

16/04/2025

To: Byron Karemba  
Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)  
Consumer Protection Division  
140 William Street, Perth WA 6000

Dear Byron,

**RE: Retirement Village Regulations – Consultation Paper #5**

Thank you for the invitation to provide a submission on the Retirement Village Regulations Consultation Paper #5 covering:

- Dispute resolution.
- Register of retirement villages.
- Further amendments to the Community Arrangements Statement (CAS) and Prospective Resident Information Statement (PRIS) following previous consultation.

Ageing Australia is the national peak body for aged care, representing providers of retirement living, seniors housing, residential care, home care and community services. We advocate for our members, providing expert advice, resources and tailored services to ensure they deliver exceptional care to older Australians.

We support the overall direction of the proposed regulations and acknowledge their intent to strengthen transparency and consumer protections. In this submission, we have sought to provide practical suggestions and highlight areas where further clarity or adjustment would help ensure that the reforms are both workable and sustainable for operators, without unintended consequences for residents.

**Recommendations**

**R1** Clarify and strengthen the mediation process by establishing a register of approved mediators, defining equitable cost-sharing arrangements, setting overall mediation timeframes and ensuring appropriate resourcing to avoid default escalation to the State Administrative Tribunal (SAT).

**R2** Ensure the register is practical and accessible by establishing a clear online submission process, refining terminology for clarity and providing targeted support to smaller or volunteer-managed villages.

**R3** Clarify or remove ambiguous terms in the CAS, such as “personal services” and “communal services.” Ensure entry costs are clearly explained, including when stamp duty applies. Use consistent terminology across all documents, particularly for commonly misunderstood items such as exit fees.

**R4** Develop practical guidance for interpreting reinstatement obligations in the PRIS, including examples of “fair wear and tear.” Avoid requiring operators to provide speculative CPI or capital growth forecasts by publishing standard benchmarks.

**Ageing Australia**

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**R5** Redesign the PRIS to enhance accessibility. This should include larger fonts, improved spacing, less intense colours and a clearly marked space for recording the date the document is provided to prospective residents.

**R6** Support implementation by publishing clear, practical guidance for operators on key regulatory changes and transitional requirements. Include regulatory direction on emerging sustainability infrastructure, such as solar and battery systems, with specific guidance on responsibilities for installation, maintenance and cost-sharing.

## 1. Dispute resolution

Question 1: Do you agree with the proposal to transfer the provisions on dispute resolution from the Code into the regulations on the above terms? If you disagree, please explain why.

We support the transfer of dispute resolution provisions from the *Fair Trading (Retirement Villages Code) Regulations 2022* into the principal regulations, particularly the emphasis on mandatory mediation as a key mechanism for early and cost-effective resolution of issues between residents and operators.

However, greater clarity is needed around the mediation process. It is unclear who selects the mediator or how mediation costs are shared. We recommend that DEMIRS establish a register of approved mediators with appropriate qualifications and independence, along with clear guidance on how costs should be apportioned, such as an equal split or a defined default position.

The proposed timeframe requiring parties to meet within 20 working days is appropriate, but we suggest including an overall timeframe for the conclusion of mediation, to avoid unresolved disputes becoming unnecessarily prolonged.

We also note that access to the State Administrative Tribunal (SAT) should not become the default pathway simply due to inefficiencies or lack of availability in the mediation process. Ensuring appropriate resourcing and access to skilled mediators will be critical to the success of this framework.

## 2. Register of retirement villages

Question 2: Do you agree with the proposed arrangements for the WA retirement villages register? If you disagree, please explain why.

Question 3: Are you aware of any villages that would not be able to access and use electronic forms to submit information for the register?

We support the creation of a formal register to improve consumer access to information and promote transparency across the sector. However, implementation must be practical and avoid creating new administrative burdens.

An online platform with annual update reminders would assist with compliance and consistency, particularly if supported by simple, user-friendly guidance. We recommend reviewing terminology in the register – for instance, substituting “facilities” with “amenities” where appropriate – and avoiding overly broad or misleading phrases such as “pets allowed on all premises,” which may not reflect operational realities. While most operators can comply electronically, some smaller, volunteer-run villages may require support to meet obligations.

### **3. Update on forms for Community Arrangements Statement and Prospective Resident Information Statement**

Question 4: Do you have any further feedback on the information proposed to be contained in the CAS or PRIS?

We support the intent to improve consumer understanding through the revised CAS and PRIS, but believe the current drafts require further refinement to ensure they are clear, accurate and practical for both residents and operators.

#### **3a. Community Arrangements Statement (CAS)**

In the CAS, the inclusion of terms such as “personal services” and “communal services” is problematic. These terms are not consistently understood across the sector and are largely redundant, given that many services like gardening or smoke alarm maintenance are already considered standard management or administration functions. We recommend these terms be removed or replaced with more accurate and widely used descriptors.

Entry costs should also be clarified. In particular, references to transfer or stamp duty must explicitly state that such charges apply only in strata title, purple title or community title villages – and not to standard lease or licence arrangements. This will avoid confusion for consumers unfamiliar with legal property classifications.

Terminology across both documents should be aligned. For example, we suggest consistently using the term “exit fee” and avoiding interchangeable or undefined terms like “departure fee” or “deferred management fee,” which may increase consumer misunderstanding.

#### **3b. Prospective Resident Information Statement (PRIS)**

In the PRIS, the treatment of reinstatement costs presents a concern. The term “fair wear and tear” is highly subjective and often leads to disagreement. Clearer guidance should be provided – either by including illustrative examples or a standard developed in consultation with industry and consumer representatives – to help manage expectations and reduce disputes.

Operators should also not be required to estimate capital growth or CPI-based forecasts. These figures are inherently variable and could be misinterpreted by prospective residents. We recommend DEMIRS publish an annually updated benchmark or standardised assumptions for capital growth, allowing for more consistent and reliable comparison across villages.

The PRIS would also benefit from more consumer-friendly formatting. At present, the layout is dense, with heavy colour use (especially red and orange) that may be visually challenging for older readers. We suggest simpler formatting, larger fonts, improved paragraph spacing and a more neutral design. Additionally, a section should be included for operators to record the date the PRIS is provided to a prospective resident, supporting both compliance and transparency.

#### **Additional commentary**

The proposed reforms represent a significant shift in expectations for both operators and residents. To ensure a smooth transition, we encourage DEMIRS to develop and publish clear implementation guidance, outlining regulatory expectations, transitional arrangements and practical examples to assist operators in understanding and complying

with the new requirements. This will be particularly important for smaller providers and those with limited in-house compliance resources.

In addition, the regulations should begin to address emerging issues relating to sustainability and energy infrastructure. Many villages are exploring solar and battery storage solutions to reduce costs and improve environmental performance, but there is currently limited clarity around responsibilities for installation, ongoing maintenance and cost-sharing arrangements – particularly where infrastructure is shared across units or managed as a communal asset.

Ageing Australia thanks DEMIRS for their ongoing engagement and looks forward to working together to ensure the regulatory environment remains clear, practical and fit for purpose.

If you have any further questions or would like to discuss, please contact Mark Prosser, Director Retirement Living & Seniors Housing at [mark.prosser@ageingaustralia.asn.au](mailto:mark.prosser@ageingaustralia.asn.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Prosser', with a stylized, flowing script.

Mark Prosser  
Director Retirement Living & Seniors Housing