

# Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011

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## **Part 1 Preliminary**

### **1 Short title**

This local law may be cited as *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this local law is to—
  - (a) ensure that rental accommodation other than excluded accommodation is maintained and operated to an acceptable standard; and
  - (b) ensure the health and wellbeing of the occupants of rental accommodation other than excluded accommodation.
- (2) The purpose is to be achieved by ensuring that the operation of the rental accommodation (other than excluded accommodation)—
  - (a) protects the environment and public health, safety and amenity within the local government’s area; and
  - (b) eliminates or reduces risks and threats to the environment and public health, safety and amenity; and
  - (c) complies with specified standards of hygiene and does not give rise to the spread of disease among people living in the rental accommodation.

### **3 Definitions — the dictionary**

The dictionary in the schedule defines particular words used in this local law.

### **4 Relationship with other laws**

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

## **Part 2 Operation of rental accommodation**

### **Division 1 Rental accommodation for which approval is required**

#### **5 Meaning of excluded accommodation**

- (1) *Excluded accommodation* means each of the following—
  - (a) the operation of shared facility accommodation;
  - (b) a residential tenancy under a residential tenancy agreement;
  - (c) the provision of rental accommodation—

- (i) by a person at the residence of the person for immediate family members of the person in exchange for the payment of money; or
  - (ii) at a building that is, or is located within, or is part of, an educational institution, residential college, boarding school or religious institution; or
  - (iii) at a building in which the only accommodation provided is for life savers; or
  - (iv) at a building in which the only accommodation provided is recreational accommodation for camps for school groups, girl guides, scouts or similar groups; or
  - (v) at premises used for—
    - (A) the operation of a camping ground; or
    - (B) the operation of a caravan park; or
  - (vi) at premises used to provide residential services as defined in the *Residential Services (Accreditation) Act 2002*; or
  - (vii) at public housing as defined in the *Sustainable Planning Act 2009*; or
  - (viii) at a hospital, nursing home or other institution where people are cared for on a live-in basis; or
  - (ix) at a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
  - (x) at a private home in which accommodation is provided for not more than 2 boarders; or
  - (xi) at premises excluded from the application of this local law under a subordinate local law.
- (2) However, excluded accommodation does not include accommodation in a hotel or motel (regardless of whether the hotel or motel involves the provision of shared facility accommodation or not).

Examples of rental accommodation which is not excluded accommodation—

Accommodation provided for holiday makers or travellers at—

- (a) a hotel or motel (regardless of whether the hotel or motel involves the provision of shared facility accommodation or not); or
- (b) a bed and breakfast, budget accommodation building, hostel, flat or farmstay unless the accommodation involves the provision of shared facility accommodation.

## 6 Requirement for approval

- (1) The local government may, by subordinate local law, require an approval for the operation of rental accommodation other than excluded accommodation.
- (2) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), the operation of rental accommodation other than excluded accommodation in circumstances that require an approval is a prescribed activity.

## Division 2 Minimum standards

## **7 Minimum standards for rental accommodation**

- (1) The local government may, by subordinate local law, specify minimum standards to be complied with by a person who operates rental accommodation or a particular class of rental accommodation.
- (2) Subsection (1) does not apply to excluded accommodation.
- (3) A person who operates rental accommodation must ensure that the relevant minimum standards prescribed by subordinate local law for the rental accommodation are complied with.

Maximum penalty for subsection (2)—50 penalty units.

- (4) If a person is required to hold an approval to operate rental accommodation, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

## **Part 3 Monitoring compliance with minimum standards**

### **8 Inspections to monitor compliance**

- (1) The local government may monitor compliance with part 2, division 2 by having authorised persons inspect rental accommodation in the local government's area.
- (2) Nothing in this part limits the number of inspections an authorised person may conduct at premises operated as rental accommodation.

## **Part 4 Miscellaneous**

### **9 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the exclusion of premises from the application of this local law<sup>1</sup>; or
- (b) minimum standards for the operation of rental accommodation or a particular class of rental accommodation<sup>2</sup>.

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<sup>1</sup> See section 5(c).

<sup>2</sup> See section 7(1).

# Schedule Dictionary

## section 3

**authorised person** has the meaning given in the *Local Government Act 2009*.

**compliance notice** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**excluded accommodation** see section 5.

**operation of camping grounds** has the meaning given in *Local Law No. 1 (Administration) 2011* and **operation of a camping ground** has a corresponding meaning.

**operation of caravan parks** has the meaning given in *Local Law No. 1 (Administration) 2011* and **operation of a caravan park** has a corresponding meaning.

**operation of shared facility accommodation** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**operator**, of rental accommodation, means a person who carries on the business of providing accommodation to which this local law applies and includes a person who is entitled (in whole or part) to the rents or profits from the operation of premises that are used to provide accommodation to which this local law applies.

**premises** means premises at which rental accommodation to which this local law applies is, or is to be, provided.

**rental accommodation** means accommodation at premises which is provided for payment or reward either casually or for any period.

**residential tenancy** has the meaning given in the *Residential Tenancies and Rooming Accommodation Act 2008*.

**residential tenancy agreement** has the meaning given in the *Residential Tenancies and Rooming Accommodation Act 2008*.

**shared facility accommodation** has the meaning given in *Local Law No. 1 (Administration) 2011*.

This and the preceding 4 pages bearing my initials is a certified copy of *Local Law No. 7 (Rental Accommodation Other Than Shared Facility Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_ (*insert the date of the relevant resolution of Council*) 2011.

.....  
Chief Executive Officer