

Residential Services (Accreditation) (Exclusion of Retirement Villages) Amendment Regulation 2022

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Leeanne Enoch MP, Minister for Communities and Housing, Minister for Digital Economy and Minister for the Arts, provide this human rights certificate with respect to the *Residential Services (Accreditation) (Exclusion of Retirement Villages) Amendment Regulation 2022* made under the *Residential Services (Accreditation) Act 2002*.

In my opinion, the *Residential Services (Accreditation) (Exclusion of Retirement Villages) Amendment Regulation 2022*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Sections 4 and 184 of the *Residential Services (Accreditation) Act 2002* provides the regulation making power.

Before the *Residential Services (Accreditation) Regulation 2018* was remade in 2018, a retirement village accredited by Aged Care Queensland was exempt from registration and accreditation as a residential service under the Act. However, as Aged Care Queensland no longer exists, there is no recognised industry body to accredit retirement villages.

The *Residential Services (Accreditation) Regulation 2018* contains a transitional provision expiring on 31 August 2022 which provides that retirement villages are deemed not to be residential services (even if not accredited) and relevant retirement villages do not have to register and be accredited under the *Residential Services (Accreditation) Act 2002*.

The *Residential Services (Accreditation) (Exclusion of Retirement Villages) Amendment Regulation 2022* extends the transitional period contained within the *Residential Services (Accreditation) Regulation 2018* from 1 September 2022 to 30 June 2025.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights are engaged nor subject to limitation or otherwise affected.

Conclusion

I consider that the *Residential Services (Accreditation) (Exclusion of Retirement Villages) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

LEEANNE ENOCH MP
MINISTER FOR COMMUNITIES AND HOUSING
MINISTER FOR DIGITAL ECONOMY
MINISTER FOR THE ARTS

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