person, 1 penalty unit In the case of a body corporate, 5 penalty units
36	An offence against regulation 26 of these Regulations	Failure of a proprietor to make available a copy of the Act and Regulations	1 penalty unit

ENDNOTES

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.