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| 2022-2023 fines and penalties for supported residential services (private proprietors) |
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This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

# Supported Residential Services (Private Proprietors) Act 2010

| Supported Residential Services (Private Proprietors) Act 2010, section | Description | Associated with | 2021-2022 Penalty amount (natural person) | 2022-2023 Penalty amount (natural person) | 2021-2022 Penalty amount (body corporate) | 2022-2023 Penalty amount (body corporate) |
| --- | --- | --- | --- | --- | --- | --- |
| 9 Offence to operate unregistered supported residential service | A person must not operate a supported residential service if the supported residential service is not registered under this Act. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 10 Offence to operate supported residential service if person is not the holder of a certificate of registration | A person must not operate a supported residential service if the person is not the holder for the time being of a certificate of registration for the supported residential service. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 11 Offence to contravene condition of registration | A proprietor must not contravene a condition to which the registration of the supported residential service is subject. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 12(1) Offences to provide excess beds or accommodation | A proprietor must not provide in the supported residential service more beds than the number of beds for which the supported residential service is registered | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 12(2) Offences to provide excess beds or accommodation | A proprietor must not provide accommodation in the supported residential service for more persons than the number of beds for which the supported residential service is registered. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 13 Offence to alter or extend premises without the Secretary's approval | A proprietor must not carry out any alterations or extensions of the premises of a supported residential service without the approval of the Secretary under section 26. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 18 Display of certificate of registration | A proprietor must cause the current certificate of registration to be displayed in a conspicuous place on the premises of the supported residential service in a manner that invites public attention | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 30 Ceasing to be director or officer of proprietor which is a body corporate | Subject to section 35, if a person ceases to be a director or other officer of a proprietor of a supported residential service that is a body corporate, the proprietor must notify the Secretary of that fact within 7 days of that person ceasing to be a director or officer. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 34 Directors Offence to operate supported residential service with unapproved director or officer of body corporate proprietor | A proprietor which is a body corporate must not operate the supported residential service unless each director and each officer of that proprietor has been approved in accordance with this Division. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 37 Directors/Proprietor must provide registration statement within 28 days | The proprietor must provide a registration statement to the Secretary within 28 days of receiving the request from the Secretary. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 44 Information for prospective residents | A proprietor must provide prospective residents who seek information about the supported residential service with a document containing information about the prescribed matters. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 45(1) Person nominated | Within 48 hours of a resident's admission to a supported residential service, the proprietor must ask the resident if the resident wishes to have a person nominated | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 45(2) Person nominated | If the resident has a person nominated, the proprietor must record the name and contact details of the person nominated. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 45(3) Person nominated | A proprietor must take reasonable steps to ensure that the details referred to in subsection (2) are kept up to date | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 46(1) Details of resident's guardian or resident's administrator to be recorded | If the resident has a resident's guardian, the proprietor must record the name and contact details of the resident's guardian | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 46(2) Details of resident's guardian or resident's administrator to be recorded | If the resident has a resident's administrator, the proprietor must record the name and contact details of the resident's administrator. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 46(3) Details of resident's guardian or resident's administrator to be recorded | A proprietor must take reasonable steps to ensure that the details referred to in subsection (1) or (2) are kept up to date | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 47(1) Preparation and copies of residential and services agreements | Within 48 hours of a resident's admission to the supported residential service, the proprietor must cause to be prepared in consultation with the resident and the person nominated (if any) a written agreement in an appropriate language containing the prescribed information of the nature of services to be provided to that resident in the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 47(2) Preparation and copies of residential and services agreements | Within 48 hours of a resident's admission to a supported residential service, the proprietor must provide the resident with a copy of the residential and services agreement in relation to that resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 48(1) Changes to residential and services agreements | Subject to subsections (2) and (3), if a proprietor proposes to change a term of a residential