



Fact sheet



Residential Services (Accommodation) Act 2002

Coverage of the Accommodation Act

The *Residential Services (Accommodation) Act 2002* provides rules for renting in boarding houses, hostels, aged rental complexes and rooming style student accommodation in Queensland.

Who is covered under the *Residential Services (Accommodation) Act 2002*

The Act applies to all residential service agreements. Residential service agreements are agreements under which service providers provide accommodation to residents as a part of providing a residential service.

Generally a service is a residential service if:

- its main purpose is to provide accommodation in return for rent for one or more room(s), and
- it allows for at least four residents to occupy its rooms, and
- residents have the right to occupy their room(s) but not the entire premises, and
- **either** residents share facilities outside of the resident's room with one or more residents, (E.g. a bathroom, dining room and/or common room),
or residents are provided with a food or personal care service, (E.g. a service providing rental accommodation to older persons, in which each of the residents occupies a self contained unit and is provided with a food or personal care service).

It is not necessary for a residential service to be registered or accredited under the Accreditation Act for the Accommodation Act to apply.

Agreements for self contained units can only be covered by the Act where the resident is provided with a food or personal care service.

Who is not covered under the *Residential Services (Accommodation) Act 2002*?

An agreement is not covered by the Accommodation Act if the person occupying the rooms as a residence is:

- the service provider or relative, or
- a person employed in the service by the service provider.

The following services are exempted from the definition of a residential service by s 4(5) of the *Residential Services (Accreditation) Act 2002*:

- an aged care service conducted by an approved provider under the *Aged Care Act 1997* (Cwlth)
- an authorised mental health service under the *Mental Health Act 2000*
- a service conducted in a hostel or nursing home under a licence in force under the *Health Act 1937*, part 3, division 5
- a service conducted in a private hospital under a licence in force under the *Private Health Facilities Act 1999*
- a service conducted as part of, or under an agreement with, a school or other educational institution mainly to provide accommodation to students or employees of the school or institution
- a service conducted with financial assistance from the Education Department mainly to provide accommodation to school students
- a service conducted mainly to provide accommodation to holiday makers, tourists or travellers; *example* – motel, bed and breakfast facility, backpackers' hostel
- a service conducted in licensed premises under the *Liquor Act 1992*
- a service to provide accommodation under the Supported Accommodation Assistance Program



- a service conducted under funding given by, or in premises owned by, Aboriginal Hostels Limited ACN 008 504 587
- a service conducted – (i) by the disability services department; or (ii) under a grant of financial assistance under the *Disability Services Act 1992*
- a service conducted by, or with financial assistance from, the Housing Department or the Queensland Housing Commission.

Application of Act to agreements.

In some cases it may be unclear whether or not the *Residential Services (Accommodation) Act 2002* covers an agreement between a resident and a service provider. If it is unclear it may be necessary for the Small Claims Tribunal to make a decision. An application to decide if an agreement is covered by the Act can be made directly to the Tribunal.

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's approved forms can be obtained by:

- Visit the RTA website at www.rta.qld.gov.au and follow the links to 'e-forms'
- Call the RTA Call Centre on 1300 366 311
- Fax a *Request for Forms* to 3216 2258
- Post a *Request for Forms* to the Forms Distributor: Post Logistics, 52-54 Qantas Drive, Eagle Farm, Q 4009
- Visit RTA Offices at 33 Herschel St, Brisbane City

A selection of the most commonly used forms is also available at Australia Post offices around Queensland.

Disclaimer

This Fact Sheet is prepared for information only. The Residential Services (Accommodation) Act 2002 and the Residential Services (Accreditation) Act 2002 are the primary sources on the law and take precedence over this Fact Sheet should there be any inconsistency between the Acts and this Fact Sheet.

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