

South Australia

Retirement Villages (Miscellaneous) 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 (Miscellaneous) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which section 14 of the *Retirement Villages (Miscellaneous) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Retirement Villages Regulations 2017*

3—Amendment of regulation 4—Payments excluded from definition of ingoing contribution

- (1) Regulation 4(e)—delete "*Aged Care Act 1997*" and substitute:
Aged Care Act 2024
- (2) Regulation 4(f)—after "section 57" insert:
or 57A

4—Amendment of regulation 5—Residence contracts (section 20 of Act)

- (1) Regulation 5(1)(b)(ii)—delete "not less than 12 point type face" and substitute:
a font size of not less than 12 points
- (2) Regulation 5(2)—delete "section 20(2)(e) of the Act, the residence contract must include the following information in addition to the information required by section 20(2) of the Act" and substitute:
section 20(1)(e) of the Act, the following information is prescribed
- (3) Regulation 5(2)(e)—after "the facilities" insert:
provided or arranged by the operator
- (4) Regulation 5(2)(f)—delete "details of services available" and substitute:
details of services provided or arranged by the operator available
- (5) Regulation 5(2)(g)(ii)—after "payable by the resident" insert:
to the operator
- (6) Regulation 5(2)(j)—delete paragraph (j)

5—Amendment of regulation 6—Disclosure statement (section 21 of Act)

Regulation 6—after "must" insert:
include the information and

6—Insertion of regulations 6A, 6B and 6C

After regulation 6 insert:

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).

(which must include the date that is the deadline for the return of the completed report by the resident); and

- (f) 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—Amendment of regulation 7—Exit entitlements (section 27 of Act)

Regulation 7(1) and (2)—delete subregulations (1) and (2) and substitute:

- (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.

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

Regulation 8—delete "Secretary under the *Aged Care Act 1997*" and substitute:

System Governor under the *Aged Care Act 2024*

9—Repeal of regulation 9

Regulation 9—delete the regulation

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

Regulation 10(1)—delete "section 33(6)(a)" and substitute:

section 33(6)

11—Amendment of regulation 11—Meetings of residents (section 33 of Act)

Regulation 11(1)—delete "section 33(6)(a)(vi)" and substitute:

section 33(6)(c)

12—Amendment of regulation 12—Residents' committees (section 38 of Act)

- (1) Regulation 12(4)(a)—delete "a residents' committee meeting" and substitute:
every meeting convened by the residents' committee
- (2) Regulation 12(4)(b)—delete "residents' committee meeting" and substitute:
meeting convened by the residents' committee
- (3) Regulation 12(5)—delete "residents' committee meeting" and substitute:
meeting convened by the residents' committee

13—Amendment of regulation 15—Residence rules

Regulation 15—after its present contents (now to be designated as subregulation (1)) insert:

- (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.

14—Substitution of regulation 16

Regulation 16—delete regulation 16 and substitute:

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.
- (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.

15—Amendment of regulation 17—Remarketing policy

- (1) Regulation 17(1)—delete "The operator's" and substitute:

Subject to this regulation, the operator's
- (2) Regulation 17(1)(a)—delete "under section 27(3) of the Act"
- (3) Regulation 17(1)(g)—delete ", and the extent to which the resident may or will assume responsibility for any aspect of the remarketing process in accordance with regulation 9"
- (4) Regulation 17(1)(h)—delete paragraph (h)
- (5) Regulation 17(1)(i)(ii)—delete "inquires about the sale of the residence received by the operator" and substitute:

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)
- (6) Regulation 17(1)(i)(iv)—delete "for sale in the retirement village" and substitute:

in the retirement village for sale or for which the right to reside in the residence is for sale (as the case requires)
- (7) Regulation 17—after subregulation (2) insert:
 - (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.

16—Insertion of regulation 17A

After regulation 17 insert:

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.

17—Amendment of regulation 18—Dispute resolution policy (section 45 of Act)

- (1) Regulation 18(a)—delete paragraph (a)
- (2) Regulation 18(b)—after "resident" insert:

, 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
- (3) Regulation 18(c)—delete "including that an operator will respond within a time that must be specified in the dispute resolution policy" and substitute:

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;
- (4) Regulation 18(d)—after "another resident" insert:
 - and the circumstances and manner in which the operator may provide assistance in the resolution of the dispute
- (5) Regulation 18(j)—after "that variation" insert:
 - (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)
- (6) Regulation 18—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:
 - (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.

18—Insertion of regulations 19A, 19B, 19C, 19D and 19E

After regulation 19 insert:

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.

19—Amendment of regulation 20—Offence

- (1) Regulation 20, expiation fee—delete "\$210" and substitute:
\$315
- (2) Section 20—after its present contents (now to be designated as subregulation (1)) insert:
 - (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.

20—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

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:

Made by the Governor

with the advice and consent of the Executive Council
on 14 August 2025

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