and services agreement in relation to a resident, the proprietor must notify the resident of the proposed change at least 7 days before the proposed change is to take effect. | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| 48(2) Changes to residential and services agreements | If a residential and services agreement provides that any changes to that agreement are to be notified to the resident in writing, the proprietor must ensure that a written notice is provided to the resident and the person nominated (if any). | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 48(3) Changes to residential and services agreements | If a change to a residential and services agreement includes an increase in the fees that a resident is required to pay, the proprietor must give the resident at least 28 days notice of that change | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| 49 Residential and services agreement not to be inconsistent with Act | The proprietor must ensure that a residential and services agreement does not include any information or matters that are inconsistent with a right or entitlement conferred, or an obligation imposed, on a resident by this Act or the regulations. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 56(1) Interim support plan | Within 48 hours after a person becomes a resident, the proprietor must cause to be prepared in relation to the resident a written document to be called the resident's interim support plan that includes— (a) the immediate health and personal support needs of the resident; and (b) the services to be provided to the resident to assist with those needs. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 56(2) Interim support plan | The proprietor must ensure that a resident's interim support plan is carried out in accordance with the plan as prepared. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 56(3) Interim support plan | When requested, the proprietor must cause a resident's interim support plan to be made available to— (a) the resident; (b) the person nominated; (c) the resident's health service providers | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(1) Resident's on-going support plan | Within 28 days after a person becomes a resident, the proprietor, in consultation with the resident and, if appropriate, the person nominated, must cause the resident's interim support plan to be reviewed and expanded into a written document to be called the resident's on-going support plan that includes— (a) the on-going health and personal support needs of the resident; and (b) the services to be provided to the resident to assist with those needs. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(2) Resident's on-going support plan | The proprietor must cause a resident's on-going support plan to be reviewed and updated at least once every 6 months. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 57(3) Resident's on-going support plan | If the resident's health and personal support needs change, the proprietor must ensure that the on-going support plan is reviewed and changed as necessary to meet those changed needs of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(4) Resident's on-going support plan | The proprietor must ensure that any change to a resident's on-going support plan is prepared in consultation with the resident and, if appropriate, the person nominated. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(5) Resident's on-going support plan | The proprietor must ensure that consultation occurs with the resident's health service providers in the preparation of— (a) a resident's on-going support plan; and (b) any changes made to that plan. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(6) Resident's on-going support plan | The proprietor must ensure that a resident's on-going support plan is carried out in accordance with that plan as prepared. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 57(7) Resident's on-going support plan | When requested, the proprietor must cause a resident's support plan and any changes made to it to be made available to— (a) the resident; (b) the person nominated; (c) the resident's health service providers. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 58(2) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of any significant sign of deterioration in the health status of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 58(3) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of any injury to the resident | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 58(4) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of any risk taking behaviour by a resident which threatens the safety of— (a) the resident; or (b) other residents or staff. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 58(5) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of any proposal to relocate the resident to another bedroom within the supported residential service. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 58(6) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of any intention to terminate the residency of the resident. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 58(7) Notification of certain matters to person nominated | The proprietor must ensure that the person nominated or resident's guardian is informed as soon as practicable of the death of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 59 Accommodation and personal support standards | The proprietor must comply with the prescribed accommodation and personal support standards. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 60(1) Offence not to monitor health care issues | If the proprietor is, or ought reasonably to be, aware that a resident is in need of more health care than can be provided at the supported residential service, the proprietor must take all reasonable steps to ensure that the appropriate health care is provided to the resident. | Court Ordered Penalty | $109,044 | $110,952 | $545,220 | $554,760 |
