

# Retirement Villages



**Right where you live**  
Better rights for retirement living

## Amendments to the Retirement Villages Act 1999

Recently the Government made some changes to the *RV Act*. This is the legislation that governs how retirement villages are operated and the things that village operators, by law, must do.

These changes have been put in place to provide greater transparency between village operators and residents. They will also provide greater security and confidence to residents, while keeping in mind the viability of the sector. This is important because residents have their money invested in their accommodation, be it a villa or a unit. It is in your best interests to keep the industry strong to protect any effect on your financial investment in the village.

Several amendments came into force on November 10 2017, while other sections will be rolled out over the next 12 months. Right Where You Live have produced fact sheets explaining each amendment in detail if you need further information on something specific.

## What are the changes?

### Information Before You Sign

For new residents the current Public Information Document (PID) will be replaced by two disclosure documents:

- a Village Comparison Document which gives general information about the accommodation options and amenities in the village
- a Prospective Costs Document giving a summary of the estimated costs of moving in, living in and leaving a village

For existing residents, the current PID, and the operation of particular sections of the current RV Act referring to PIDs will remain in place.

For new residents, their residence contract will include all the information that used to be in the PID plus information about: funds the operator must keep, the village facilities, the village land and capital gain and capital loss sharing.

### Entry and Exit Condition Reports

For new residents, an Entry Condition Report must be prepared by the village operator in the presence of the prospective resident or their representative, and given to the prospective resident before they move in.

An Exit Report must be prepared by the operator and given to the resident within 14 days after the resident's right to reside is terminated.

In both cases the resident has the right to disagree.

### Payment of Exit Entitlements

Village operators must now pay your exit entitlement 18 months after the resident has terminated their contract (either by leaving the village or on their death). This applies to all leasehold contracts, including contracts from before the amendments were passed.

For those contracts terminated before the amendments came into force, the 18 month period begins from the date the amendment received assent (10 November 2017).

### Reinstatement and Renovation

The government has introduced a simpler and more predictable reinstatement process that makes a clear distinction between 'reinstatement' and 'renovation'. This means that when moving out, residents only have to leave the unit in the same condition it was in when they first moved in (except reasonable wear and tear).

This only applies to new residents. For existing residents' contracts, the current provisions of their PID apply, which may contain additional renovation obligations.

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## **Behavioural Standards**

New enforceable behaviour standards apply for both:

- village operators and their staff in their interactions with residents
- residents in their interactions with other residents, and village operators and their staff

Any dispute about the behavioural standards can be referred to Queensland Civil and Administrative Tribunal (QCAT) as a Retirement Village Dispute, after attempting the 3-step Dispute Resolution process. This means that a resident may apply to QCAT if the resident believes they have been treated unfairly, bullied or intimidated.

A village operator may also take a resident to QCAT if they fail to respect other residents' rights, or the rights of the scheme operators' and the scheme operator's representatives right to work in an environment free from harassment, intimidation and bullying. A resident may not behave in a way that negatively impacts on the occupational health and safety of a person who is working in the retirement village.

## **Change of Scheme Operator**

If the control of a retirement village is to be transferred to a new village operator, a transition plan must now be approved by the Chief Executive (an Officer of the Department of Housing and Public Works).

**[Rightwhereyoulive.org.au](http://Rightwhereyoulive.org.au)**  
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***For more information contact ARQRV***

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[www.arqrv.org.au](http://www.arqrv.org.au)

## ***Queensland Retirement Village and Parks Advice Service***

QRVPAS (formerly PAVIL), situated at Caxton Legal Centre, provides information, advice and assistance on the law relating to retirement villages

Phone: 07 3214 6333

Disclaimer: This fact sheet provides information only and is not intended to provide legal advice

## **Redevelopment of Retirement Villages**

Re-developing an existing village must be defined as either:

- construction or demolition of units
- construction or demolition of any building/structure
- changing the use of a building/structure

The proposed re-development plan must be approved by residents through a special resolution or by the Chief Executive.

## **Closure or Winding Down of Retirement Villages**

The scheme operator must give notice to the Chief Executive and must prepare a closure plan that provides a clear, orderly and fair process for the closure of the village. Within 28 days of advising the Chief Executive the scheme operator must give each resident a copy of the proposed closure plan and a residents' meeting notice. The closure plan must be approved by a special resolution of residents.

If the residents do not approve of the plan the scheme operator may make an application to the Chief Executive who may approve the plan. If this happens, the residents have the right to apply to QCAT for a review of the decision.

**Do these changes apply to you?**

The new legislative changes regarding contracts only apply to new contracts, unless otherwise stated.

Further, while the amendments have been passed by Parliament, many clauses are not yet proclaimed. This means that some amendments to the *RV Act* are not yet applicable.

## ***Do you have a hearing or speech impairment?***

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit:

**[www.relayservice.gov.au](http://www.relayservice.gov.au)**

## ***Do you speak a language other than English?***

If you need an interpreter, please contact the Translating and Interpreting Service (TIS) on **131 450** and provide them with the number you want to call