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**Government
of South Australia**

SA Health

RESPONSE TO THE REPORT OF THE INDEPENDENT REVIEW OF THE RETIREMENT VILLAGES ACT 2016

OFFICE FOR AGEING WELL

DEPARTMENT FOR HEALTH AND WELLBEING

Introduction

The *Retirement Villages Act 2016* (RV Act) commenced on 1 January 2018.

The RV Act was introduced to improve consumer protections for residents of retirement villages, whilst achieving a balance between the rights and responsibilities of residents and operators of retirement villages. It was part of a suite of reforms implemented to improve the operation of the retirement village sector, which included:

- the introduction of the [Retirement Villages Act 2016](#) and [Retirement Villages Regulations 2017](#)
- the implementation of [Better Practice Guidelines](#) to provide a benchmark of good practice to assist operators and residents in preventing or resolving issues and to promote good relationships between operators and residents, and
- the funding of an advocacy service for retirement village residents, delivered through the [Aged Rights Advocacy Service](#).

The RV Act applies to all retirement village schemes operating in South Australia.

The RV Act was required to be reviewed three years after commencement (that is, after the 1 January 2021). PEG Consulting were engaged to conduct an independent review and delivered a report (the 'review report') to the former Minister for Health and Wellbeing on 21 September 2021.

The report is available [here](#).

Department for Health and Wellbeing response

The review report included 60 recommendations relating to legislation, policy, the Better Practice Guidelines, and areas requiring further exploration and consultation.

The Department for Health and Wellbeing has carefully considered the recommendations made by the independent review and a response to each recommendation is provided in the following table.

In summary, the 52 of the report recommendations are accepted in full and a further 7 accepted in principle (with either small amendments or by adopting a different approach to achieve the recommendation's intent). Only 1 recommendation is not accepted for implementation.

The Office for Ageing Well (within the Department for Health and Wellbeing) is leading the implementation of this response. Key activities will include:

- release of an exposure draft Bill to amend the *Retirement Villages Act 2016*
- procurement of a suitable online platform to digitise the Retirement Villages Register, maintained by the Registrar pursuant to the *Retirement Villages Act 2016*
- update of the Better Practice Guidelines (including stakeholder consultation).

There will be multiple opportunities for the community to provide feedback while the response is being implemented. This will include via a discussion paper, surveys, submissions, and key stakeholder forums, which will be held in regional and metropolitan areas.

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Department for Health and Wellbeing response to recommendations of the independent review of the Retirement Villages Act 2016

Recommendation	Topic area	DHW response ¹
Recommendations requiring legislative change² <i>(Note an exposure draft Amendment Bill giving effect to the Department's response to all of the recommendations requiring legislative amendment will be released for a period of public consultation in early 2023)</i>		
2 The Disclosure Statement should include, whether or not the operator is a signatory to the Code of Conduct and is accredited. If the Code of Conduct signatory or accreditation status changes during the life of the resident's contract, the operator should be required to notify the resident of this fact, stating the reasons for it and actions to be taken.	Disclosure Statement: Code of Conduct and Accreditation	Not supported Schedule 1 of the RV Regulations provides a comprehensive, mandatory, and enforceable code of conduct applicable to all operators and residents. Under the RV Act, this Code of Conduct must be provided to a prospective resident at least 10 business days before a person enters into a residence contract. As agreed in response to recommendations 6 and 7, amendments to the RV Act will be drafted to make additional enforcement actions available to the Regulator. Where appropriate and in the public interest, the Regulator will have the discretion to publish enforcement actions on the Retirement Villages Register.
4 There should be a training requirement about the Code of Conduct for retirement village staff.	Training	Supported Amendments to the RV Act will be drafted to: <ul style="list-style-type: none"> • require all retirement village operators and staff to complete Code of Conduct training of a kind prescribed by the Registrar, and • require operators to ensure retirement village staff complete induction and training appropriate to their role and responsibilities.
5 The Act should require village managers, senior managers, and operators to meet a fit and proper person test.	Village Management	Supported Amendments to the RV Act will be drafted to introduce 'fit and proper' person requirements. This will include expanding the circumstances in which a person is disqualified from being an operator or undertaking certain roles and functions within a retirement village as well as introducing new training requirements for operators and staff.