| 60(3) Offence not to monitor health care issues | If the proprietor is unsuccessful in securing the provision of appropriate health care for a resident after taking all reasonable steps to ensure that the appropriate health care is provided to the resident, the proprietor must notify the Secretary without delay of the needs of the resident | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 61(1) Offence not to monitor personal support issues | If the proprietor is, or ought reasonably to be, aware that a resident is in need of more personal support than can be met within the scope of that resident's residential and services agreement, the proprietor must take all reasonable steps to ensure that the appropriate personal support is provided to the resident. | Court Ordered Penalty | $109,044 | $110,952 | $545,220 | $554,760 |
| 61(3) Offence not to monitor personal support issues | If the proprietor is unsuccessful in securing the provision of appropriate personal support after taking all reasonable steps to ensure that the appropriate personal support is provided to the resident, the proprietor must notify the Secretary without delay of the needs of the resident. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 63(1) Medication of residents | A proprietor must, in accordance with the regulations, take reasonable steps to maintain adequate standards of storage, distribution and administration of residents' medication. | Court Ordered Penalty | $109,044 | $110,952 | $545,220 | $554,760 |
| 64(1) Minimum staff requirement | The proprietor must ensure that an adequate number of appropriately trained staff are employed in the supported residential service in accordance with the regulations | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 64(2) Minimum staff requirement | The proprietor must, in accordance with the regulations, ensure that an adequate number of appropriately trained staff are on duty in the supported residential service to ensure that the proprietor can comply with the personal support requirements under this Act. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 64(3) Minimum staff requirement | The proprietor must, in accordance with the regulations, ensure that an adequate number of appropriately trained ancillary staff are on duty in the supported residential service to ensure that the staff employed to provide personal support to the residents of the supported residential service are not unduly hindered in providing that support. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 65 Offence to employ unsuitable persons | A proprietor must not appoint or continue to employ in a supported residential service a person as a member of staff who is engaged in the special or personal support needs of residents if that person is not a suitable person, having regard to guidelines issued by the Secretary in relation to the employment of persons in a supported residential service. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 66 Requirement for criminal record checks of staff | A proprietor must ensure that a criminal record check is undertaken in accordance with the regulations in respect of a prospective employee of the supported residential service before that person is employed. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 67 Requirement to employ manager | A proprietor must employ a person to manage the supported residential service if at any time the proprietor, or in the case of a proprietor that is a body corporate any of the directors, is not ordinarily on site to carry out, direct or undertake the day to day operation of the supported residential service. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 68(1) Requirement to apply to Secretary for approval of manager | If a proprietor employs a person to manage a supported residential service for the purposes of section 67 or for any other reason, the proprietor must apply to the Secretary for approval of the person as a suitable person to be a manager of a supported residential service within 7 days of that employment. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 73(2) Effect of approval or disapproval of manager | If the Secretary refuses to approve a person to be a manager of a supported residential service, the proprietor must ensure that the person appointed as manager does not continue as the manager of the supported residential service. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 73(3) Effect of approval or disapproval of manager | If the Secretary cancels the approval of a person as a manager of a supported residential service, the proprietor must ensure that the person appointed as manager does not continue as the manager of the supported residential service | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 74(2) Effect of approval or disapproval of manager | The proprietor must notify the Secretary within 7 days if an approved manager— (a) ceases to be a manager of the supported residential service; or (b) is absent on leave; or (c) is otherwise unable to perform the role of manager. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 74(3) Effect of approval or disapproval of manager | If there is no more than one approved manager of a supported residential service, the proprietor must appoint a person to be the acting manager of the supported residential service if that approved manager— (a) ceases to be the manager of the supported residential service; or (b) is absent on leave; or (c) is otherwise unable to perform the role of manager. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 74(4) Effect of approval or disapproval of manager | If there is no more than one approved manager of a supported residential service, the proprietor must not fail, without reasonable excuse, to appoint a new manager within 28 days, or another period approved in writing by the Secretary, if that approved manager— (a) ceases to be the manager of the supported residential service; or (b) is absent on leave; or (c) is otherwise unable to perform the role of manager | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 75(1) Procedures for resident complaints | A proprietor must, in accordance with the regulations, institute and operate a system to receive and deal with complaints from residents or complaints made on behalf of residents. