

South Australia

Retirement Villages Regulations 2017

under the *Retirement Villages Act 2016*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Retirement Villages Regulations 2017*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Retirement Villages Act 2016*.

4—Payments excluded from definition of ingoing contribution

For the purposes of the definition of *ingoing contribution* in section 4(1) of the Act, an ingoing contribution does not include the following:

- (a) an amount paid or required to be paid under a residential park agreement under the *Residential Parks Act 2007*;
- (b) an amount paid or required to be paid under a residential tenancy agreement under the *Residential Tenancies Act 1995*;
- (c) an amount paid or required to be paid under a domestic services agreement within the meaning of the *Residential Tenancies Act 1995*;
- (d) an amount paid or required to be paid in consideration for occupation in a prescribed retirement village within the meaning of the *Residential Tenancies Act 1995*;

- (e) an amount paid or required to be paid in consideration for entry into residential care at an aged care facility provided by an approved provider under the *Aged Care Act 2024* of the Commonwealth;
- (f) an amount paid or required to be paid in consideration for a lease or a licence to occupy land within a retirement village under section 57 or 57A of the Act.

Part 2—Rights of residents

5—Residence contracts (section 20 of Act)

- (1) For the purposes of section 20(1) of the Act, the following requirements are prescribed:
 - (a) the residence contract must include a statement (shown conspicuously in bold black type) advising—
 - (i) that the prospective resident should seek independent legal advice about the prospective resident's rights and duties under the contract; and
 - (ii) that the Act sets out various rights that a person has on entering into a residence contract that cannot be excluded by the contract;
 - (b) the residence contract must, as far as possible—
 - (i) be expressed plainly in gender neutral language; and
 - (ii) be printed in a font size of not less than 12 points; and
 - (iii) be set out clearly with appropriate headings and numbered clauses;
 - (c) the residence contract must include definitions of words and phrases used in the contract (including relevant words and phrases defined in the Act).
- (2) For the purposes of section 20(1)(e) of the Act, the following information is prescribed:
 - (a) if the Minister has conferred an exemption from a provision of the Act in relation to the retirement village—details about the exemption and any conditions imposed on the exemption;
 - (b) the following information in relation to the contract:
 - (i) the name and address of each of the parties to the contract (being the operator and the prospective resident or residents);
 - (ii) if there is a limitation on who may, in the future, become a party to the contract, details of the limitation;
 - (iii) the date of the contract;
 - (c) the following information in relation to the retirement village scheme:
 - (i) the name and location of the retirement village;
 - (ii) details of the certificates of title for the land on which the retirement village is situated, including—
 - (A) the volume and folio numbers; and

- (B) the name of the owner in fee simple of the land registered on the certificates of title; and
 - (C) if the land is subject to a mortgage or charge—the name of the holder of the mortgage or charge; and
 - (D) the endorsement on the certificates of title as required by section 56 of the Act; and
 - (E) any other endorsement on the certificates of title;
- (iii) the form of tenure that will apply to the resident, being—
 - (A) community title; or
 - (B) strata title; or
 - (C) lease; or
 - (D) licence to occupy; or
 - (E) some other form of tenure (with a full description),
and the terms and conditions of the tenure;
- (d) the following information in relation to the residence in the retirement village to be occupied by the resident:
 - (i) a description (in reasonable detail) of the features of the residence;
 - (ii) a plan of the residence showing significant dimensions;
 - (iii) a plan of the retirement village showing the location of the residence in the retirement village and any separate facilities allocated to the resident;
- (e) details of the facilities provided or arranged by the operator available in the retirement village, including—
 - (i) communal facilities available to all residents; and
 - (ii) any separate facilities allocated to the resident; and
 - (iii) if additional facilities are to be provided to the resident—
 - (A) any work that is to be undertaken in relation to the provision of those facilities; and
 - (B) the cost of the work to be undertaken;
- (f) details of services provided or arranged by the operator available to residents in the retirement village, including—
 - (i) services provided to all residents (payment for which is by a recurrent charge); and
 - (ii) optional personal services available to residents (payment for which would be by an additional recurrent charge), specifying any such services to be provided to the resident;
- (g) the following financial information about the retirement village scheme:
 - (i) in relation to the ingoing contribution to be paid by the resident—
 - (A) the amount of the ingoing contribution; and

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- (B) the basis on which the ingoing contribution is to be paid; and
 - (C) the date (or, in the case of progress payments, the dates) on which the ingoing contribution is payable;
- (ii) in relation to recurrent charges payable by the resident to the operator —
- (A) the amount of each recurrent charge and how that amount is calculated; and
 - (B) the reason for each recurrent charge; and
 - (C) when each recurrent charge becomes payable; and
 - (D) if a recurrent charge may be varied by the operator—
 - the date on which the charge was last varied; and
 - the estimated date on which the charge will next be varied; and
 - the period of notice to be given to the resident before a variation will come into force; and
 - (E) recurrent charges (if any) that will continue to be payable if the resident is absent or leaves the retirement village which may include maintenance charges or charges for additional personal services provided to the resident (such as a cleaning service or the provision of meals);
- (iii) in relation to funds established by the operator to which the resident will be required to contribute—
- (A) the purpose of each fund; and
 - (B) the amount required to be contributed by the resident to each fund; and
 - (C) when the resident will be required to contribute to each fund;
- (iv) the terms and conditions under which the exit entitlement will be paid and the manner in which the exit entitlement will be calculated including—
- (A) the formula for calculating the payment; and
 - (B) the fees and charges that may be deducted from the amount of the payment; and
 - (C) the conditions that must be met before the payment will be made; and
 - (D) when, how and to whom the refund will be made;
- (v) any fee or charge payable in relation to remarketing, including the manner of calculation of such fees or charges;
- (vi) when, in relation to the retirement village scheme, the financial year begins and ends;

- (vii) a copy of the surplus and deficit policy of the retirement village scheme;
- (h) the following information in relation to the resident's settling-in period:
 - (i) when the settling-in period begins and ends;
 - (ii) the fees and charges for which the resident will be responsible during the settling-in period;
 - (iii) a statement of the provisions in section 44(5) to (7) of the Act, including a statement of what payments the resident may be required to make if the resident terminates the contract during the settling-in period;
- (i) the following information in relation to any development of the retirement village being undertaken, or planned, as at the date of the contract:
 - (i) the number (if any) of residences under construction or to be constructed and the estimated completion date;
 - (ii) any communal facilities under construction or to be constructed and the estimated completion date;
 - (iii) any landscaping being undertaken or to be undertaken and the estimated completion date;
 - (iv) if development approval is required under the *Planning, Development and Infrastructure Act 2016*—details of the approvals granted and any conditions of the approvals;
 - (v) a statement of the provisions in section 37 of the Act, including details of consultation with residents that must occur before any future redevelopment of the retirement village may commence;
- (k) the following information in relation to any trustee in respect of a retirement village scheme:
 - (i) the name and address of the trustee;
 - (ii) the terms and conditions on which the trustee has been appointed for the purposes of the retirement village scheme (insofar as any such trustee is involved in holding money paid by the resident on trust, or is available or responsible to represent the interests of the resident);
 - (iii) the assistance available to residents from the trustee;
 - (iv) how the trustee's fees are to be paid;
- (l) the action to be taken to terminate the contract, the steps (if any) that a party agrees to undertake after a termination, and a statement of the provisions in section 44 of the Act;
- (m) any other information that is agreed between the parties.

