

Retirement Villages (Miscellaneous) Amendment Bill 2023

Feedback Form

AMENDMENT BILL

Office for Ageing Well (OFAW), through SA Health is conducting consultation on the *Retirement Villages (Miscellaneous) Amendment Bill 2023* (the draft Bill).

Thank you for your interest in providing feedback.

The information collected from this consultation will be used to ensure the draft Bill meets the needs of retirement village operators and residents and reflects the intent of recommendations made by the independent review of the *Retirement Villages Act 2016*. It is important that responses are as relevant and factual as possible.

Please use the space provided below each question to have your say about the proposed changes.

For more information about the changes, planned public forums and to access the reference documents, please visit: www.sahealth.sa.gov.au/reviewsandconsultation

or via YourSAy at: <http://yoursay.sa.gov.au/yoursay/RVActAmendmentBill>

Please note feedback may be made publicly available unless you indicate otherwise.

Please clearly indicate on the feedback form if you wish your feedback to remain confidential.

All submissions must be in writing and can be submitted in the following ways:

- > Online Survey: provide your formal feedback by completing the online survey - <https://www.surveymonkey.com/r/RVActAmendmentBill>
- > Email: provide your formal feedback via email - rvactreview@sa.gov.au
- > Post: Retirement Villages Review, Office for Ageing Well, PO Box 196, Rundle Mall, Adelaide SA 5001

Feedback closes on **Friday 19 May 2023 at 5.00pm** and late submissions will not be considered.

If you have any questions or need support providing feedback please contact OFAW on Ph: 08 8204 2420.

Demographic Information

I am a: *(Please select most appropriate)*

- ☐ Current Resident ☐ Former Resident/Family ☐ Prospective Resident
☐ Operator ☐ Public
☐ Other *(please specify)*

Retirement village name *(if applicable)*

The village is operated by:

- ☐ Private/Commercial organisation ☐ Church/community based organisation ☐ Other *(please specify)*
☐ Non-profit organisation ☐ State Government/Local Government

Organisation name *(if applicable)*

My age group is:

- ☐ 34 or under ☐ 35 - 44 ☐ 45 - 54
☐ 55 - 64 ☐ 65 - 79 ☐ 80 +

My gender is:

- ☐ Female ☐ Male ☐ Non-binary
☐ I use a different term *(please specify)*
☐ Prefer not to answer

My working status is: *(Please select most appropriate)*

- ☐ Semi-retired ☐ Retired ☐ Working
☐ Unemployed

Contact Details (optional)

Name

Address

.....

Telephone

Email or postal address if different from above

.....

Date completed

Response to Discussion Questions

Please refer to the 'Guide to the Retirement Villages (Miscellaneous) Amendment Bill 2023' document when responding. This feedback form includes 48 questions on a range of topics. You may answer each question, or only those questions relating to topics of interest to you.

PART 2 – BEFORE MOVING INTO A VILLAGE

2.1 Residence contracts

1. Do the proposed changes to residence contracts achieve greater clarity for prospective residents, particularly around fees and charges, refurbishment and types of occupancy within a village?

☐ Yes ☐ No ☐ Unsure

Comment

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2. Will the inclusion of a premises condition report in the residence contract appropriately address concerns that the premises condition report is not always provided as early as possible to the incoming resident? Are there any unforeseen consequences or matters that need to be considered?

☐ Yes ☐ No ☐ Unsure

Comment

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2.2 Disclosure Statements

3. Do the proposed amendments to the Disclosure Statement ensure that a prospective resident is provided with enough information to aid decision-making?

☐ Yes ☐ No ☐ Unsure

Comment

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2.3 Information required before signing a residence contract

4. Is the proposed process to allow a person to enter into the contract before the 10-business-day period has expired clear and easily understood?

☐ Yes ☐ No ☐ Unsure

Comment

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2.4 Deposits

5. Is the proposed process for managing contract deposits clear and easily understood? Are there any unforeseen consequences?

☐ Yes ☐ No ☐ Unsure

Comment

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PART 3 – AMENDMENTS APPLICABLE WHILE LIVING IN A VILLAGE

3.1 Recurrent Charges

6. Do the proposed changes to recurrent charges achieve the aim of providing additional consumer protection?
Are there any alterations required to more effectively achieve this?

☐ Yes ☐ No ☐ Unsure

Comment

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3.2 Meetings – mandatory consultation regarding annual budgets

7. Do the proposed changes increase clarity around the convening of annual meetings and the documents that are required to be provided?

☐ Yes ☐ No ☐ Unsure

Comment

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8. Do the proposed changes make clear the responsibility for minutes and clarify that consultation about the budget does not require finalised accounts?

☐ Yes ☐ No ☐ Unsure

Comment

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3.4 Provision of required documents to resident free of charge

9. As an operator, will you be able to readily provide the required insurance information to a resident upon request?

☐ Yes ☐ No ☐ Unsure

Comment

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3.5 Emergency plans

10. Do the proposed emergency planning requirements appropriately address risks to safety?

☐ Yes ☐ No ☐ Unsure

Comment

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3.6 Lease of land

11. Does the separation of residential and commercial rental within a village provide the clarity recommended by the Review?

☐ Yes ☐ No ☐ Unsure

Comment

12. Will these amendments improve the inclusion and participation of rental tenants in the village community?

☐ Yes ☐ No ☐ Unsure

Comment

3.7 Requirement to insure retirement village

13. Are the proposed obligations regarding village insurance reasonable and appropriate?

☐ Yes ☐ No ☐ Unsure

Comment

14. For a resident, does the proposed amendment give you confidence that the appropriate level of insurance is held?

☐ Yes ☐ No ☐ Unsure

Comment

3.8 Dispute resolution

15. Will the proposed amendment to broaden the matters that the Tribunal can hear capture common disputes that arise between an operator and resident?