¹ Where a recommendation is supported, this is subject to the outcomes of the public consultation on an exposure draft of the Amendment Bill.

² Where a recommendation refers to the Act, this means either the Act or Regulations as appropriate.

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<p>6 Additional enforcement options should be available to the regulator under the Act. A model of enforceable undertaking should be considered by the Minister for inclusion in the legislation. Consideration should be given as to whether any of the enforcement action contemplated in the OFAW Enforcement Framework would benefit from legislative backing.</p>	<p>Enforcement Options</p>	<p>Supported Amendments to the RV Act will be drafted to provide additional enforcement actions for offences under the Act. This will include the introduction of enforceable undertakings.</p>
<p>8 Confidentiality obligations on the Registrar in section 9 should be removed or amended to enable disclosure of compliance matters on the Register.</p>	<p>Confidentiality</p>	<p>Supported Amendments to the RV Act will be drafted to remove the confidentiality obligations set out in section 9.</p>
<p>11 To enable a more fulsome passage of time since the commencement of the Act and increased and more detailed data collection, the Act should provide for a future review, five years after the commencement of any Amendment Bill.</p>	<p>Future Review</p>	<p>Supported Amendments to the RV Act will be drafted to provide for a further review of the operation of the Act five years after the commencement of the Amendment Bill.</p>
<p>13 The Act should address the process of amendment for residence rules.</p>	<p>Village Rules</p>	<p>Supported Amendments to the RV Act will be drafted to enable a process for amending residence rules to be prescribed by regulation. The Office for Ageing Well will undertake comprehensive consultation with operators, residents and other stakeholder before a process is prescribed.</p>
<p>14 The Act should make clear what the obligations and rights are in relation to any deposit paid by a prospective resident.</p>	<p>Deposits</p>	<p>Supported Amendments to the RV Act will be drafted to make clear what the obligations and rights are in relation to any deposit paid by a prospective resident.</p>

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<p>15 Section 21(2)(iii) should be amended to make it clear in a Disclosure Statement if a resident is required to purchase utilities or services from particular providers.</p>	<p>Disclosure Statement: Embedded Networks</p>	<p>Supported Amendments to the RV Act will be drafted to make it clear in a Disclosure Statement if a resident is required to purchase utilities or services from particular providers or if there is any intention for this to occur in the foreseeable future.</p>
<p>16 A Disclosure Statement should include worked calculations for a prospective resident exiting the village at the two, five and 10-year mark. Calculations are to be sufficiently detailed to provide clarity about all exit costs and include clear explanations of inbuilt assumptions.</p>	<p>Disclosure Statement: Exit Fees</p>	<p>Supported Amendments to the RV Act will be drafted to require that the disclosure statement include worked calculations for a prospective resident exiting the village at the two, five and 10-year mark. Calculations are to be sufficiently detailed to provide clarity about all exit costs and include clear explanations of inbuilt assumptions.</p>
<p>20 Regulation 5, which requires an operator to set out details of services and facilities available in a retirement village in the residence contract, should be amended to specify this <u>only</u> relates to services and facilities provided or arranged by the operator.</p>	<p>Contract: Services and Facilities</p>	<p>Supported Amendments to the RV Regulations will be drafted to specify that this requirement only relates to services and facilities provided or arranged by the operator.</p>
<p>22 The Act should allow a waiver of the 10-business day disclosure period if a prospective resident has obtained legal advice.</p>	<p>Disclosure Period</p>	<p>Supported Amendments to the RV Act will be drafted to allow a waiver of the 10-business day disclosure period if a prospective resident has obtained legal advice.</p>
<p>23 In the event the contract is formally rescinded as per the cooling-off provisions, the Act should require any funds paid by the new resident to be reimbursed, not including interest, within a 10-business day period.</p>	<p>Cooling-Off: Reimbursement</p>	<p>Supported Amendments to the RV Act will be drafted to require any funds paid by the new resident to be reimbursed, not including interest, within a 10-business day period.</p>