6—Disclosure statement (section 21 of Act)

For the purposes of section 21(1) of the Act, it is a requirement that a disclosure statement must include the information and be in the form set out in Schedule 2.

6A—Information to be provided before residence contract entered into

For the purposes of section 22(1)(g) of the Act, the written dispute resolution policy required to be kept by the operator under section 45 of the Act is prescribed.

6B—Premises condition report

- (1) For the purposes of section 23(1)(c) of the Act, a premises condition report for a residence must include the following information:
 - (a) who is responsible under the residence contract at the end of the contract for reinstating the residence to the same condition as when the resident first entered into occupation;
 - (b) who is responsible under the residence contract at the end of the contract for any work to improve the residence in excess of that required to reinstate the premises to the condition it was when the resident first entered into occupation;
 - (c) if, at the time of the provision of the report by the operator, the operator intends to undertake improvements or repairs to the residence, a description of the intended work to be undertaken and an estimated completion date;
 - (d) that a dispute in relation to the premises condition report must be resolved in accordance with the village dispute resolution policy unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy.
- (2) For the purposes of section 23(2) of the Act, a premises condition report must—
 - (a) clearly identify the residence that is the subject of the report; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) display clearly the contents of any photographs, diagrams or other graphics that are included in the report; and
 - (d) be provided in hard copy or electronic format; and
 - (e) include in bold font at the front of the report the following statement:

A resident who fails to return a completed report to the operator within 10 business days of entering into occupation of the residence, in this case being [*insert deadline*], is taken to have agreed to the premises condition report as provided to the resident by the operator (see section 23 of the Act).
 - (f) (which must include the date that is the deadline for the return of the completed report by the resident); and
 - (g) include provision for the person entering into occupation of the residence to agree or disagree with the information completed by the operator; and
 - (g) make provision for the inclusion of any subsequent agreement signed by the operator and the person entering into occupation of the residence in the event that there is disagreement about the initial report; and

Example—

A subsequent agreement may be included within the premises condition report or as a separate document attached to the premises condition report.

- (h) state the date, or dates, on which the inspection was carried out by the operator and by the resident; and
 - (i) be signed by, or on behalf of—
 - (i) the operator; and
 - (ii) the person who enters into occupation of the residence (unless it is not reasonably practicable to do so).
- (3) On receipt of a completed premises condition report from a resident pursuant to section 23(3) of the Act, the operator of a retirement village must—
- (a) provide a copy of the completed report to the resident within 10 business days; and
 - (b) retain the completed report until payment of the resident's exit entitlement (if any) is paid in full.
- (4) The operator of a retirement village must, on the written request of a resident, provide a copy of the completed premises condition report to the resident within 10 business days of the request.

6C—Vacated premises report

- (1) The operator of a retirement village must, not more than 10 business days after a person ceases to reside in a residence in a retirement village, complete a vacated premises report providing detailed information about the condition of the fixtures, fittings and furnishings provided in the residence.
- (2) The operator of a retirement village must—
 - (a) provide a copy of the completed vacated premises report to the former resident; and
 - (b) allow a reasonable period for the former resident to indicate whether they disagree with the report.
- (3) The vacated premises report must—
 - (a) clearly identify the residence that is the subject of the report; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) display clearly the contents of any photographs, diagrams or other graphics that are included in the report; and
 - (d) be provided in hard copy or electronic format; and
 - (e) include provision for the former resident to agree or disagree with the information completed by the operator; and
 - (f) make provision for the inclusion of any subsequent agreement signed by the operator and the former resident in the event that there is disagreement about the initial report; and

Example—

A subsequent agreement may be included within the vacated premises report or as a separate document attached to the vacated premises report.

- (g) include a statement that disputes relating to the report must be resolved in accordance with the village dispute resolution policy unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy; and
- (h) must be signed by, or on behalf of—
 - (i) the operator; and
 - (ii) if reasonably practicable, the former resident.
- (4) In the event of a dispute in relation to the content of a vacated premises report, the dispute is to be resolved in accordance with the dispute resolution policy for the retirement village unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy.
- (5) A reference in this regulation to a **former resident** will be taken to include, as the case requires, the former resident's authorised representative or the executor or administrator of the former resident's estate.

7—Exit entitlements (section 27 of Act)

- (1) For the purposes of section 27(5)(d) of the Act, the prescribed period in relation to the payment of an exit entitlement for a vacated residence is the period—
 - (a) commencing on the first business day after vacant possession of the residence was delivered up; and
 - (b) ending 1 month before the exit entitlement becomes payable under section 27(2)(b) of the Act.
- (3) For the purposes of section 27(16) of the Act, if a resident requires the operator to obtain an independent valuation, the valuation must be undertaken by a person authorised to carry on business as a land valuer under the *Land Valuers Act 1994*.

8—Evidence required if resident leaves to enter residential aged care facility (section 30 of Act)

For the purposes of section 30(2) of the Act, the operator may require a resident to provide to the operator evidence of the value of the resident's income and assets as determined by the System Governor under the *Aged Care Act 2024* of the Commonwealth.

10—Standards and principles for financial information (sections 33 and 40 of Act)

- (1) For the purposes of section 33(7)(a) of the Act, information provided by an operator to a resident of a retirement village under section 33(6) of the Act must be in a form that—
 - (a) shows specific information for the retirement village (and, if the retirement village has more than 1 site, must specifically relate to the site at which the resident resides); and

- (b) accords with generally accepted accounting standards.
- (2) For the purposes of section 33(10) of the Act, an audit of information required to be provided by an operator to a resident under section 33 of the Act must be conducted by a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (3) For the purposes of section 40(4) of the Act, information provided by an operator to a resident or residents' committee under section 40(1) of the Act must be in a form that—
 - (a) shows specific information for the retirement village (and, if the retirement village has more than 1 site, must specifically relate to the site at which the resident resides); and
 - (b) accords with generally accepted accounting standards.

