



*Retirement Villages Act 1999*

# **Retirement Villages Regulation 2018**

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Queensland

# Retirement Villages Regulation 2018

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# Retirement Villages Regulation 2018

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Retirement Villages Regulation 2018*.

### 2 Commencement

This regulation commences on 1 February 2019.

### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

## Part 2 Content of particular documents

### 4 Particulars for application for registration of a retirement village scheme—Act, s 27

Schedule 1 prescribes, for section 27(2)(a)(v) of the Act, particulars of a retirement village scheme to accompany an application to register the scheme.

### 5 Details for residence contract—Act, s 45

Each of the following details is prescribed for section 45(1)(t) of the Act—

- (a) the name of the scheme and of the scheme operator and the scheme operator's address for service of documents;

[s 6]

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- (b) the name and address of the trustee who holds the amount of ingoing contribution during the cooling-off period;
- (c) how the resident may rescind the residence contract under the Act by giving written notice to the scheme operator;
- (d) the services to be supplied to the resident, including—
  - (i) services funded from the general services charge; and
  - (ii) services funded from the personal services charge; and
  - (iii) services, if any, available on a fee-for-service basis;
- (e) if a trustee mentioned in section 46(1) of the Act must hold an amount of ingoing contribution until a day when a condition precedent mentioned in section 46(3)(a) of the Act is fulfilled—the condition precedent.

## **6 Information to be contained in village comparison document—Act, s 74**

- (1) This section and schedule 2 prescribe, for section 74(2)(b) of the Act, information to be contained in a village comparison document for a retirement village scheme.
- (2) A village comparison document must not contain information about more than 1 retirement village scheme.

## **7 Information to be contained in prospective costs document—Act, s 75**

- (1) This section and schedule 3 prescribe, for section 75(2)(b) of the Act, information to be contained in a prospective costs document for a prospective resident of a retirement village.
- (2) A prospective costs document may only relate to—
  - (a) 1 residence contract; and

- (b) the accommodation unit in which the prospective resident is to reside under the residence contract; and
- (c) the retirement village where the accommodation unit is situated.

## **8 Waiver given under Act, s 84**

A waiver given under section 84(3) of the Act in relation to a residence contract must contain the particulars stated in schedule 4.

*Note—*

See also section 84(4)(b) of the Act.

# **Part 3 Condition reports**

## **Division 1 Entry condition reports**

### **9 Application of division—Act, s 76**

This division prescribes, for section 76(2)(a) of the Act, how a condition report mentioned in that section (an *entry condition report*) must be completed.

### **10 Completion of entry condition report**

The person who carries out the inspection to which the entry condition report relates must complete the report to the best of the person's knowledge.

### **11 Content of entry condition report**

- (1) The entry condition report must—
  - (a) identify—
    - (i) the accommodation unit to which the report relates; and

- (ii) the retirement village where the accommodation unit is situated; and
    - (iii) the prospective resident of the accommodation unit; and
    - (iv) the scheme operator of the scheme for the retirement village; and
    - (v) the person who carries out the inspection; and
  - (b) state—
    - (i) the date the inspection is carried out; and
    - (ii) the date the report is completed; and
    - (iii) the date the report is given to the prospective resident; and
    - (iv) whether the inspection was carried out in the presence of the prospective resident or a person acting for the prospective resident; and
  - (c) describe in detail—
    - (i) the condition of the accommodation unit, including each room in the unit; and
    - (ii) the condition of anything included with the accommodation unit under the residence contract for the unit; and
    - (iii) anything in, on or otherwise part of the accommodation unit whose condition is not the responsibility of the prospective resident; and
    - (iv) if the scheme operator agrees to carry out repairs to the accommodation unit—the repairs, including the date of completion for the repairs.
- (2) If the approved form for the entry condition report requires a date relating to a particular matter to be stated in the report, the person completing the report must—
- (a) if the person knows the date—insert the date; or
  - (b) otherwise—



- (i) insert an approximate date; and
  - (ii) indicate in the report that the inserted date is approximate.
- (3) The scheme operator is not exempted from complying with subsection (1) by including with the entry condition report a document, or a copy of a document, providing for a matter mentioned in that subsection.