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<p>24 The Act should require that the Premises Condition Report is provided as early as possible to the incoming resident. The cooling off period should not be able to be waived if a resident has not received the premises condition report, and if the premises condition report is not provided prior to the signing of the contract, the entitlement to cool- off should run from the date of provision of the premises condition report.</p>	<p>Premises Condition Report (PCR)</p>	<p>Supported Amendments to the RV Act will be drafted to require that the premises condition report to be provided as part of the residence contract. This will ensure that the prospective resident receives all relevant information prior to signing the contract and the right to cool-off provided for in section 24(3) will apply.</p>
<p>26 The Act should provide better protection for residents who terminate during the settling-in period.</p>	<p>Settling In: Termination</p>	<p>Supported Amendments to the RV Act will be drafted to provide better protection for residents who terminate during the settling-in period.</p>
<p>27 The Act should require audit statements to be able to be clearly compared with financial reports and budgets.</p>	<p>Audit Statements</p>	<p>Supported Amendments to the RV Act will be drafted to require audit statements to be able to be clearly compared with financial reports and budgets.</p>
<p>28 The Act should be amended to clarify that the requirement of an operator to provide an audited statement of accounts for the previous financial year with the annual meeting notice, requires a description, but not the monetary value, of each item relating to management expenditure.</p>	<p>Audit Statements: Annual Meeting</p>	<p>Supported Amendments to the RV Act will be drafted to clarify that the requirement of an operator to provide an audited statement of accounts for the previous financial year with the annual meeting notice, requires a description, but not the monetary value, of each item relating to management expenditure.</p>
<p>30 The Act should provide greater protection to residents in relation to increasing recurrent charges.</p>	<p>Fees: Recurrent</p>	<p>Supported Amendments to the RV Act will be drafted to provide that if an operator proposes to increase recurrent charges either by more than CPI or the fixed formula set out in the village contract, the</p>

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	Charge Increase	operator must seek the residents' consent of the proposed increased expenditure or seek approval from the Tribunal.
<p>31 An operator is required to meet with a residents' committee twice (or once if the committee agree) before the Annual Meeting to discuss the budget. The Act should mandate that recurrent charges, and any potential increase, be discussed at this time.</p>	<p>Fees: Consultation Obligations</p>	<p>Supported Amendments to the RV Act will be drafted to mandate that recurrent charges, and any potential increase, are discussed at the two budget meetings (or one if members agree) held with the members of the residents' committee before the annual meeting is held.</p>
<p>32 The Act should provide that for the purpose of section 38, the operator is allowed to provide non-finalised financial statements.</p>	<p>Committees: Annual Budget</p>	<p>Supported Amendments to the RV Act will be drafted to provide that for the purpose of section 38, the operator is allowed to provide non-finalised financial statements.</p>
<p>33 The Act should clarify the Special Resolution provision applies to 75% of those present (or absentee voting) and for a quorum.</p>	<p>Special Resolution and Quorum</p>	<p>Supported in principle Amendments to the RV Act will be drafted to clarify the Special Resolution provision applies to 75% of those present (or absentee voting). The recommendation for a quorum will not be implemented as this may unnecessarily impede efficient decision making to support village administration. It is noted that the Review found that there were not substantial responses from stakeholder to whether a quorum should be introduced, and the responses received generally favoured a low threshold.</p>
<p>34 Regulation 12 should be amended to clarify that the requirement of a Residents' Committee to provide an operator with minutes after a meeting of the committee has occurred includes the annual meeting.</p>	<p>Committee Minutes</p>	<p>Supported Amendments to the RV Regulations will be drafted to clarify that the requirement of a Residents' Committee to provide an operator with minutes after a meeting of the committee has occurred includes the annual meeting.</p>