11—Meetings of residents (section 33 of Act)

- (1) For the purposes of section 33(6)(c) of the Act, a notice convening an annual meeting for a retirement village must be accompanied by an audited statement of accounts showing the following information:
 - (a) the proportion (if any) of the amount of any ingoing contribution received during the previous financial year used, or to be used, for purposes similar to those for which recurrent charges are used;
 - (b) the amount of money received from residents and held in reserve for the establishment, or maintenance, refurbishment or replacement, of facilities at the retirement village, stating the payments made from those reserves during the previous financial year;
 - (c) the amount of any expenditure during the previous financial year for which residents were, or will be, liable, being expenditure not otherwise accounted for under this regulation or section 33(6) of the Act.
- (2) The minutes of a meeting convened under section 33 of the Act must include—
 - (a) a copy of any written questions submitted under section 33(6)(b) of the Act; and
 - (b) a record of the questions asked at a meeting, and the detailed written answer to any such questions.

12—Residents' committees (section 38 of Act)

- (1) A residents' committee—
 - (a) may convene a meeting of the residents' committee at any time; and
 - (b) may convene a meeting of residents at any time; and
 - (c) must convene a meeting of residents on an annual basis.
- (2) The following provisions apply in relation to the annual meeting of residents convened by a residents' committee:
 - (a) the annual meeting will be convened in accordance with section 33(5) of the Act;

- (b) a notice convening the annual meeting must be accompanied by a statement of accounts showing the committee's income and expenditure in respect of the previous financial year, which must be signed by a person (not being a person who was a member of the residents' committee in the financial year to which the accounts relate) who has verified the accuracy of the accounts;
 - (c) the election of members of a residents' committee must be held at the annual meeting.
- (3) The following provisions apply with respect to the procedure for voting at a meeting of residents convened by a residents' committee:
 - (a) subject to paragraph (c), each resident present at a meeting has 1 vote on any question arising for decision at the meeting;
 - (b) a resident may exercise an absentee vote on a question arising for decision at the meeting by giving the residents' committee written notice of the proposed vote at least 24 hours before the time of the meeting;
 - (c) if 2 or more residents are in occupation of the same residence in a retirement village, only 1 of them may exercise a vote at a meeting and if more than 1 purport to vote, the person presiding at the meeting may determine which vote is to be recognised.
- (4) A residents' committee must—
 - (a) cause accurate minutes to be kept of proceedings at every meeting convened by the residents' committee; and
 - (b) within 10 business days after each meeting convened by the residents' committee—
 - (i) make the minutes available for inspection by residents in a manner that is easily accessible to residents; and
 - (ii) provide a copy of the minutes to the operator of the retirement village; and
 - (c) ensure that the minutes do not disclose personal information regarding residents.
- (5) A record of the minutes of a meeting convened by the residents' committee must be retained by the residents' committee for the retirement village for at least 7 years, and if there is no residents' committee for the retirement village, the operator must retain the record of the minutes.
- (6) If a residents' committee appoints a sub-committee, each sub-committee must, when requested to do so by the residents' committee, provide a report on its activities to the residents' committee.
- (7) A residents' committee must undertake reasonable consultation with residents before determining or amending its procedures.

13—Information about manager to be supplied to residents (section 43 of Act)

For the purposes of section 43 of the Act, the operator of a retirement village must, within 10 business days after—

- (a) the employment or engagement of each village manager and any senior manager of the retirement village; or
- (b) any change in details previously provided to a resident under section 43 of the Act,

provide written notice of such information to each resident in the retirement village.

14—Termination of residents' rights (section 44 of Act)

A notice under section 44(12) of the Act (a *termination notice*) given to the resident by the operator of the retirement village—

- (a) must include the following information:
 - (i) the name and address of the operator;
 - (ii) the name and address of the retirement village;
 - (iii) the name of the resident;
 - (iv) that—
 - (A) the resident is being given notice of the decision by the operator to terminate the resident's right of occupation of a residence in the retirement village and the reasons for the decision; and
 - (B) the decision is not effective until confirmed by the Tribunal; and
 - (C) the resident will be notified of the time and place of the hearing of the Tribunal and will be entitled to attend and present matters related to the proposed termination; and
 - (D) if the Tribunal confirms the decision to terminate—the Tribunal will set a date by which the resident must leave the retirement village; and
- (b) must be signed and dated by the operator (or by a person duly authorised to act on behalf of the operator).

Part 3—Miscellaneous

15—Residence rules

- (1) The residence rules—
 - (a) must relate to the use of the retirement village to ensure the enjoyment of the retirement village by all residents; and
 - (b) must at least address the following:
 - (i) visitors to the retirement village or a residence in the retirement village, including visitors who stay in a residence in the retirement village overnight or on a short or long term basis;

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- (ii) noise within the retirement village;
 - (iii) the parking of vehicles within the retirement village;
 - (iv) the collection and disposal of rubbish;
 - (v) pets;
 - (vi) gardens and landscaping within the retirement village;
 - (vii) the use and operation of services and facilities in the retirement village (including restrictions on the use and operation of services).
- (2) If the operator of a retirement village proposes to make an alteration to the residence rules for the village, the operator must undertake consultation with residents of the retirement village in accordance with subregulation (4) before making a decision to make the alteration.
- (3) If an alteration to the residence rules for a retirement village is requested by notice in writing by—
- (a) the residents' committee for the village; or
 - (b) at least 20% of residents in the village,
- the operator of the village must—
- (c) before making a decision on the alteration, undertake consultation on the requested alteration with residents of the retirement village in accordance with subregulation (4); and
 - (d) following that consultation, determine whether or not to make the alteration to the residence rules.
- (4) For the purposes of undertaking consultation in relation to a proposed or requested alteration to residence rules, the operator must—
- (a) provide each residence with all relevant information about the proposed or requested alteration; and
 - (b) allow a reasonable period for the residents to—
 - (i) consider the information provided; and
 - (ii) ask questions (and receive responses from the operator); and
 - (iii) provide feedback; and
 - (c) consider all feedback provided by residents.
- (5) The operator must, following the consultation process in relation to a proposed or requested alteration to the residence rules, provide to the residents notice in writing of—
- (a) a summary of the outcome of the consultation process; and
 - (b) the decision made by the operator, along with the reasons for the decision.