## **12 Completion of inspection and report in prospective resident's absence**

If the prospective resident gives written consent under section 76(3) of the Act in relation to the inspection, the scheme operator must include with the entry condition report a copy of the written consent.

## **Division 2 Exit condition reports**

### **13 Application of division—Act, s 77**

This division states requirements for a condition report mentioned in section 77(1)(a) of the Act (an *exit condition report*).

### **14 Completion of exit condition report**

The person who carries out the inspection to which the exit condition report relates must complete the report to the best of the person's knowledge.

### **15 Content of exit condition report**

- (1) The exit condition report must—
- (a) identify—
    - (i) the accommodation unit to which the report relates; and

- (ii) the retirement village where the accommodation unit is situated; and
    - (iii) the former resident of the accommodation unit; and
    - (iv) the scheme operator of the scheme for the retirement village; and
    - (v) the person who carries out the inspection; and
  - (b) state—
    - (i) the resident's termination date for the accommodation unit; and
    - (ii) the date the inspection is carried out; and
    - (iii) the date the report is completed; and
    - (iv) the date the report is given to the former resident; and
  - (c) describe in detail—
    - (i) the condition of the accommodation unit, including each room in the unit; and
    - (ii) the condition of anything in, on or otherwise part of the accommodation unit whose condition is the responsibility of the former resident; and
    - (iii) any renovation or change to the accommodation unit carried out while the former resident resided in the unit; and
    - (iv) the extent to which a renovation or change mentioned in subparagraph (iii) was carried out with the scheme operator's agreement; and
    - (v) any reinstatement work for the accommodation unit the former resident agrees to carry out.
- (2) If the approved form for the exit condition report requires a date to be stated in the report, the person completing the report must—
- (a) if the person knows the date—insert the date; or
  - (b) otherwise—

- (i) insert an approximate date; and
  - (ii) indicate in the report that the inserted date is approximate.
- (3) The scheme operator is not exempted from complying with subsection (1) by including with the exit condition report a document providing for a matter mentioned in that subsection.

## **Part 4                      Operational documents**

### **16            Prescription of operational documents relating to operation of retirement village scheme—Act, s 85**

- (1) This section and schedule 5 prescribe, for section 85(1) of the Act, operational documents, relating to the operation of a retirement village scheme, that may be accessed under section 85 of the Act.
- (2) The scheme operator's copy of each of the following is prescribed as an operational document, relating to the operation of a retirement village scheme, that may be accessed under section 85 of the Act by a resident of the retirement village to which the scheme relates—
  - (a) a residence contract the resident and scheme operator have entered into;
  - (b) a public information document relating to a residence contract mentioned in paragraph (a).

## **Part 5                      Fees**

### **17            Fees**

- (1) The fees payable under the Act are stated in schedule 6.
- (2) A scheme operator must not charge a resident or prospective resident of a retirement village a fee for preparing or giving to

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the resident or prospective resident any of the following relating to the retirement village—

- (a) a village comparison document;
  - (b) a prospective costs document;
  - (c) a condition report;
  - (d) an operational document, other than an operational document prescribed under section 16(2).
- (3) Also, a scheme operator must not—
- (a) charge a resident of a retirement village a fee for preparing or giving to the resident the resident's copy of—
    - (i) a residence contract the resident and scheme operator have entered into; or
    - (ii) a public information document relating to a residence contract mentioned in subparagraph (i); or
  - (b) charge a prospective resident of a retirement village a fee for preparing or giving to the prospective resident a proposed residence contract for the prospective resident.

## **Part 6                      Repeal**

### **18            Repeal**

The Retirement Villages Regulation 2010, SL No. 207 is repealed.