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 75(2) Procedures for resident complaints | A proprietor must take all reasonable steps to ensure that a resident is not adversely affected because a complaint has been made by the resident or on behalf of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 76(1) Requirement to keep prescribed records | A proprietor must maintain an accurate and up to date record of prescribed incidents that complies with subsection (5) | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 76(2) Requirement to keep prescribed records | A proprietor must maintain an accurate and up to date record of prescribed resident information that complies with subsection (5). | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 76(3) Requirement to keep prescribed records | A proprietor must maintain an accurate and up to date record of prescribed staff information that complies with subsection (5). | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 76(4) Requirement to keep prescribed records | A proprietor must maintain an accurate and up to date record of staff rosters that complies with subsection (5). | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 77(1) Records and reporting of prescribed reportable incidents | A proprietor must maintain an accurate and up to date record of prescribed reportable incidents that complies with subsection (2). | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 77(3) Records and reporting of prescribed reportable incidents | A proprietor must notify the Secretary of any prescribed reportable incident that occurs on the premises of, or in relation to, the supported residential service within the prescribed reporting time. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 78 Proprietor to keep records for 7 years | The proprietor must retain the records kept under this Division at the supported residential service for a period of 7 years. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 79(1) Management or control of resident's money by proprietor. | A proprietor must not manage or control money of a resident without the written consent of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 79(2) Management or control of resident's money by proprietor | A proprietor who manages or controls money of a resident must not manage or control more than the prescribed amount of that money at any one time. | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| 79(3) Management or control of resident's money by proprietor | A proprietor who manages or controls money of a resident must keep a copy of the written consent for that management or control. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 80(1) Records of expenditure to be kept | A proprietor who manages or controls money of a resident must maintain an accurate and up to date record of (a) any incoming money that the proprietor manages or controls on behalf of the resident; and (b) any expenditure of the money that the proprietor manages or controls on behalf of the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 80(2) Records of expenditure to be kept | A proprietor who manages or controls money of a resident must ensure that records kept under subsection (1) individually itemise each transaction made on behalf of the resident. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 81(1) Statements and access to records | A proprietor who manages or controls money of a resident must provide the resident with an itemised statement setting out any income received and expenditure incurred on behalf of a resident since the previous statement— (a) on request; or (b) at least once every 3 months. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 81(2) Statements and access to records | A proprietor who manages or controls money of a resident must give access to the resident's financial records held by the proprietor to the resident or the person nominated (if any) on request | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 82(2) Proprietor may give directions relating to resident's money | A proprietor must not give directions under subsection (1) in relation to the money of a particular resident if the proprietor does not have the written consent of that resident to manage or control that money | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 82(3) Proprietor may give directions relating to resident's money | A proprietor must not give directions under subsection (1) in relation to the money of a particular resident requiring or allowing an employee to do anything that would, if done by the proprietor, contravene section 79 or 80 | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 82(4) Proprietor may give directions relating to resident's money | An employee of a supported residential service must only handle or deal with money of a resident in accordance with directions given to the employee under subsection (1). | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 82(5) Proprietor may give directions relating to resident's money | A proprietor must not give a direction to handle, deal with, manage or control money of a resident to a close associate of the proprietor other than an employee. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 82(6) Proprietor may give directions relating to resident's money | Subject to subsections (1) and (5), a close associate of a proprietor must not handle, deal with, manage or control money of a resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 83(1) Proprietor or close associate not to be person nominated | A proprietor must not accept an appointment as a person nominated, resident's guardian or resident's administrator in respect of any resident of the supported residential service of which he or she is the proprietor. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 83(2) Proprietor or close associate not to be person nominated | A close associate of a proprietor must not accept an appointment as a person nominated, resident's guardian or resident's administrator in respect of any resident of the supported residential service of which he or she is a close associate of the proprietor | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 84 Proprietor or close associate not to enter into prohibited transactions | A proprietor, or a close associate of a proprietor, must not enter into a prohibited transaction with a resident of the supported residential service. