

South Australia

Retirement Villages (Codes of Conduct) Amendment Regulations 2025

under the *Retirement Villages Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Retirement Villages (Codes of Conduct) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which section 43(1) of the *Retirement Villages (Miscellaneous) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Retirement Villages Regulations 2017*

3—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

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.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 13 November 2025

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