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<p>35 A simple, default set of rules for a Residents Committee should be included in the Regulations.</p>	<p>Committee Rules</p>	<p>Supported</p> <p>The Department has published an example set of rules that a resident’s committee may choose to adopt.</p> <p>To ensure all residents committees have rules in place, the RV Regulations will be varied to include a simple, default set of rules.</p>
<p>37 The Act should provide that an operator must follow its dispute resolution policy, and only where agreed between the operator and resident, can some other dispute resolution approach (e.g. mediation) be followed.</p>	<p>Dispute Resolution Policy</p>	<p>Supported</p> <p>The RV Act does not explicitly stipulate that an operator must follow its dispute resolution policy. The Act will be amended to make clear that the village’s dispute resolution policy must be followed unless there is agreement between the operator and resident that another alternative approach is more appropriate in the circumstances.</p>
<p>38 The Act should permit SACAT to determine a wider range of disputes.</p>	<p>Disputes: Jurisdiction</p>	<p>Supported</p> <p>Amendments to the RV Act will be drafted to permit SACAT to determine a wider range of disputes. An amendment will also be drafted to enable the Tribunal to issue a restraining order as it can under section 112 of the <i>Residential Tenancies Act</i>, but only if it is incidental to some other application before the Tribunal and not as an originating application.</p>
<p>39 The Act should provide separately for commercial and residential leases in retirement villages.</p>	<p>Leases</p>	<p>Supported</p> <p>Amendments to the RV Act will be drafted so that the Act provides separately for commercial and residential leases in retirement villages.</p>
<p>40 The five-year maximum lease term on residential leases should be removed from the Act.</p>	<p>Residential Lease Term</p>	<p>Supported</p> <p>Amendments to the RV Act will be drafted to remove the five-year maximum lease term on residential leases.</p>
<p>41 The rights of rental tenants within retirement villages should be updated to give them the same non-financial voting rights afforded to residents of retirement villages; and to avoid duplication,</p>	<p>Rental Tenants</p>	<p>Supported</p> <p>Amendments to the RV Act will be drafted to provide, that rental tenants within retirement villages should have the same non-financial voting rights afforded to residents of retirement villages; and</p>

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		to avoid duplication, otherwise they should have the same rights and obligations as rental tenants under the Residential Tenancies Act.
43	Termination Notice	<p>Supported</p> <p>Amendments to the RV Act will be drafted to require that the operator give the resident a notice of intention to terminate before lodging a termination application with SACAT.</p>
44	Notice to Vacate: Remaining in Residence	<p>Supported in principle</p> <p>The intent behind this recommendation is to ensure consistency between sections 27(3)(a)(ii) and 27(2)(b)(ii) of the RV Act. If these provisions remain in their current form, the Department supports the suggested amendment.</p> <p>However, the Department also intends to undertake further consultation with operators, peak bodies, residents, and the community on other options for managing the payment of exit fees in the future. Consequently, this recommendation may no longer be necessary if any of the potential reforms are implemented.</p>
45	Alterations	<p>Supported</p> <p>Amendments to the RV Act will be drafted to require the operator to include a clause in the residence contract which outlines:</p> <ul style="list-style-type: none"> • the approval process for a resident seeking to make an alteration to their residence, and • the process for dealing with operator approved alterations when the resident vacates the residence.
48	Data: Vacancy and Turnover	<p>Support</p> <p>Amendments to the RV Act will be drafted to empower the Registrar to require data on the vacant possession and re-licence period (turnover) of units in each retirement village.</p> <p>The Registrar will determine what data is required and how it should be provided.</p>