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 85(1) Reportable transactions | A proprietor must give notice to the Secretary in accordance with this section of any reportable transaction to which the proprietor is a party within the reporting period. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 85(2) Reportable transactions | A close associate of a proprietor must give notice to the Secretary in accordance with this section of any reportable transaction to which the close associate is a party within the reporting period. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 86(2) Cooling off period | During the cooling off period, a proprietor, or a close associate of the proprietor, as the case requires, who is a party to a transaction must not have any other dealings with the property to which the transaction relates. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 88(1) Proprietor to notify Secretary of offences | If a proprietor becomes aware that a close associate of the proprietor has engaged in, or is engaging in, conduct that may constitute an offence against this Part, the proprietor must—(a) within 2 days after becoming aware of the conduct, notify the Secretary of the conduct; and (b) provide information about the identity of the relevant close associate. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 89(1) Offence to request certain payments | A proprietor must not request a resident to pay any amount other than— (a) a security deposit; (b) a fee paid in advance in accordance with this Act; (c) a reservation fee; (d) an establishment fee; (e) a fee in respect of the resident's accommodation and personal support; (f) an amount intended to cover an item or service purchased at the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 89(2) Offence to request certain payments | A proprietor must not accept from a resident any amount other than— (a) a security deposit; (b) a fee paid in advance in accordance with this Act; (c) a reservation fee; (d) an establishment fee; (e) a fee in respect of the resident's accommodation and personal support; (f) an amount intended to cover an item or service purchased at the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 90(1) Offence to request or accept security deposit that exceeds a specified amount | A proprietor must not request a resident to pay a security deposit greater than— (a) the equivalent of one month's fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 90(2) Offence to request or accept security deposit that exceeds a specified amount | A proprietor must not accept from a resident a security deposit greater than— (a) the equivalent of one month's fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 91(1) Offence to request or accept fees in advance that exceed a specified amount | A proprietor must not request a resident to pay a fee in advance greater than— (a) the equivalent of one month's fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 91(2) Offence to request or accept fees in advance that exceed a specified amount | A proprietor must not, unless the resident requests in writing, accept in respect of a resident a fee in advance greater than— (a) the equivalent of one month's fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| Infringement Penalty | $1,090 | $1,110 | $5,452 | $5,548 |
| 92(1) Offence to request or accept reservation fee that exceeds a specified amount | A proprietor must not request a resident to pay a reservation fee greater than— (a) the equivalent of 2 weeks fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 92(2) Offence to request or accept reservation fee that exceeds a specified amount | A proprietor must not accept from a resident a reservation fee greater than— (a) the equivalent of 2 weeks fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 93(1) Offence to request or accept establishment fees that exceed a specified amount | A proprietor must not request a resident to pay an establishment fee greater than— (a) the equivalent of 2 weeks fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 93(2) Offence to request or accept establishment fees that exceed a specified amount | A proprietor must not accept from a resident an establishment fee greater than— (a) the equivalent of 2 weeks fees; or (b) if an amount is prescribed for the purposes of this subsection, that prescribed amount | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 94 Offence not to provide prescribed statement in respect of fees etc. | Within 7 days of receiving a security deposit, an establishment fee, a fee paid in advance or a reservation fee in respect of a resident, a proprietor must provide the resident and the person nominated (if any) with a statement containing the prescribed information. | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 95 Offence not to put money into trust account | Within 7 days of receiving a security deposit, an establishment fee, a fee paid in advance in accordance with section 91(2) or a reservation fee in respect of a resident, a proprietor must place the security deposit, reservation fee, establishment fee or fee paid in advance into a trust account held at an ADI. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 96 Records of money held in trust account | A proprietor who has placed a security deposit, an establishment fee, a fee paid in advance or a reservation fee in respect of a resident into a trust account must maintain separate records, in accordance with the regulations, in relation to the funds of each resident whose funds are held in that trust account.v | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 97(1) Fees etc. to remain in trust until required | A proprietor who has placed a reservation fee, an establishment fee or a fee paid in advance into a trust account must not withdraw any amount from that account unless— (a) it is withdrawn for the purpose of returning the amount the resident or the person who made the payment on behalf of the resident; or (b) the proprietor is entitled to retain the amounts or part of the amounts in accordance with this Act and the withdrawal occurs on or after the commencement of the period to which the payment of the amount relates. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 97(2) Fees etc. to remain in trust until required | A proprietor who has placed a security deposit into a trust account must not withdraw any amount of that security deposit from that account unless—(a) it is withdrawn for the purpose of returning the amount the resident or the person who made the payment on behalf of the resident; or (b) the proprietor is entitled to retain the amount or part of the amount of the security deposit in accordance with section 98. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |
| 99 Offence not to return security deposit within 14 days | A proprietor must return to a resident any part of the security deposit that the proprietor is not entitled to retain under section 98 within 14 days of the resident leaving the supported residential service. | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 100(1) Condition report | If a resident or a proposed resident pays a security deposit, the proprietor must give the resident or proposed resident 2 copies of a condition report signed by or on behalf of the proprietor specifying the state of repair and general condition of— (a) the resident's room; and (b) the common areas; and (c) the furniture in the resident's room and the common areas. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 100(2) Condition report | The proprietor must give the condition report as soon as practicable before a resident or a proposed resident begins living at the supported residential service. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 102(1) Statement relating to use of reservation fees | Before receiving a reservation fee in respect of a proposed resident, the proprietor must provide written information to the proposed resident or a person acting on behalf of the proposed resident stating— (a) how the amount to be received will be applied; and (b) the circumstances in which the payment or a part of it may be forfeited by the proposed resident. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 103 Proprietor must explain fees and charges to resident | A proprietor must ensure that all expenses and fees charged to a resident are individually itemised and explained to the resident. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 104(1) Reservation fees must be applied or refunded | If a proposed resident is admitted to a supported residential service, the proprietor must deduct any reservation fee paid from the fees payable to the proprietor under the residential and services agreement. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 104(2) Reservation fees must be applied or refunded | If a proposed resident is not admitted to a supported residential service, the proprietor must refund any part of a reservation fee that has not been forfeited in accordance with the written information provided under section 94 within 7 days of a request from— (a) the proposed resident; or (b) a person acting on behalf of the proposed resident | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 118 Offence not to provide proper notice | A proprietor must not require a resident to vacate a supported residential service without providing appropriate notice to vacate in accordance with this Division | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| Infringement Penalty | $363 | $370 | $1,817 | $1,849 |
| 120 Offence to require more than 28 days notice of intention to leave supported residential service | A proprietor must not require a resident to give more than 28 days notice of a resident's intention to vacate the supported residential service. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 144(2) Power to direct persons to produce documents, operate equipment or answer questions | A person must not contravene a direction under subsection (1) without a reasonable excuse. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| 152 Offence to obstruct or hinder | A person must not, without reasonable excuse, obstruct or hinder an authorised officer who is exercising a power under this Act or the regulations. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 153 Offence to impersonate authorised officer | A person who is not an authorised officer must not, in any way, hold himself or herself out to be an authorised officer. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 158 8 Proprietor to display undertaking | A proprietor who gives an undertaking must cause a copy of that undertaking to be displayed in a conspicuous place on the premises of the supported residential service in a manner that invites public attention. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 162 Proprietor must comply with compliance notice | A proprietor to whom a compliance notice is issued must comply with the compliance notice. | Court Ordered Penalty | $43,618 | $44,381 | $218,088 | $221,904 |
| 163 Proprietor must display compliance notice | A proprietor to whom a compliance notice is issued must cause a copy of that compliance notice to be displayed in a conspicuous place on the premises of the supported residential service in a manner that invites public attention. | Court Ordered Penalty | $1,817 | $1,849 | $9,087 | $9,246 |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 167(5) Suspension of admissions | A proprietor must comply with a direction under subsection (1). | Court Ordered Penalty | $21,808 | $22,190 | $109,044 | $110,952 |