16—Safety information (section 43A of Act)

- (1) Pursuant to section 43A(4)(b) of the Act, the emergency plan for a retirement village must include—
- (a) a list of the types of emergencies covered by the plan, including the following:
 - (i) fire;
 - (ii) floods and storms;
 - (iii) earthquakes;
 - (iv) significant power outages;
 - (v) natural disasters;
 - (b) the prescribed safety information for the village; and
 - (c) how residents are to be alerted in the event of an emergency; and
 - (d) the roles of the operator, staff and residents in relation to an emergency; and
 - (e) emergency contact information, including local emergency service organisations and key staff of the village; and
 - (f) consideration of any specific hazards relevant to the common areas of the village; and
- Example—**
- Specific hazards may exist if a retirement village is in a bush-fire zone or on a flood plain, or where there are multi-level apartments that would require evacuation.
- (g) how communication will be maintained between the operator and residents in the village during and after an incident or emergency; and
 - (h) arrangements that are in place and available to assist residents who may have mobility, hearing or visual impairments; and
- Example—**
- An evacuation point may be identified for residents who are unable to use stairs during an evacuation in an emergency.
- (i) processes to be followed after any incident or emergency, including—
 - (i) a review of the emergency plan and the prescribed safety information for the village; and
 - (ii) the communication to residents of the village of the outcomes of the review under subparagraph (i).
- (2) The operator of a retirement village must ensure that the emergency plan for the retirement village is reviewed—
- (a) at least once in a calendar year; and
 - (b) following any significant change to the retirement village scheme or to premises or land at the retirement village; and
 - (c) following an emergency of a type covered by the plan.

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- (3) Pursuant to section 43A(4)(c) of the Act, safety inspections of common areas under section 43A(2)(c) of the Act must be conducted—
 - (a) at least once in a calendar year; and
 - (b) following any significant change to the retirement village scheme or to premises or land at the retirement village; and
 - (c) following an emergency of a type covered by the emergency plan for the retirement village.
 - (4) Pursuant to section 43A(4)(e) of the Act, prescribed safety information must be displayed in communal areas of a retirement village (if any) in such a location and manner that it may be readily accessed and viewed by residents and visitors to the village.
 - (5) For the purposes of section 43A of the Act, prescribed safety information and the emergency plan for a retirement village must—
 - (a) be written in plain English format; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) be provided to each residence of the village within 10 business days of being published (including on the publication of each subsequent update); and
 - (d) on request by a resident of the village, be provided free of charge to the resident within 10 business days of the request being made.

17—Remarketing policy

- (1) Subject to this regulation, the operator's remarketing policy must include or address at least the following matters:
 - (a) a requirement that the operator of a retirement village will act under the remarketing policy as soon as a resident gives an operator notice of the decision of the resident (the *outgoing resident*) to vacate the residence (or of any other circumstance that means that the resident will no longer be residing in the retirement village);
 - (b) arrangements to meet with the outgoing resident, or an agent, nominated person or personal representative of the outgoing resident, to view the residence, and explain and discuss the remarketing process (unless this is not reasonably practicable to do in view of the resident's circumstances);
 - (c) procedures to identify any work that should be undertaken to ensure that the residence is in a reasonable condition for remarketing, and to determine when and how any such work will be undertaken, and who will be responsible for organising the work, and for the cost of the work;
 - (d) the fixing of the price at which the residence will initially be remarketed, and when and how changes to that price will be considered and made;
 - (e) the type, level and frequency of advertising that will be undertaken in relation to the marketing of the residence;

- (f) who will be responsible for any costs associated with the valuation of the residence, advertising, and other relevant matters, and how such costs are to be calculated or determined;
 - (g) what will be required of the outgoing resident in relation to the remarketing of the residence;
 - (i) a requirement that the operator provide the resident with a monthly report on the following matters:
 - (i) what advertising has been undertaken in relation to the residence and the retirement village;
 - (ii) the number of inquiries received by the operator about the sale of the residence or sale of the right to reside in the residence (as the case requires);
 - (iii) the number of people who have viewed the residence;
 - (iv) the number of other residences in the retirement village for sale or for which the right to reside in the residence is for sale (as the case requires);
 - (v) the number of residences in the retirement village sold or relicensed in the preceding month;
 - (j) a requirement that if new residences within the retirement village are on the market at the same time, the operator must at least match the level of marketing for the residence of the outgoing resident that applies to those new residences;
 - (k) what steps are to be undertaken by—
 - (i) the operator; and
 - (ii) the outgoing resident,when the residence is sold or relicensed;
 - (l) settlement procedures, including that fees, charges and costs will be deducted by the operator at the time of settlement, and the provision to the outgoing resident of a statement at (or at an appropriate time after) the settlement of such fees, charges and costs.
- (2) Any fees, charges and costs set out in a remarketing policy must not be inconsistent with the fees, charges and costs in relation to remarketing set out in a residence contract or a disclosure statement.
- (3) A remarketing policy applying in relation to a retirement village may make different provision according to the classes of residences in the village, or the matters or circumstances, to which it is expressed to apply.
- (4) A remarketing policy may specify provisions of the policy (including a provision imposed under subregulation (1)) that will not apply in relation to a residence if—
- (a) the residence contract for the residence provides that—
 - (i) no exit entitlement is payable to the resident; or
 - (ii) the exit entitlement, or any part of the exit entitlement, of the resident is not contingent on the sale of the right to reside in the residence; or

- (iii) the sale of the right to reside in the residence will occur as specified in the contract and without going to market; or
- (b) other circumstances of a kind determined by the Registrar exist in relation to the residence.

17A—Provision of payee details

For the purposes of sections 24(5b) and 27(18) of the Act, payee details must be provided to the operator in writing and must include—

- (a) the resident's name, residential address and contact details; and
- (b) all necessary banking information for the operator to make the payment (such as, if payment is to be made by electronic funds transfer, the account name, account number and BSB number for the account into which payment will be made); and
- (c) any other information reasonably required by the operator to enable the payment to be made.

18—Dispute resolution policy (section 45 of Act)

- (1) For the purposes of section 45(2) of the Act, a dispute resolution policy must include or address at least the following matters:
 - (b) the manner in which a complaint may be made by a resident, including how and to whom (which may be a specified person or the person for the time being holding or acting in a specified position at the retirement village) the complaint must be submitted;
 - (c) how a dispute will be handled once a resident makes a complaint, including the time within which—
 - (i) an acknowledgement of the complaint will be given to the resident; and
 - (ii) the operator will respond to substance of the complaint;
 - (d) the manner in which a resident may resolve a dispute with another resident and the circumstances and manner in which the operator may provide assistance in the resolution of the dispute;
 - (e) the persons or bodies from whom a resident may seek advice in the event of a dispute;
 - (f) that a resident may apply to the Tribunal if a resident is not satisfied with a response to a complaint;
 - (g) a requirement that the operator keep a written record of—
 - (i) the complaint made by the resident; and
 - (ii) any response to the complaint provided by the operator; and
 - (iii) any resolution of the dispute agreed by the operator and the resident; and
 - (iv) any other correspondence received or sent by the operator relating to the dispute;

- (h) the manner in which the operator will communicate with a resident in response to a complaint;
 - (i) that a resident has the right to be accompanied by a person chosen by the resident at any meeting held to resolve the dispute;
 - (j) procedures for variation of the dispute resolution policy which provide that variation (other than a variation that is necessary to comply with any Act or law, such as an update as to whom a complaint must be submitted) will only occur with the agreement of a majority of the residents in the retirement village.
- (2) The operator of a retirement village must, on making a variation to the dispute resolution policy for the village and whether the variation required the agreement of a majority of residents or not, provide to each residence of the village notice in writing of the variation.