☐ Yes ☐ No ☐ Unsure

Comment

3.9 Management of retirement villages

16. Is the 12-month transitional period for existing retirement village operators and staff to complete training requirements reasonable and appropriate?

☐ Yes

☐ No

☐ Unsure

Comment

3.10 Disqualified persons

17. Do you agree with the expanded list of offences that will disqualify a person from being an operator of a retirement village or being engaged as a senior manager or village manager? Are there any additional offences that should be included?

☐ Yes

☐ No

☐ Unsure

Comment

PART 4 – AMENDMENTS APPLICABLE TO LEAVING A VILLAGE

4.1 Termination of residents’ rights

18. Do the proposed amendments provide better protection for residents who terminate during the settling-in period?

☐ Yes

☐ No

☐ Unsure

Comment

19. Will the proposed amendments enable a resident to leave during this period without accruing significant fees and charges?

☐ Yes

☐ No

☐ Unsure

Comment

4.2 Exit Entitlements

OPTION 1

Questions for operators

20. Do you support this option being implemented?

☐ Yes

☐ No

☐ Unsure

Comment

21. If yes, are there any changes you would make?

☐ Yes ☐ No ☐ Unsure

Comment

22. If you do not support this option, why not?

Comment

23. Is the proposed 20-business-day refurbishment period feasible? If not, why not?

☐ Yes ☐ No ☐ Unsure

Comment

OPTION 1

Questions for residents

24. In this model, is it clear that it is the responsibility of the resident to make an application to the Tribunal if all the relevant conditions are met?

☐ Yes ☐ No ☐ Unsure

Comment

25. In this model, is it clear that the Tribunal is only empowered to make an order if it is satisfied that the operator has unreasonably delayed the remarketing of the residence and in all other circumstances the existing 18-month repayment period will continue to apply?

☐ Yes ☐ No ☐ Unsure

Comment

26. Do you support this option?

☐ Yes ☐ No ☐ Unsure

Comment

27. If yes, are there any changes you would suggest?

☐ Yes ☐ No ☐ Unsure

Comment

28. If you do not support this option, why not?

Comment

OPTION 2

Questions for operators

29. Do you support this option being implemented?

☐ Yes ☐ No ☐ Unsure

Comment

30. If yes, are there any changes you would make?

☐ Yes ☐ No ☐ Unsure

Comment

31. If you do not support this option, why not?

Comment

32. Is the proposed 20-business-day refurbishment period feasible? If not, why not?

☐ Yes ☐ No ☐ Unsure

Comment

OPTION 2
Questions for residents

33. In this model, is it clear that the operator is responsible for paying the exit entitlement within the statutory period and that no application to the Tribunal is necessary?

☐ Yes ☐ No ☐ Unsure

Comment

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34. In this model, is it clear that the timeframe for the statutory repayment of an exit entitlement is 12 months, plus an additional 20 business days for refurbishment?

☐ Yes ☐ No ☐ Unsure

Comment

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35. Do you support this option?

☐ Yes ☐ No ☐ Unsure

Comment

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36. If yes, are there any changes you would suggest?

☐ Yes ☐ No ☐ Unsure

Comment

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37. If you do not support this option, why not?

Comment

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OPTION 3

38. Is it clear that this model will retain the existing provisions relating to the statutory repayment of exit entitlements set out in the Act?

☐ Yes ☐ No ☐ Unsure

Comment

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39. If yes, are there any changes you would suggest?

☐ Yes ☐ No ☐ N/A

Comment

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40. If you do not support this option, why not?

Comment

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4.2.3 Payment of capital fund contributions deducted from exit entitlement

41. Do you support the introduction of a cap to contributions to a Capital Fund?

☐ Yes ☐ No ☐ Unsure

Comment

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42. Is the percentage reasonable? If no, what should it be?

☐ Yes ☐ No ☐ Unsure

Comment

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43. Will the capping of Capital Fund contributions affect the operations of the village?

☐ Yes ☐ No ☐ Unsure

Comment

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PART 5 – MISCELLANEOUS

5.3 Consultation with new operator

44. Are the obligations for operators wishing to modify or terminate an occupied village clear?

☐ Yes ☐ No ☐ Unsure

Comment

5.4 Registrar’s functions

45. Do you think the draft Bill captures all of the powers required to fulfil the functions of the Registrar?

☐ Yes ☐ No ☐ Unsure

Comment

5.5 Register

46. Do the proposed changes achieve the intent of making the Register a significant source of information about the operation of the retirement village sector in South Australia?

☐ Yes ☐ No ☐ Unsure

Comment

47. Is it clear that while the Registrar has increased information gathering powers to fulfil their functions under the Act, not all information will form part of the Register or be made publicly available?

☐ Yes ☐ No ☐ Unsure

Comment

5.6 Enforcing the Act

48. Do the proposed reforms provide appropriate legislative backing to support a risk-based approach to enforcement of the Act?

☐ Yes ☐ No ☐ Unsure

Comment

49. Do you have any other comments?

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Do you want your submission to remain confidential?

☐ Yes ☐ No Why?

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Submissions may be subject to Freedom of Information and may still be released where required by law.

For more information

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Department for Health and Wellbeing
PO Box 196, Rundle Mall Adelaide 5000
Telephone: (08) 8204 2420
Email: retirementvillages@sa.gov.au
www.sa.gov.au/seniors/retirementvillages

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