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villages should be collected by the Registrar.		
49 The criteria which the Tribunal should have regarding section 27(8) of the Act should be amended to “exceptional circumstances”.	Exit Entitlement: Extension	Supported Amendments to the RV Act will be drafted to remove section 27(8).
50 The Act should require residents or their representatives to provide payee details to an operator.	Exit Entitlement: Payee Details	Supported Amendments to the RV Act will be drafted to require residents or their representatives to provide payee details for payment of the exit entitlement to an operator.
52 OFAW should refer points made in submissions regarding specific drafting to Parliamentary Counsel for consideration when any Amendment Bill is drafted.	Definitions and Drafting	Supported The Department will refer points made in submissions regarding specific drafting to Parliamentary Counsel as part of the drafting of the Amendment Bill.
54 The Act should provide a clear process in relation to abandoned goods when a residence is vacated, including timeframes and appropriate warning and communication with the former resident or their representative.	Abandoned Goods	Supported Amendments to the RV Act will be drafted to provide for regulations to be drafted to establish a clear process in relation to abandoned goods when a residence is vacated, including timeframes and appropriate warning and communication with the former resident or their representative. The Office for Ageing Well will undertake comprehensive consultation with operators, residents and other stakeholder before a process is prescribed.
56 The Act should clarify that the Minister can make a determination to terminate a retirement village scheme even where there are no residents living in the village.	Terminations	Supported Amendments to the RV Act will be drafted to clarify that the Minister can make a determination to terminate a retirement village scheme even where there are no residents living in the village.
57 The Act should state that an operator must, when commencing discussions with residents about terminating a village, ensure that residents are	Terminations: Resident Legal Advice	Supported

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afforded a reasonable opportunity to seek legal advice.		Amendments to the RV Act will be drafted to require that an operator must, when commencing discussions with residents about terminating a village, ensure that residents are afforded a reasonable opportunity to seek legal advice.
58 The sections of the Act that impose obligations should be clear on who can be held accountable for failure to comply with those obligations (operator or manager or both).	Enforcement Clarity	Supported The Department will consider the sections of the Act that impose obligations to ensure they are clear regarding who can be held accountable for failure to comply with those obligations. If any section is not clear, the RV Act will be amended to address this.
59 The Act should permit a prosecution to be brought within two years after an offence first comes to the attention of the regulator.	Enforcement: Commencement of Proceedings	Supported Amendments to the RV Act will be drafted to permit a prosecution to be brought within two years after an offence first comes to the attention of the regulator.
Registrar policy recommendations³		
1 If OFAW determine that the industry standards are appropriate and able to be attained by all operators, the Register should record whether an operator has accreditation and whether they are a signatory to the industry Code of Conduct. The information should be easily accessible and comparable between different retirement village operators.	Register: Code of Conduct and Accreditation	Supported in principle The Department has carefully considered the industry standards and code of conduct and determined that, as observed by the review report, the diversity of the operator market and types of villages operating in South Australia mean that it is not reasonable to expect all operators to subscribe to them. Introducing such an expectation would have a disproportionate impact on small and not for profit operators and the cost burden is likely to be passed onto residents. As the Office for Ageing Well has determined that the industry standards are not appropriate and able to be attained by all operators, the Registrar will not record this information on the Registrar. Schedule 1 of the <i>Retirement Village Regulations 2017</i> (RV Regulations) already prescribes a comprehensive and mandatory Code of Conduct that addresses the conduct of both operators and residents. This Code of Conduct is actively promoted by the Regulator and receives high levels of compliance. Non-compliance with the Code is enforceable under the Enforcement Framework for Retirement Villages .

³ Through powers available to the Registrar under the Act.