19—Endorsement of certificates of title (section 56 of Act)

An application to the Registrar-General under section 56(2) or (5) of the Act—

- (a) must be in a form determined by the Registrar-General; and
- (b) must be certified in accordance with section 273(1) of the *Real Property Act 1886*; and
- (c) must be accompanied by the appropriate fee prescribed for the purposes of the *Real Property Act 1886*.

19A—Consent to lease of land in retirement village

- (1) For the purposes of sections 57(2) and 57A(2) of the Act, the consent of a former resident must be—
- (a) provided in writing; and
 - (b) informed consent.
- (2) In subregulation (1), consent is *informed consent* if it is provided after the operator has—
- (a) provided to the former resident (or their representative) detailed information in writing about the proposed lease or licence (as the case requires); and
 - (b) allowed a reasonable period (which must be not less than 10 business days) within which the former resident (or their representative) may ask questions about the proposal; and
 - (c) answered in writing any questions the former resident (or their representative) has asked the operator in response to the proposal.

19B—Termination of retirement village scheme on application to Supreme Court

For the purposes of section 58(2b), the following information is prescribed:

- (a) a map showing the land that is the subject of the proposed termination;
- (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;

- (c) the implementation plan and timing for the proposed termination (including the consultation process and the timing for providing questions and comments);
- (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
- (e) the process and manner in which a resident may submit questions, comments or requests for further information in relation to the notice.

19C—Termination of part of retirement village scheme on application to Minister

- (1) For the purposes of section 59A(3)(a), the following information is prescribed:
 - (a) a map showing the land that is the subject of the proposed termination;
 - (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;
 - (c) the implementation plan and timing for the proposed termination (including the consultation process and the timing for providing questions and comments);
 - (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
 - (e) the process and manner in which a resident may submit questions, comments or requests for further information in relation to the notice.
- (2) For the purposes of section 59A(4)(d), the following information must be submitted with an application under section 59A(1) of the Act:
 - (a) a map showing the land that is the subject of the proposed termination;
 - (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;
 - (c) a description of the consultation process that was undertaken under section 59A(3) of the Act and the outcomes of that consultation (including any reasons provided by any residents in opposing the proposed termination);
 - (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
 - (e) contact details of the applicant.

19D—Disqualified persons not to be involved in certain roles or functions at retirement village

- (1) For the purposes of section 60(2) and (3) of the Act, the following requirements apply for the purposes of an operator being satisfied that a person is not a disqualified person (within the meaning of section 60 of the Act):
 - (a) the person must provide to the operator—
 - (i) a criminal history report prepared by South Australia Police or the ACC (or an ACC accredited agency or broker) with respect to the person (being a report that is less than 6 months old); and

- (ii) a statutory declaration from the person as to whether prescribed circumstances exist in relation to the person;
 - (b) the operator must have regard to the materials provided by the person under paragraph (a) in determining whether the person is a disqualified person under section 60 of the Act.
- (2) For the purposes of paragraph (d) in the definition of *prescribed circumstances* in section 60(6) of the Act, the following circumstances in relation to a person are prescribed:
 - (a) where a banning order under the *Aged Care Quality and Safety Act 2018* of the Commonwealth against the person is in force;
 - (b) where a banning order under the *National Disability Insurance Scheme Act 2013* of the Commonwealth against the person is in force.
- (3) In this regulation—

ACC means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth.

19E—Unclaimed property

- (1) Subject to this regulation, if property is left at a residence in the village or elsewhere in the village after the resident has ceased to reside in the residence, the operator of the retirement village must—
 - (a) securely store the property and make it available for collection by the former resident; and
 - (b) by notice in writing to the former resident request that the property be collected.
- (2) If an item of property (other than a personal document) has not been collected after 30 days following a request to collect the property made in accordance with subregulation (1)(b), the operator of the retirement village may—
 - (a) in relation to an item of property reasonably valued at less than \$100—give the item to a charitable organisation or otherwise dispose of it; or
 - (b) in any other case—sell the item.
- (3) If a personal document has not been collected after 30 days following a request to collect the document made in accordance with subregulation (1)(b), the operator of the retirement village must—
 - (a) forward the document to the former resident's forwarding address; or
 - (b) if the operator does not have a forwarding address, return the document to its place of origin (if any) or, if the document's place of origin cannot be found, dispose of it in a secure manner (unless disposal of the document is prohibited under another Act or law).
- (4) Despite any other provision of this regulation, an operator may, at any time after recovering vacant possession of a residence, remove from the premises and destroy or dispose of property left at the residence consisting of perishable goods or goods that would be unsafe or unhealthy to store.

- (5) An operator may charge a former resident the reasonable costs incurred by the operator in dealing with property in accordance with this regulation, and any other reasonable costs incurred by the operator as a result of the property being left at the residence, and those costs may be—
- (a) deducted from any amount payable as the exit entitlement for the residence; or
 - (b) retained by the operator from any proceeds following the sale of the property.
- (6) An operator who sells property in accordance with this regulation must pay to the former resident the proceeds of the sale less any amount retained by the operator under subregulation (5)(b).
- (7) A notice for collection of property under subregulation (1)(b) must—
- (a) identify the property; and
 - (b) specify where the property may be collected from; and
 - (c) specify the time period within which the property must be collected and that, if not collected, it may be sold or disposed of; and
 - (d) specify any costs applying in relation to the removal and storage of the property.
- (8) Nothing in this regulation prevents the operator and former resident from entering into an agreement in relation to dealing with unclaimed property of the former resident, in which case a provision of this regulation that is inconsistent with the agreement will not apply.
- (9) This regulation is in addition to, and does not derogate from, any other Act or law.

Example—

An operator may rely on the provisions of the *Unclaimed Goods Act 1987* to dispose of property left at a residence.

- (10) A reference in this regulation to a **former resident** will be taken to include, as the case requires, the former resident's authorised representative or the executor or administrator of the former resident's estate.
- (11) In this regulation—

personal documents means official documents, photographs, correspondence or other documents that it would be reasonable to expect a person might wish to keep.

20—Offence

- (1) A person who breaches, or fails to comply with, a provision of these regulations is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$315.
- (2) This regulation does not apply in relation to Schedule 1.

Note—

It is an offence under section 63 of the Act for an operator, village manager, senior manager or any other person employed or engaged to work at a retirement village to breach a code of conduct under Schedule 1.

