

SUBMISSION TO THE

Draft Retirement Villages (Miscellaneous) Amendment Regulations 2025

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Introduction

COTA SA, the peak body representing the rights and interests of over 700,000 older South Australians, welcomes the opportunity to respond to the Draft Retirement Villages (Miscellaneous) Amendment Regulations 2025. We commend the work of the Office for Ageing Well in advancing the recommendations of the independent review of the Retirement Villages Act 2016 and acknowledge the significant progress reflected in the draft regulations.

COTA SA is broadly supportive of the draft amendments, particularly the strengthened focus on consumer protections, improved transparency, and greater clarity around the rights and responsibilities of residents, operators, and staff. Our response builds on our 2023 submission to the Amendment Bill and reflects the lived experience of older South Australians, our longstanding collaboration with SARVRA (the South Australian Retirement Village Residents' Association), and recent stakeholder discussions.

We offer the following targeted comments and recommendations, framed by our five key principles we outlined in our previous retirement villages (miscellaneous) Amendment Bill 2023 Submission¹.

¹ [COTA-SA-Submission-to-RV-Act-Amendment-May-2023.pdf](#)

These principles are:

1. Transparency and Disclosure

Retirement village contracts are among the most significant contracts entered into in a lifetime, involving very big decisions which often follow or anticipate significant and stressful life events. The impact of that decision will last for years. Similarly, the ongoing capacity for older people to engage in, be consulted about and be part of decisions about expenditure, policies, rules and changes in relation to their home is fundamental to enjoyment.

2. Useability and simplicity

The Act and Regulations and the subsequent agreements between residents and providers must be as simple, useable and easy to understand and interpret as possible so that residents' rights and responsibilities are known and comparable.

3. Consumer protection and support

It is important that the Code of Conduct is clear and adhered to, and that penalties and consequences are exercised in full to deter unfair and harmful behaviours.

4. Village Relationships

Many older people report enjoying long and happy lives in retirement villages. A harmonious relationship between provider and resident and between residents is highly valued.

5. Innovation to meet future trends and needs

Patterns of occupation, along with the needs and aspirations of residents, have changed considerably since the retirement village model was first conceived. We commend the provision for regular review of the Act and urge that there are opportunities for continuous review and innovation.

We continue to adopt these principles as our frame in considering the proposed amendments.

Support for Overall Reform Framework

COTA SA supports the overall direction of the Retirement Villages (Miscellaneous) Amendment Regulations 2025 and the Amendment Act 2024 that underpins them. We note several improvements that reflect years of advocacy by residents and their representatives:

- The new disclosure statement format (3.1.2) provides a clearer understanding of financial obligations, including estimated exit entitlements at 2, 5 and 10 years. This will assist prospective residents in making informed decisions about affordability and long-term value.
- Revised Codes of Conduct (3.2.1) now separately address the behaviour and responsibilities of residents, operators, staff and managers. These are enforceable under the Act and include guiding principles such as acting honestly, ensuring safety, and avoiding conflicts of interest.
- The requirement to consult residents before making changes to residence rules, dispute resolution policies or financial decisions (as outlined in the Consultation Paper and Draft Regulations 6 and 7) strengthens resident voice in governance. This reinforces transparency and builds trust in village operations.

These changes reflect important shifts in the regulatory culture of retirement villages and are welcomed by COTA SA.

Targeted Comments and Recommendations

Clarify Vague Definitions (Questions 1–3)

The draft regulations contain several key terms that remain undefined or overly subjective. For example, terms such as “reasonable,” “responsible,” and “reinstatement” appear in the context of the new condition report requirements (Regulations 6B and 6C), yet are open to broad interpretation.

These ambiguities are a frequent cause of conflict, particularly at the end of a resident’s occupancy when financial deductions are made. Older residents should not have to navigate ambiguous legal interpretations or risk unfair deductions; equally, we hear from RV Operators that they would also appreciate clearer definitions to assist in navigating these issues.

Recommendation:

- Define terms in the regulations to avoid subjective interpretation. COTA SA supports SARVRA in pointing to the definition given in the legislation in Victoria as a best-case example².

² [COTA SA Submission to RV Act 2023](#)

Enforceable and Transparent Consultation (Questions 4–5)

The draft regulations (Regulations 6 and 7) and updated Code of Conduct impose obligations on operators to consult residents before making material changes. However, what constitutes “reasonable consultation” is still somewhat vague. Without further clarity, there is a risk that consultation processes may be cursory and not fully inclusive or transparent.

Recommendation:

- Include in the regulations a definition of “reasonable consultation,” with minimum standards such as:
 - A range of modes of communication must be used, ensuring that offline communication (face to face, postal or phone) is always offered
 - Plain-English summaries of proposed changes
 - Access to supporting information
 - Documented feedback summaries and responses
 - Stating minimum timelines for inviting and accepting feedback and maximum timelines for transparent reporting on outcomes
- Encourage the use of independent facilitators for consultations on sensitive matters such as fee increases, redevelopment, or operator-initiated rule changes.