| 176 Offence to remove equipment or other property | During the appointment of an administrator of a supported residential service, a person must not, without the consent of the administrator, remove from the supported residential service any equipment or other property (whether or not owned by the proprietor) which is reasonably necessary for the proper and efficient functioning of the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 177 Offence to hinder and obstruct administrator | A person must not, without reasonable excuse, hinder or obstruct an administrator of a supported residential service carrying out his or her functions or exercising a power under this Division. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 178(1) Disposal of interests | During the appointment of an administrator of a supported residential service, a person must not, without the consent of the administrator, dispose of any interest of the proprietor in the premises of the supported residential service, whether a freehold interest, a lease or a licence or similar proprietary interest. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 179(1) Entering or exercising rights under contracts | During the appointment of an administrator of a supported residential service, the proprietor must not, without the consent of the administrator, enter into any contract relating to the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 179(2) Entering or exercising rights under contracts | During the appointment of an administrator of a supported residential service, the proprietor must not, without the consent of the administrator, terminate any contract relating to the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 179(3) Entering or exercising rights under contracts | During the appointment of an administrator of a supported residential service, the proprietor must not, without the consent of the administrator, vary any contract relating to the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 179(4) Entering or exercising rights under contracts | During the appointment of an administrator of a supported residential service, the proprietor must not, without the consent of the administrator, exercise any other right under any contract relating to the supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 180(1) Issuing notices to vacate to residents. | During the appointment of an administrator of a supported residential service, the proprietor must not, without the consent of the administrator, issue any notice to vacate to a resident | Court Ordered Penalty | $10,904 | $11,095 | $54,522 | $55,476 |
| 188 Offence to unreasonably refuse assistance | A proprietor or any member of the staff or management of a supported residential service must not unreasonably refuse or neglect to give a community visitor any reasonable assistance that the community visitor requires to perform or exercise any of the community visitor's powers or functions effectively. | Court Ordered Penalty | $3,635 | $3,698 | x | x |
| 189 Offence not to give full and true answers | A proprietor or any member of the staff or management of a supported residential service must not refuse or fail to give full and true answers to the best of that person's knowledge to any questions asked by a community visitor in the performance or exercise of any power or function under this Act. | Court Ordered Penalty | $3,635 | $3,698 | x | x |
| 190 Offence to assault, obstruct or threaten community visitor | A proprietor or any member of the staff or management of a supported residential service must not assault, obstruct or threaten a community visitor in the performance or exercise of any power or function under this Act. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 191(2) Request to see a community visitor | The proprietor, within 2 days after receiving a request under subsection (1), must advise one of the community visitors for the region that a request has been made. | Court Ordered Penalty | $3,635 | $3,698 | x | x |
| 192 Record of visits | A proprietor must keep a record in the prescribed form of visits by community visitors. | Court Ordered Penalty | $1,817 | $1,849 | x | x |
| Infringement Penalty | $182 | $185 | $909 | $925 |
| 196(1) Secrecy | Subject to subsection (2), a person who is or has been, at any time, a community visitor must not, either directly or indirectly - (a) make a record of; or (b) divulge or communicate to any person; or (c) make use of- any information, that is or was acquired by the person because the person is or was appointed as a community visitor, for any purpose, except to the extent necessary for the person- (d) to perform any official duties; or (e) to perform or exercise any function or power under this Act. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 199(1) False and misleading statements | A person must not, in purported compliance with this Act or the regulations, knowingly give information or make a statement that is false or misleading in a material particular. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 199(2) False and misleading statements | A person must not knowingly make a false or misleading entry in a document required by this Act or the regulations to be kept by or in relation to a supported residential service. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 200 Damaging or destroying documents etc. | A person must not, without lawful authority, destroy or damage any notice or document given, prepared or kept in accordance with this Act. | Court Ordered Penalty | $10,904 | $11,095 | x | x |
| 216 Prescribed statement to be given in respect of fees received before commencement of Act | Within 28 days after the commencement of this Act, a proprietor who has received a security deposit, a fee paid in advance, an establishment fee or a reservation fee in respect of a resident on or before that commencement must provide the resident and the person nominated (if any) with a statement containing the information prescribed under section 94. | Court Ordered Penalty | $3,635 | $3,698 | $18,174 | $18,492 |
| 217 Proprietor to put money received before commencement of this Act into trust account after that commencement | Within 28 days after the commencement of this Act, a proprietor who has received a security deposit, a fee paid in advance, an establishment fee or a reservation fee in respect of a resident on or before that commencement must place the security deposit or any remaining balance of a reservation fee, an establishment fee or a fee paid in advance into a trust account in accordance with Division 3 of Part 5 of this Act. | Court Ordered Penalty | $21,809 | $22,190 | $109,044 | $110,952 |

# Supported Residential Services (Private Proprietors) Regulations 2012

| Supported Residential Services (Private Proprietors) Regulations 2012, regulation | Description | Associated with | 2021-2022 penalties amount | 2022-2023 penalty amount |
| --- | --- | --- | --- | --- |
| 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 | Court Ordered Penalty | $1,817 | $1,849 |
| Infringement Penalty | $182 | $185 |

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