Schedule 1—Codes of conduct

Part 1—Code of conduct for residents

1—Application of Code

- (1) Pursuant to section 63(1) of the Act, this Part prescribes a code of conduct applying to residents of retirement villages.
- (2) The code of conduct under this Part sets out good practice principles and mandatory requirements for the conduct of residents of retirement villages towards other residents, operators, members of staff of a retirement village and all others at a retirement village.
- (3) A resident breaches this code of conduct if the resident breaches a provision of clause 3.

Note—

A resident who fails to meet a good practice principle under clause 2 may nonetheless by that conduct be in breach of the resident's residence contract or another provision of this code of conduct.

2—Good practice principles

A resident of a retirement village is expected to apply the following good practice principles in relation to the retirement village:

- (a) to respect the dignity and diversity of all residents, prospective residents, the operator, members of staff of the village and all others in the village and their rights under the Act;
- (b) to act with integrity, honesty and consideration towards other residents, the operator, members of staff of the village and all others in the village;
- (c) to contribute to a safe village environment for all residents, the operator, members of staff of the village and all others in the village;
- (d) to respect the peace, comfort and privacy of other residents and persons in the village;
- (e) to act respectfully in all interactions and communications (whether in person, online or in writing) with other residents, prospective residents, the operator, members of staff of the village and all others in the village;
- (f) to comply with the residence rules;
- (g) to take all reasonable steps to ensure compliance with the residence rules by any person who is their guest at the village or otherwise invited by them to the village;
- (h) to act honestly and in good faith during dealings with the Registrar.

3—Requirements of residents

A resident in a retirement village must not—

- (a) harass or intimidate another resident, the operator, a member of staff of the village or any other person in the village; or

- (b) act in a manner that may place a resident, the operator, a member of staff of the village or any other person in the village at risk of serious harm; or
- (c) intentionally or recklessly cause damage to property at the retirement village; or
- (d) repeatedly act in a manner that unreasonably and detrimentally affects the safety and wellbeing of another resident, the operator, a member of staff of the village or any other person in the village.

Part 2—Code of conduct for retirement village staff

4—Application of Code

- (1) Pursuant to section 63(1) of the Act, this Part prescribes a code of conduct applying to—
 - (a) village managers; and
 - (b) senior managers; and
 - (c) any other persons employed or engaged by or on behalf of the operator of a retirement village to work at the retirement village.
- (2) This code of conduct sets out good practice principles and mandatory requirements for the conduct of persons to whom it applies in relation to the retirement village at which they work.
- (3) For the purposes of section 63 of the Act, a person breaches this code of conduct if the person breaches a provision of clause 6 applying to them.

Note—

A person who fails to meet a good practice principle under clause 5 may nonetheless by that conduct be in breach of a provision of the Act or the regulations, or another provision of this code of conduct.

5—Good practice principles

A person to whom this code of conduct applies is expected to apply the following good practice principles in relation to the retirement village at which they work:

- (a) to respect the peace, comfort, privacy and wellbeing of all residents;
- (b) to respect the dignity and diversity of all residents, prospective residents and others and their rights under the Act;
- (c) to act professionally and respectfully towards all residents, prospective residents and others, including in all interactions and communications (whether in person, online or in writing);
- (d) to act in good faith and have regard to the interests of all residents;
- (e) to treat all residents, prospective residents and others impartially and fairly;
- (f) to engage with residents on matters relating to the village that affect them;
- (g) to take reasonable steps to follow the policies and procedures of the village that are mandated under the Act;
- (h) to perform functions and duties safely and with regard to the safety of others;

- (i) to acknowledge in writing, within 10 business days, a request from a resident for repairs and maintenance of the retirement village and to include, where practicable, an estimated time within which action will be taken on the request;
- (j) to acknowledge in writing (which may be by email or text message or other electronic form of communication), within 10 business days, correspondence from a resident (or their appointed representative or agent) or prospective resident, and take action on matters raised in the correspondence where appropriate;
- (k) if a person has a pecuniary or other personal interest that conflicts or may conflict with the person's duties at the retirement village—
 - (i) to disclose the conflict of interest to the operator of the retirement village in writing as soon as practicable after becoming aware of it; and
 - (ii) to abide by any written directions of the operator of the retirement village relating to the management of the conflict of interest.

6—Requirements of village managers and senior managers

A village manager or senior manager of a retirement village must not—

- (a) knowingly, or with reckless indifference, put the safety of a resident at serious risk; or
- (b) harass or intimidate a resident or prospective resident or a person acting on their behalf; or
- (c) knowingly provide false or misleading information to a resident or prospective resident, including during marketing, dispute resolution and consultation activities; or
- (d) unreasonably restrict a resident's access and use of common facilities.

Part 3—Code of conduct for retirement village operators

7—Preliminary

- (1) Pursuant to section 63(1) of the Act, this Part prescribes a code of conduct applying to operators of retirement villages.
- (2) This code of conduct sets out good practice principles and mandatory requirements for the conduct of operators of retirement villages.
- (3) For the purposes of section 63 of the Act, an operator breaches this code of conduct if the operator breaches a provision of clause 9, 10 or 11.

Note—

An operator who fails to meet a good practice principle under clause 8 may nonetheless by that conduct be in breach of a provision of the Act, the regulations or a residence contract, or another provision of this code of conduct.

8—Good practice principles

The operator of a retirement village is expected to apply the following good practice principles in relation to the retirement village:

- (a) to respect the peace, comfort, privacy and wellbeing of all residents;
- (b) to respect the dignity and diversity of all residents, prospective residents and others and their rights under the Act;
- (c) to act professionally and respectfully towards all residents, prospective residents and others, including in all interactions and communications (whether in person, online or in writing);
- (d) to act in good faith and have regard to the interests of all residents;
- (e) to treat all residents, prospective residents and others impartially and fairly;
- (f) to engage with residents on matters relating to the village that affect them;
- (g) to ensure information and policies provided to residents are clear, accessible, current and written in plain English;
- (h) to consult with residents in relation to the financial affairs of the retirement village as required under the Act;
- (i) to take reasonable steps to ensure that a resident has access to personal information about them held by the operator (subject to any other Act or law that restricts such access);
- (j) to allow a resident to appoint, in writing, an agent to receive notices and documents on the resident's behalf;
- (k) to acknowledge, within 10 business days, requests from residents for repairs and maintenance of the retirement village and to include, where practicable, an estimated time within which action will be taken on the request;
- (l) to acknowledge in writing (which may be by email or text message or other electronic form of communication), within 10 business days, correspondence from a resident (or their appointed representative or agent) or prospective resident, and take action on matters raised in the correspondence where appropriate;
- (m) to make active efforts to ensure disputes are dealt with in accordance with the village dispute resolution policy and section 45 of the Act;
- (n) to ensure information is made available to residents about providers of services for independent advice, support or advocacy in relation to a resident's rights and obligations at the retirement village and any disputes that may arise;
- (o) on becoming aware of a hazard within the village, to take reasonable steps to ensure that the retirement village is safe;
- (p) to take reasonable steps to ensure senior managers, village managers and other staff follow the code of conduct applying to them;
- (q) if a pecuniary or other personal interest that conflicts or may conflict with the operator's duties at the retirement village, to take reasonable steps to avoid or manage the conflict of interest;

- (r) if a member of staff of the village has a pecuniary or other personal interest that conflicts or may conflict with the staff member's duties at the retirement village, to take reasonable steps to avoid or manage the conflict of interest;
- (s) to act honestly and in good faith during dealings with the Registrar;
- (t) to demonstrate compliance with relevant provisions of applicable laws.