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		<p>The RV Act requires that the operator of a retirement village must, at least 10 business days before a person enters into a residence contract, give the person a copy of the Code of Conduct.</p> <p>To ensure that all operators and residents continue to be guided by a single, comprehensive, and state-specific code of conduct, the existing Code of Conduct contained within the existing RV Regulations will be updated to addresses all the topic areas identified by the review report.</p>
<p>7 Formal enforcement action taken should be recorded on the Register. Audit activity conducted by the Registrar should be made public (for example, in an Annual Report or published online).</p>	<p>Publication of Enforcement Activity</p>	<p>Support in principle</p> <p>The recording of formal enforcement action on the Register, where appropriate and in the public interest, is supported. As set out in response to recommendations 9 and 10, amendments to the RV Act will be drafted for this purpose.</p> <p>It is important that this recommendation is implemented in a manner which ensures that the Registrar retains the discretion to determine when it appropriate to record formal enforcement action on the Register and make it publicly available. This is because in some cases the reputational damage of publishing such action will significantly outweigh any benefit to prospective residents, current residents, and the community. The decision of whether to publish enforcement action needs to be determined on a case-by-case basis, with advice sought from the relevant court or tribunal where necessary.</p> <p>In addition, de-identified audit activity conducted by the Registrar will be published in the Annual Report.</p>
<p>9 The Register should be published online, with accessible and easily navigable functionality.</p>	<p>Register: Online</p>	<p>Support</p> <p>The Department has procured an online platform that will enable the Register to be published online with easily navigable functionality.</p> <p>It is expected that the online Register will be launched in mid 2023.</p>
<p>10 Additional information on individual retirement villages should be collected and made easily accessible to prospective residents via the Register. This should include information that relates to formal enforcement action; SACAT proceedings;</p>	<p>Register: Expanded Content</p>	<p>Support</p> <p>The inclusion of additional relevant information on the register is supported.</p> <p>Amendments to the RV Act will be drafted to provide the Registrar with discretion to publish enhanced information on the Register. This may include, findings of guilt and convictions arising from proceedings under the RV Act, SACAT proceedings (in circumstances where SACAT determines that there is public interest in the proceedings being made available on the Registrar and refers the</p>

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average length of time for an exit entitlement to be paid out by a village; and entry and exit contribution payments of a village.		outcome to the Registrar), average length of time for an exit entitlement to be paid out by a village, calculated as per previous financial year, and entry and exit contribution payments of a village.
12 Operator’s relevant insurance information should be provided to the Registrar, be publicly available on the Register, and be kept up to date.	Insurance	<p>Support in principle</p> <p>It is essential that retirement villages maintain adequate insurance. However, there is little benefit in requiring operators to provide information about their insurance arrangements to the Registrar for inclusion on the Registrar.</p> <p>Instead, it is proposed that amendments will be drafted to the RV Act to make clear that that retirement villages maintain adequate insurance that covers damage, costs incidental to the reinstatement or replacement of insured buildings, public liability, and provides for the reinstatement of property to its condition when new.</p> <p>Amendments will also be drafted to require that operators must make insurance information available (free of charge) to the resident upon request. Requests for insurance information must be responded to within 10 business days.</p>
Better practice guidelines recommendations⁴		
18 The Better Practice Guidelines should encourage operators to supply an online exit fee and entitlement calculator to prospective residents so they can model a range of financial scenarios to inform their decision making.	Exit Fee Calculator	<p>Supported</p> <p>The Better Practice Guidelines will be updated to include the topic areas suggested in these recommendations.</p> <p>The draft updated Better Practice Guidelines will be released for a period of public consultation prior to finalisation.</p>
19 All marketing and entry material relating to Type 1 retirement village schemes should state explicitly that the property is not what is being purchased, but rather it	Marketing Transparency	<p>Additionally, the RV Act will be amended to make clear that an operator must, in all marketing and pre-sale material, state explicitly that the property is not what is being purchased, but rather it is a lease or licence to live in the property, and property still is owned by the operator</p>

⁴ This is a document produced and able to be updated by the Office for Ageing Well

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<p>21 The Better Practice Guidelines should promote that terminology relating to fees is used in a consistent manner across the sector.</p>	<p>Fees: Definitions</p>	
<p>36 In relation to meetings with residents, the option for online meetings should be promoted in the Better Practice Guidelines.</p>	<p>Meetings</p>	
<p>47 The Better Practice Guidelines should clarify what costs should be classified as recurrent charges and that the Act's six-month cap on recurrent charges at exit is the benchmark period for the payment of like costs after exit.</p>	<p>Exit and Recurrent Charges</p>	
<p>53 To help prospective residents be clear on the type of village they are entering, the Better Practice Guidelines should recommend that information about the proportion of existing residents within a village that have made an ongoing contribution is provided to prospective residents.</p>	<p>Village Type Transparency</p>	<p>Supported in principle Information about the type or composition of the retirement village may be better included in the disclosure statement. A provision will be included in the RV Act to require that the disclosure statement must disclose the proportion of existing residents within a village who are licensees and the proportion who are renting.</p>
<p>Recommendations where further advice is required</p>		

