

Information Sheet

Retirement Villages - communal facilities

Office for Ageing Well has received a number of requests for guidance from residents' committees and retirement village operators about legally mandating vaccination as a condition of entry to communal facilities. The aim of this sheet is to provide information and advice to residents' committees and operators of retirement villages in South Australia on this matter.

Office for Ageing Well encourages erring on the side of caution in relation to protecting the health of residents, however it does not support excluding unvaccinated residents from communal facilities.

Unvaccinated Residents and Communal Facilities

The Direction under the *Emergency Management Act 2004* to limit entry into residential aged care facilities does not apply to retirement villages.

This has led to suggestions that legally mandating vaccination as a condition of entry to communal facilities within retirement villages could be a way to reduce the risk of retirement village residents contracting COVID-19.

Generally, access to community facilities is included in residence contracts, so denying access to residents based on vaccination status would most likely be a breach of contract. Communal facilities within retirement villages are also considered an extension of a resident's home.

The South Australian government has issued public health orders mandating vaccination for certain industries or employees. The state government has also indicated that businesses are free to determine vaccine mandate policies for staff and visitors to their business.

Although retirement villages are a business for the operator, they are also the home of many South Australians aged 55 and over. While operators can mandate vaccination for their staff, they cannot require that residents be vaccinated to access their own homes. It is not the intention of the South Australian government to mandate that residents in retirement villages who are unvaccinated be excluded from communal areas.

The reopening of borders, means members of the South Australian community, including those living in retirement villages, will need to make individual decisions about whether to attend communal and community events, eating and drinking establishments, retail businesses, or whether to travel. Individual residents who are concerned about their level of risk are encouraged to talk to their doctor about what is appropriate for them and plan accordingly.

The Australian Government's policy is that COVID-19 vaccinations are voluntary for most Australians, although its aim is to have as many people as possible choose to be vaccinated. SA Health encourages and recommends vaccination for all members of the community that can be vaccinated. It is acknowledged that a small number of people within South Australia, residing in and out of retirement villages have chosen not to be vaccinated.

Concern about unvaccinated community members and the potential impact upon the wider community of their choice to remain unvaccinated, needs to be considered and balanced alongside the rights of individuals to be respected for the personal choices they make within their own homes. Residents may also have privacy concerns about providing information about their vaccination status to operators and other residents.

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Most retirement village operators have a COVID Safe Plan for the community centre and other shared facilities. This Plan would include information about obligations and recommendations, including density and distancing requirements, contact tracing and mask wearing.

Any activity or function held in communal areas must comply with any current COVID Safe Plan and/or the current Activity restrictions, such as density requirements, caps on attendance at private activities and functions, contact tracing systems and records, consumption of food and beverages, and restrictions on dancing and singing.

For more specific details relating to specific activities or events please refer to <https://www.covid-19.sa.gov.au/restrictions-and-responsibilities> which is updated with any change of Directions.

All residents within retirement villages should also continue to practice COVID safe behaviours to limit the transmission of COVID-19 in the community.

COVID safe behaviours

- > Stay at home and contact your doctor and get tested if you are unwell, even with mild symptoms of cold or flu.
- > Regular handwashing.
- > Good coughing and sneezing etiquette.
- > Wipe down frequently touched surfaces.
- > Get vaccinated against both COVID-19 and influenza.
- > Physical distancing wherever possible.
- > Wear masks if physical distancing is not possible.
- > Minimise the use of shared equipment.

Should you have questions, please contact the Retirement Villages Unit, via email: retirementvillages@sa.gov.au or by phoning 8204 2420 and leaving a message for a return call.

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Disclaimer: In developing this fact sheet, every effort has been made to ensure that the information reflects the intent of the legislation and/or represents examples of best known practice. The information contained in this resource does not constitute legal advice. The Office for Ageing Well recommends that you seek your own legal advice should you require interpretation of legislation.

For more information

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www.sa.gov.au/seniors/retirementvillages