Examples—

Applicable laws include, without limitation, the following:

- (a) *Retirement Villages Act 2016*;
- (b) *Work Health and Safety Act 2012*;
- (d) if residential tenancy agreements are in force in relation to a retirement village—*Residential Tenancies Act 1995*;
- (e) where relevant—*Community Titles Act 1996*, *Strata Titles Act 1988*.

9—Requirements of operators

The operator of a retirement village must not—

- (a) knowingly, or with reckless indifference, put the safety of a resident at serious risk; or
- (b) harass or intimidate a resident or prospective resident or a person acting on their behalf; or
- (c) knowingly provide false or misleading information to a resident or prospective resident, including during marketing, dispute resolution and consultation activities; or
- (d) unreasonably restrict a resident's access to, and use of, common facilities of the village; or
- (e) charge a fee for the preparation or provision of—
 - (i) a document required to be given to a person under section 22 of the Act before the person enters into a residence contract; or
 - (ii) a premises condition report under section 23 of the Act; or
 - (iii) a vacated premises report under regulation 6C; or
- (f) make changes to a surplus and deficit policy in relation to the retirement village unless—
 - (i) the changes are approved by a special resolution at a meeting of residents; and
 - (ii) an amended surplus and deficit policy incorporating the approved changes is, within 10 business days of the meeting of residents approving the changes, provided to each residence of the retirement village.

10—Operator to consult with residents' committee

The operator of a retirement village must undertake reasonable consultation with a residents' committee established under section 38 of the Act in relation to the following matters:

- (a) maintenance issues raised to the residents' committee by residents and reported to the operator by the committee;
- (b) any proposed change to a service or facility provided at the retirement village that is reasonably expected to result in—
 - (i) increased costs to residents beyond any increase shown in the information provided to residents under section 33(6) of the Act; or
 - (ii) a loss of amenity for residents;
- (c) any proposal to alter or improve a building, fixture or fitting if residents will be expected to finance some or all of the capital or recurrent costs of the work, except if—
 - (i) the costs have already been included in the information provided under section 33(6) of the Act; or
 - (ii) the costs will not exceed \$5 000 in total;
- (d) the distribution of information to residents as required under the Act (such as the manner and extent of the distribution of information);
- (e) the establishment and removal of social or recreational programs provided or arranged by the operator;
- (f) the appointment of a trustee (or new trustee) for the purposes of the retirement village scheme, or any proposal to alter the functions or duties of such a trustee;
- (g) any other matter that the committee and the operator agree will be subject to consultation by the operator.

11—Operator to consult with residents

- (1) The operator of a retirement village must, in addition to the requirements of the Act and this code of conduct, take steps to ensure that there is reasonable consultation with residents of the retirement village in relation to any matter that could have a significant effect on their financial affairs, the amenity of the retirement village or their way of life, including (without limitation) the following:
 - (a) changes to the operator's dispute resolution policy;
 - (b) changes to the residence rules;
 - (c) changes to the operator's remarketing policy (where such changes are not directed solely at prospective residents);
 - (d) changes to the surplus and deficit policy applying to the village.

- (2) For the purpose of subclause (1), an operator will be taken to have taken steps to ensure reasonable consultation with residents in relation to any matter that could have a significant effect on their financial affairs, the amenity of the retirement village or their way of life if the operator has—
- (a) notified residents of the matter; and
 - (b) complied with the requirements of clause 12 in respect of the matter.

12—Consultation requirements

- (1) When undertaking consultation with residents or a residents' committee on a matter in accordance with this code of conduct, an operator must, before making a decision on the matter—
- (a) provide to each resident or the residents' committee (as the case requires) all relevant information about the matter written in plain English that is clear and accessible; and
 - (b) allow a reasonable period for each recipient of the information to—
 - (i) consider the information provided; and
 - (ii) ask questions (and receive responses from the operator); and
 - (iii) provide feedback; and
 - (c) consider all feedback provided on the matter.
- (2) As soon as reasonably practicable following the completion of a consultation process under subclause (1), the operator must advise the residents or the committee (as the case requires) of the outcome of the consultation and the decision made, along with reasons for the decision.

Schedule 2—Form of disclosure statement

Form—*Retirement Villages Act 2016*

Note—

- (i) *the disclosure statement is not a replacement for the residence contract but is intended only as a summary of certain information contained in the contract; and*
- (ii) *the estimated exit entitlements and exit fees included in this statement are estimates only and are subject to change depending on circumstances prevailing at the relevant time in the future, such as the amount of a new ingoing contribution; and*
- (iii) *prospective residents must ensure that they understand the terms of the residence contract; and*
- (iv) *it is recommended that prospective residents seek legal and financial advice in relation to the residence contract.*

Name of operator:*[insert name]*

Name and address of retirement village:*[insert name and location of the retirement village]*

Name of prospective resident:*[insert name of prospective resident or residents]*

Note—

[An operator may omit this note from the disclosure statement if it is not applicable] If a resident who is the sole signatory to a residence contract dies, the right to occupy the residence cannot be passed onto any other person (including the person's relatives and anyone living with the resident at the time of their death).

Description of residence:*[insert description of the particular residence to be occupied by the resident]*

Residence completion date:*[if residence is to be constructed or is under construction, insert anticipated completion date of the construction]*

Village composition:*[insert information about residents and types of occupancy]*

Insurance arrangements in place for the retirement village:*[insert name of insurer and type of insurance]*

Fees and charges prior to occupation

Ingoing contribution:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Due on:*[insert date or dates on which fees and charges are due]*

Fees and charges during occupation

Recurrent charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Fees and charges for additional or personal services and facilities:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges under the contract:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Utilities, services or facilities provided or available to residents in which the operator has an interest or in relation to which the operator would obtain a fee or reward:*[eg. electricity, Internet or telephone]*

Limitations or requirements that apply or will apply in relation to a resident's choice of provider for utilities, services and facilities: *[include a description of the utility, service or facility and the limitation or requirement]*

Other fees and charges relating to occupation of the residence for which the resident is responsible:*[eg. electricity, council rates, water or gas for which the resident is responsible, in addition to recurrent charges]*

Special levy: *[insert information about any existing special levy in place and payable by residents of the retirement village, including the purpose of the special levy, the amount and frequency of payments and the proposed date of final payment]*

Note—

At a future time a resident may be required to pay a fee, charge or other amount to the operator to enable the operator to recover an unforeseen expense of the retirement village (a special levy).