Preventing Eviction Without Support (Question 11, 15)

The Consultation Paper (3.3) outlines proposed changes to the process when a resident leaves a village — including clearer obligations to provide condition reports, itemised charges, and settlement timelines. However, these reforms do not address a scenario where residents are effectively pressured to leave, for example, due to health deterioration, cognitive decline, behavioural or increased care needs. RV residents and family members tell us that in practice, some residents are evicted or asked to leave when the operator deems them to be no longer suitable for independent village living.

The concept of ‘Ageing in Place’, and the importance of supporting older people to stay living in their preferred home in the community, is a key feature of South Australia’s Plan for Ageing Well. Furthermore, Australia’s aged care system normalises and facilitates in-home care as the preferred care model suitable for the vast majority of older Australians. COTA SA considers that in many cases, it is reasonable that a resident should be able to continue to live independently in a village, supported by aged care, social and/or community services.

Despite this, the regulations do not impose any duty on the operator to take steps to assist in connecting residents to appropriate services for aged care or other social or community support services, in the first instance, that would enable them to continue to live independently in a village. Nor do the regulations require operators to assist a resident to find suitable housing alternatives, once they have determined that the resident is no longer suited to RV residency.

Recommendation:

- Introduce a regulatory requirement that, when a resident is asked or advised to leave due to health, behavioural or care issues, the operator must take reasonable steps to assist by providing written referrals to aged care, housing, social or health navigation services. The Commonwealth funded Care Finder program, delivered by COTA SA, ARAS and others, is one example of a free and highly accessible program, designed to assist vulnerable older people in these circumstances.
- COTA SA reiterates our proposal for a government-funded Life Navigation Service, as outlined in our 2025–26 State Budget Submission³. This service could be a first port of call in such situations, to support residents during life transitions including health decline, loss of a partner, or forced relocation.

This approach would reduce stress, ensure continuity of care, and uphold the dignity of residents.

Improvements to the Online Retirement Village Register (Question 14)

We support the proposal to expand the online register of villages. A transparent, searchable and detailed register would empower older people and their families to make informed choices. During our consultation processes, we often heard that maintenance was a key concern for RV residents and often a source of conflict between operators and residents. We frequently heard that the time allowed for re-marketing a dwelling was another key concern and not necessarily understood at the time of entering an agreement. Publishing the average annual maintenance spend per dwelling, and the average time taken for re-marketing, may therefore be useful measures to include in the register.

Recommendation:

- Include details about each village's contract types, pet policies, co-location with aged care, and embedded networks.
- Provide a summary of any compliance notices or breaches issued by the Registrar.
- Highlight whether resident committees are active and recognised at the village.
- Consider including the average annual amount spent on maintenance per dwelling, and the average time taken for re-marketing per dwelling.

³ [COTA SA State Budget Submission 2025-2026](#)

Support for Current Residents (Question 15)

Many of the reforms will only apply to future contracts, leaving current residents under legacy arrangements that may lack fairness or transparency. Without a mechanism to transition into improved protections, this creates a two-tiered system within villages.

An appropriate range of resources and materials will be important in ensuring accurate information about the Amendment Act and Regulations is communicated to current RV residents, including pathways for advocacy, advice and dispute resolution.

Recommendation:

- Continue to work with SARVRA, ARAS and COTA SA to increase awareness of pathways for Residents to seek legal advice, advocacy and report regulatory concerns in the RV sector, so that the Act might be appropriately enforced.
- Develop an outreach campaign and a range of education resources for residents including plain-English guides to the new Code of Conduct, changes to contracts, consultation processes, and the role of the Registrar.

Conclusion

COTA SA affirms its strong support for the intent and overall direction of the Draft Retirement Villages (Miscellaneous) Amendment Regulations 2025. We believe the proposed regulations will significantly improve transparency, fairness and the quality of life for older people living in retirement villages.

However, to ensure these reforms achieve their full potential, we recommend addressing the issues outlined above, particularly in relation to eviction supports, consultation standards, definitional clarity, implementation planning, and targeted engagement for vulnerable groups. We encourage the Office for Ageing Well to continue engaging SARVRA as a critical voice in sector reform, alongside COTA SA and our sector colleagues at ARAS.

We thank the Office for Ageing Well for the opportunity to contribute to this important reform process and we look forward to supporting its implementation.

Acknowledgement of Country

COTA SA acknowledges and respects Aboriginal people as the traditional custodians of the land of South Australia. We honour Aboriginal peoples' continuing connection to Country and recognise that their sovereignty was never ceded. We pay our respects to First Nations Elders past, present, and emerging and extend that respect to all Aboriginal people.