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## **Schedule 1      Particulars of a retirement village scheme to accompany application for registration**

section 4

### **Identifying particulars**

- 1 the name of the retirement village scheme
- 2 the location, or proposed location, of the retirement village to which the scheme relates
- 3 the following particulars about the scheme operator of the scheme and the manager of the retirement village—
  - (a) name, address and contact details;
  - (b) if the scheme operator or manager is an individual—date and place of birth;
  - (c) if the scheme operator or manager is a corporation—
    - (i) the name and address of each director; and
    - (ii) the date and place of birth of each director;
  - (d) address for service of documents

### **Retirement village land and facilities**

- 4 a copy of a current title search, issued by the department administering the *Land Title Act 1994*, for retirement village land used, or to be used, for the retirement village
- 5 details of any unregistered interest or encumbrance affecting the retirement village land
- 6 details of facilities on, or to be constructed on, the retirement village land

Schedule 1

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- 7 details of any facilities or retirement village land that will not be for the exclusive use or enjoyment of residents of the retirement village
- 8 details of any restrictions on the use or enjoyment of facilities or retirement village land by residents of the retirement village
- 9 if the retirement village land is used, or is to be used, for any other purpose in addition to its use as a retirement village—
- (a) a description of the other purpose; and
- Examples of other purposes—*
- aged care facility, retail business, medical centre
- (b) details of any of the following entered into, or to be entered into, in relation to the other purpose—
- (i) a lease;
- (ii) another commercial arrangement or transaction
- Examples of a commercial arrangement—*
- mortgage, rent holiday
- Examples of a transaction—*
- taking out or settling a loan, entering into an insurance contract
- 10 if premises on the retirement village land are used, or are to be used, as a residence, other than under a residence contract or under section 70B of the Act— details of any residential tenancy agreement entered into, or to be entered into, for the premises

### Documents and forms

- 11 a copy of any floor plan or map used, or to be used, in relation to the retirement village or retirement village land
- 12 a copy of any building management statement under the *Land Act 1994* or *Land Title Act 1994* used, or to be used, in relation to the retirement village land

- 13 a copy of an instrument used, or to be used, as a template for—
  - (a) an application form to be completed by a resident or prospective resident of the retirement village; or
  - (b) a residence contract relating to the retirement village; or
  - (c) a lease to be entered into by a resident or prospective resident of the retirement village
- 14 a copy of any lease between the owner of the retirement village land and the scheme operator, or between the scheme operator and the manager of the retirement village, relating to the retirement village land
- 15 for each quantity surveyor's written report obtained in relation to the retirement village under section 92 or 98 of the Act—
  - (a) the name and address of the quantity surveyor who prepared the report; and
  - (b) a copy of the report
- 16 a copy of the first capital replacement fund budget to be adopted in relation to the retirement village's capital items
- 17 a copy of the first maintenance reserve fund budget to be adopted in relation to the retirement village's capital items
- 18 a copy of the first general services charges budget to be adopted for the retirement village

### **Personal services**

- 19 for any personal service to be supplied or made available to residents at the retirement village—
  - (a) details of the personal service; and
  - (b) a copy of any contract between the provider of the service and the scheme operator

- 20 a copy of any contract or service agreement entered into, or to be entered into, by a resident for a personal service mentioned in item 19.

### **Charges, costs and fees**

- 21 a description of how each of the following for the scheme is to be decided by the scheme operator—
- (a) maintenance reserve fund contributions;
  - (b) charges for general services for the retirement village
- 22 a description of any charge, cost or fee payable by a resident in relation to a contract or service agreement mentioned in item 20
- 23 details of any other charge, cost or fee—
- (a) for which a resident of the retirement village could be liable; and
  - (b) that is not contained in the village comparison document for the scheme

### **Miscellaneous**

- 24 details of the development approvals required and obtained for the planning and construction of the retirement village
- 25 details of the insurance for the retirement village required under section 110 of the Act