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<p>3 The Commissioner for Consumer Affairs should be asked to consider if some activities and charges of retirement village operators are or should be covered by the <i>Land Agents Act 1994</i>.</p>	<p>Legislative Interface</p>	<p>Supported On 18 August 2022 the Registrar wrote to the Commissioner for Consumer Affairs and requested the Commissioner consider if some activities and charges of retirement village operators are or should be covered by the <i>Land Agents Act 1994</i>.</p>
<p>17 To improve transparency and completeness of Disclosure Statements the amendments recommended in this Report should be considered along with the outcome of any audits conducted by OFAW of Disclosure Statements.</p>	<p>Disclosure Statements</p>	<p>Supported An audit of disclosure statements and contracts is currently being undertaken to identify if there are common omissions or compliance issues across the various types of operations (not for profit, commercial, community based, donation entry).</p>
<p>25 The OFAW should seek legal advice on how the Act would apply and what amendments might be necessary to deal with issues relating to buying off the plan, and with multi-story or mixed lease premises.</p>	<p>Village Type: New Developments</p>	<p>Supported On 7 September 2022, the Registrar sought legal advice on how the RV Act applies to residences that are bought off the plan or while the village is still under construction, and multi-story or mixed lease premises.</p>
<p>29 Consultation should occur regarding the inclusion of specific provisions relating to Capital Maintenance and Replacement fees in any future Amendment Bill.</p>	<p>Fees</p>	<p>Supported Further consultation will be undertaken regarding the inclusion of specific provisions relating to Capital Maintenance and Replacement fees in the amendment Bill. This includes consultation on options for imposing a cap on the capital contribution fee. The requirement for an Operator to provide greater information in relation to Capital Maintenance and Replacement is supported. Further consultation would be required to understand any implications and costs.</p>
<p>42 Advice should be sought by the OFAW to determine the extent to which</p>	<p>Health and Safety</p>	<p>Supported</p>

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retirement village operators are bound by the <i>Work Health and Safety Act 2012</i> . If there are gaps or doubts in the regulatory framework then amendments should be considered.		The Office for Ageing Well sought advice about the extent to which retirement village operators are bound by the <i>Work Health and Safety Act 2012</i> . Amendments will be drafted to the RV Act to require operators to prepare, maintain and implement emergency plans, and to notify residents of safety inspections of communal facilities and to provide safety inspection reports.
46 When it is clear what the Federal Government's response is to the Aged Care Royal Commission recommendation to phase out Refundable Accommodation Deposits, section 30 of the Act could be amended.	Aged Care Interface	Supported in principle This recommendation will be considered further once the Federal Government's response to the Aged Care Royal Commission recommendation to phase out Refundable Accommodation Deposits is clear.
51 OFAW should consult with the Registrar-General and assess whether changes to section 56 of the Act are desirable.	Certificate of Title	Supported The Department consulted with the Registrar-General, who advised that in their view changes to section 56 of the Act are not required.
55 OFAW should assess if there are any exemptions no longer considered appropriate and obtain advice as to whether any additional legislative power is necessary.	Exemptions	Supported OFOW will assess whether there are any exemptions no longer considered appropriate and obtain advice as to whether any additional legislative power is necessary.
60 OFAW should monitor the implementation of recommendations resulting from the Aged Care Royal Commission that relate to home care services, to determine whether any legislative amendments or changes to	Aged Care Interface	Supported The Office for Ageing Well will monitor the implementation of recommendations resulting from the Aged Care Royal Commission that relate to home care services, to determine whether any legislative amendments or changes to education in relation to retirement villages are required.

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education in relation to retirement villages are required.		