

# Amendments to the Retirement Villages Act 1999

## Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)

The *Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)* (the Act) introduces new standards for operators and residents of retirement villages, residential parks and residential services and builds better consumer protections for people across Queensland.

The Act makes changes to three separate pieces of legislation:

- *Manufactured Homes (Residential Parks) Act 2003*
- *Residential Services (Accreditation) Act 2002*
- *Retirement Villages Act 1999*.

### Amendments to the Retirement Villages Act 1999

The Act amends the *Retirement Villages Act 1999* to improve consumer protections and increase transparency in the relationships between retirement village operators and residents. The Act has some changes which came into effect from 10 November 2017 (the date of assent) while others will take longer to implement. These changes will not become effective until they receive 'proclamation' and do not yet appear in the *Retirement Villages Act 1999*.

**This fact sheet provides information on changes to the *Retirement Villages Act 1999*, that are now in force. It provides an overview of these changes and a reference to the relevant sections of legislation where these amendments are found.**

### Repayment of a resident's exit entitlement

Amendment	What does it mean?	Reference
When a former resident's exit entitlement is payable	<p>The scheme operator must pay the exit entitlement to a former resident on, or before, the earliest of the following days:</p> <ul style="list-style-type: none"> <li>(a) the day stated in the resident's contract</li> <li>(b) 14 days after the settlement day</li> <li>(c) no later than 18 months after the termination date, or a later date fixed by the Queensland Civil and Administrative Tribunal (QCAT).</li> </ul> <p>An operator must be shown the probate or letters of administration before paying the exit entitlement of a former resident who has died.</p> <p>For former residents who left the village before commencement of the Act, the 18 months starts from 10 November 2017.</p>	<p>Section 63</p> <p>Section 237M</p>
Updating an agreed resale value, if an exit entitlement is payable before the right to reside is sold	<p>If a former resident and an operator have not reached an agreed resale value, the operator must pay for a valuation (by a valuer), to determine an agreed resale value before the right to reside is sold.</p> <p>The valuation must be current and not occur more than 14 days before the operator is required to pay the exit entitlement.</p>	Section 67A

Amendment	What does it mean?	Reference
An operator may apply for an extension of time to pay an exit entitlement	<p>The operator may apply to QCAT for an extension of time to pay the exit entitlement. QCAT will consider:</p> <ul style="list-style-type: none"> <li>• whether the operator is unlikely to sell the unit</li> <li>• undue financial hardship on the operator</li> <li>• unfairness or hardship to the former resident.</li> </ul> <p>QCAT may make an order for an extension of time or payment by instalments.</p>	<p>Section 171A</p> <p>Section 195</p>
Review of new mandatory payment of exit entitlements	<p>A review of the new mandatory payment of exit entitlements will start no later than 10 November 2019 (two years after assent). The review will determine the impact on residents, former residents, their families and operators.</p>	Section 225

## Behavioural standards for village operators and residents

Amendment	What does it mean?	Reference
Purpose and enforceability	<p>A dispute about a person's rights and obligations is defined as a retirement village dispute. Dispute resolution procedures are detailed in the <i>Retirement Villages Act 1999</i>.</p>	Section 134
Scheme operator to respect the rights of residents	<p>Operators must:</p> <ul style="list-style-type: none"> <li>• respect the reasonable peace, comfort or privacy of a resident</li> <li>• maintain a village environment free from harassment and intimidation</li> <li>• respect a resident's ability to manage their personal, domestic and financial affairs</li> <li>• provide a complete response to relevant correspondence within 21 days.</li> </ul> <p>An operator may enter a resident's unit if they reasonably believe a person's health or safety is at risk, or to carry out urgent repairs, or if authorised by law.</p>	Section 135
Residents to respect the rights of others	<p>Residents must:</p> <ul style="list-style-type: none"> <li>• respect the peace, comfort and privacy of fellow residents</li> <li>• respect the right of the village operator, their employees or their representatives, to work in an environment free from harassment and intimidation</li> <li>• respect the right of people (staff and contractors) working in the retirement village, to work in a safe workplace.</li> </ul>	Section 136

## For more information please contact

For more information regarding the amendments to the *Retirement Villages Act 1999*, please contact:

Regulatory Operations

Telephone: 07 3008 3450

Email: [ResidentialServices@hpw.qld.gov.au](mailto:ResidentialServices@hpw.qld.gov.au)

Connect with us @HousingforQld

The full version of the Act can be found at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).