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## Schedule 2 Information to be contained in village comparison document

## section 6

### Statements

- 1 a statement to the effect that it is important for the prospective resident to whom the village comparison document is given to—
  - (a) obtain independent legal advice about the contracts the prospective resident may have to enter into; and
  - (b) understand the financial commitment involved in entering, living in and leaving the retirement village to which the document relates
- 2 a statement about when the scheme operator must give the prospective resident a copy of the village comparison document under section 74(6)(c) of the Act
- 3 a statement to the effect that—
  - (a) the scheme operator can not reserve access to aged care in an aged care facility for residents of the retirement village; and
  - (b) to be eligible to receive residential care in an aged care facility, a person must be approved to receive that care under the *Aged Care Act 1997* (Cwlth)
- 4 a statement that the information contained in the village comparison document is correct as at the date stated in the document

### Identifying information

- 5 the name and address of the retirement village
- 6 the name, ACN (if any) and address of each owner of retirement village land used, or to be used, for the retirement village, other than a resident of the retirement

- village whose only interest in the land is a right to reside, or a freehold interest, in an accommodation unit
- 7 the following information about the scheme operator—
- (a) name, ACN (if any) and contact details;
  - (b) the date the scheme operator starts, or is to start, to control the scheme's operation
- 8 the following information relating to the manager of the retirement village—
- (a) name, ACN (if any) and contact details;
  - (b) details of the availability for residents of the manager or an employee or agent of the manager

### **Accommodation units**

- 9 the following information about accommodation units in the retirement village—
- (a) the types of tenure or interest residents of the retirement village can obtain in the units;
  - (b) the types of units;
  - (c) the number of units of each type;
  - (d) any design features of units relating to access by persons with a disability
- 10 details of reinstatement work or renovation work for which former residents of the retirement village can be responsible under residence contracts for the village
- 11 details of whether residents and the scheme operator share any capital gain or capital loss on the sale of residents' interests in accommodation units in the retirement village and, if so, how it is to be shared
- 12 details of the following in relation to an exit entitlement for which the scheme operator may be liable—
- (a) the circumstances in which the scheme operator must pay the entitlement;
  - (b) how the entitlement is worked out;

- 
- (c) when the scheme operator must pay the entitlement under section 63 of the Act
- 13 the number of accommodation units in the retirement village that were vacant at the end of the most recent financial year
- 14 the number of rights to reside in accommodation units in the retirement village sold within the most recent financial year
- 15 the average number of months from a termination date it has taken to sell a right to reside in an accommodation unit in the retirement village—
- (a) if the retirement village scheme for the village has been registered for at least 3 financial years—calculated for accommodation units sold during the 3 most recent financial years; or
- (b) if the retirement village scheme for the village has been registered for at least 2, but less than 3, financial years—calculated for accommodation units sold during the financial years; or
- (c) if the retirement village scheme for the village has been registered for at least 1, but less than 2, financial years—calculated for accommodation units sold during the financial year

## Services

- 16 a description of each general service paid for as part of the general services charges for the retirement village
- 17 a description of each personal service supplied or made available to residents of the retirement village
- 18 a description of each repair or maintenance service operated or arranged by the scheme operator for the benefit of residents of the retirement village

### **Retirement village land and facilities**

- 19 details of any construction or redevelopment relating to the retirement village land, including details of any related development approval or development application
- 20 details of the following about facilities to be available to residents of the retirement village—
  - (a) each type of facility;
  - (b) restrictions on availability or use