Major capital expenditure: *[insert information about any major capital item expenditure project in place or planned for the next 2 years, including the cost of the project and how it will be funded]*

Note—

In determining whether a project is a major capital item expenditure project, regard is to be had to the size, nature and gross revenue of the retirement village.

Fees and charges on vacating the retirement village

Manner of calculation of exit entitlement

Manner of calculation of amount from which exit fees will be deducted:

[eg. whether the repayment is based on the ingoing contribution, the ingoing contribution of the next resident or on some other basis, and whether the resident will share in any capital gain or loss]

Estimated exit entitlement at 2, 5 and 10 years: *[insert estimated exit entitlements and exit fees payable under the residence contract in the event that the right to occupation of the residence under the contract is terminated at 2 years, 5 years and 10 years after the contract is entered into, include the manner of calculation used]*

Fees and charges

Termination during settling-in period

Amount of fair market rent determined under section 44(5)(a) of the Act:*[insert amount]*

Any other fees or charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Note—

Section 44(5) of the Act limits the fees and charges that may be charged following termination during the settling-in period.

Termination after settling-in period

Exit fees:*[including, for example, any deferred management fees, refurbishment costs and remarketing costs. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Any other fees or charges:*[including, for example, fees for which a resident remains responsible until after the resident ceases to reside in the retirement village. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Note—

Exit fee means the amount of money that is, under a residence contract, payable by a resident of a retirement village on the resident ceasing to reside in the retirement village or on the sale of the resident's right to reside in the retirement village.

Timing of payment of exit entitlement

Timing of payment under residence contract:*[when a resident will be entitled to payment of an exit entitlement, eg. on relicensing of the residence, sale of the resident's right to reside in a residence at the retirement village or some other event]*

Note—

Section 30 of the Act provides that if a resident leaves to enter residential aged care, the resident may apply to the operator for daily accommodation payments to be made to the relevant aged care facility (up to a limit determined under the section), if the resident meets the requirements set out in that section. If this occurs, the operator may recover the amounts paid by deducting them from the exit entitlement.

Section 27 of the Act provides for the circumstances in which a resident may recover the amount of an exit entitlement as a debt from the operator, including if a period of 12 months has elapsed (following the relevant period) since the resident has ceased to reside in the retirement village.

Acknowledgement of receipt of disclosure statement

Signature of operator:

Date:

Signature of resident:

Date:

Schedule 3—Transitional regulation—surplus and deficit policy

For the purposes of Schedule 2, clause 11(4) of the Act, if an operator fails to adopt a policy as required by Schedule 2, clause 11 of the Act, the operator will be taken to have adopted the policy that a surplus or a deficit must be accounted for in the statement of accounts in respect of the financial year following the year in which the surplus or deficit is incurred.

Schedule 4—Transitional regulations—Schedule 2 clause 14 of Act

1—Remarketing policy

A remarketing policy given to a resident by the operator of a retirement village before the commencement of the Act continues to apply unless the resident agrees to any changes to the remarketing policy in accordance with the procedure set out in clause 6 of Schedule 1 of these regulations.

2—Lease of land in retirement village

A lease or a licence to occupy land entered into before the commencement of the Act by the operator of a retirement village under section 34 of the *Retirement Villages Act 1987* continues despite the provisions of section 57(1) of the Act.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Retirement Villages Regulations 2017* revoked the following:

Retirement Villages Regulations 2006

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2017	245	<i>Gazette 8.8.2017 p3505</i>	1.1.2018: r 2
2020	163	<i>Gazette 4.6.2020 p3015</i>	1.7.2020: r 2
2025	90	<i>Gazette 14.8.2025 p3323</i>	2.2.2026: r 2
2025	118	<i>Gazette 13.11.2025 p4447</i>	2.2.2026: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2020</i>
r 4	amended by 90/2025 r 3(1), (2)	2.2.2026
Pt 2		
r 5		
r 5(1)	amended by 90/2025 r 4(1)	2.2.2026
r 5(2)	amended by 90/2025 r 4(2)—(5)	2.2.2026
	(j) deleted by 90/2025 r 4(6)	2.2.2026
r 6	amended by 90/2025 r 5	2.2.2026
rr 6A, 6B and 6C	inserted by 90/2025 r 6	2.2.2026
r 7		
r 7(1)	substituted by 90/2025 r 7	2.2.2026

r 7(2)	<i>deleted by 90/2025 r 7</i>	2.2.2026
r 8	amended by 90/2025 r 8	2.2.2026
r 9	<i>deleted by 90/2025 r 9</i>	2.2.2026
r 10		
r 10(1)	amended by 90/2025 r 10	2.2.2026
r 11		
r 11(1)	amended by 90/2025 r 11	2.2.2026
r 12		
r 12(4)	amended by 90/2025 r 12(1), (2)	2.2.2026
r 12(5)	amended by 90/2025 r 12(3)	2.2.2026
Pt 3		
r 15		
r 15(1)	r 15 redesignated as r 15(1) by 90/2025 r 13	2.2.2026
r 15(2)—(5)	inserted by 90/2025 r 13	2.2.2026
r 16	substituted by 90/2025 r 14	2.2.2026
r 17		
r 17(1)	amended by 90/2025 r 15(1)—(3), (5), (6)	2.2.2026
	(h) deleted by 90/2025 r 15(4)	2.2.2026
r 17(3) and (4)	inserted by 90/2025 r 15(7)	2.2.2026
r 17A	inserted by 90/2025 r 16	2.2.2026
r 18		
r 18(1)	r 18 amended and redesignated as r 18(1) by 90/2025 r 17(2)—(6)	2.2.2026
	(a) deleted by 90/2025 r 17(1)	2.2.2026
r 18(2)	inserted by 90/2025 r 17(6)	2.2.2026
rr 19A—19E	inserted by 90/2025 r 18	2.2.2026
r 19	<i>varied by 163/2020 r 4</i>	1.7.2020
r 20		
r 20(1)	r 20 amended and redesignated as r 20(1) by 90/2025 r 19(1), (2)	2.2.2026
r 20(2)	inserted by 90/2025 r 19(2)	2.2.2026
Sch 1	substituted by 118/2025 r 3	2.2.2026
Sch 2	substituted by 90/2025 r 20	2.2.2026
Sch 5	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.7.2020

Historical versions

1.7.2020