### **Scheme funds**

- 21 if the scheme has been registered for at least 3 financial years—
  - (a) any surplus or deficit of general services charges for the retirement village, as at the end of each of the 3 most recent financial years; and
  - (b) the balance of, and any surplus or deficit of funds for, an administrative fund under a regulation module applying to a community titles scheme on the retirement village land, as at the end of each of the 3 most recent financial years; and
  - (c) the percentage by which a surplus, deficit or balance mentioned in paragraph (a) or (b) for a financial year has changed since the previous financial year
- 22 if the scheme has been registered for at least 2, but less than 3, financial years—
  - (a) any surplus or deficit of general services charges for the retirement village, as at the end of each of the 2 financial years; and
  - (b) the balance of, and any surplus or deficit of funds for, an administrative fund under a regulation module applying to a community titles scheme on the retirement village land, as at the end of each of the 2 financial years; and

- 
- (c) the percentage by which a surplus, deficit or balance mentioned in paragraph (a) or (b) for a financial year has changed since the previous financial year
- 23 if the scheme has been registered for at least 1, but less than 2, financial years—
- (a) any surplus or deficit of general services charges for the retirement village, as at the end of the financial year; and
  - (b) the balance of, and any surplus or deficit of funds for, an administrative fund under a regulation module applying to a community titles scheme on the retirement village land, as at the end of the financial year
- 24 if the scheme has been registered for at least 1 financial year—the balance of each of the following funds, as at the end of the most recent financial year—
- (a) the maintenance reserve fund for the retirement village;
  - (b) the capital replacement fund for the retirement village;
  - (c) any sinking fund under a regulation module applying to a community titles scheme on the retirement village land
- 25 if the scheme has been registered for at least 1 quarter, but less than 1 financial year—the balance of each fund mentioned in item 24, as at the end of the most recent quarter
- 26 the capital replacement fund contribution for the scheme

### **Charges, costs and fees**

- 27 the scheme operator's best estimate of the lowest and highest ingoing contributions payable under a residence contract for each type of accommodation unit in the retirement village

Schedule 2

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- 28 details of any charge, cost or fee, other than an ingoing contribution, the prospective resident may have to pay to become a resident of the retirement village
- 29 details of any financial option or model available under a residence contract for the payment of an ingoing contribution, charge, cost or fee
- 30 the following information for each type of accommodation unit in the retirement village—
  - (a) any amount payable, calculated on a weekly basis, by a resident of a unit of that type for a maintenance reserve fund contribution or general services charge;
  - (b) any amount payable, calculated on a weekly basis, by a resident who has a freehold interest in a unit of that type, in relation to an administrative fund or sinking fund under a regulation module applying to a community titles scheme on the retirement village land
- 31 if the scheme has been registered for at least 3 financial years—the following information for each of the 3 most recent financial years—
  - (a) the highest, and lowest, amount mentioned in item 30(a) for the retirement village;
  - (b) the highest, and lowest, amount mentioned in item 30(b) for the retirement village;
  - (c) the percentage by which an amount mentioned in paragraph (a) or (b) for a financial year has changed since the previous financial year
- 32 if the scheme has been registered for at least 2, but less than 3, financial years—the following information for each of the 2 financial years—
  - (a) the highest, and lowest, amount mentioned in item 30(a) for the retirement village;
  - (b) the highest, and lowest, amount mentioned in item 30(b) for the retirement village;

- 
- (c) the percentage by which an amount mentioned in paragraph (a) or (b) for a financial year has changed since the previous financial year
- 33 if the scheme has been registered for at least 1, but less than 2, financial years—the following information for the financial year—
- (a) the highest, and lowest, amount mentioned in item 30(a) for the retirement village;
- (b) the highest, and lowest, amount mentioned in item 30(b) for the retirement village
- 34 details of any charge, cost or fee a resident of the retirement village may have to pay for repairs to, or maintenance or replacement of, items in, on or attached to an accommodation unit
- 35 the following information about an exit fee for which a resident of the retirement village may be liable—
- (a) the circumstances in which the resident must pay the exit fee;
- (b) how the exit fee is worked out;
- (c) the highest and lowest amounts the exit fee can be
- 36 details of any cost, charge or fee, other than an exit fee, for which a resident of the retirement village may be liable when the resident's right to reside in an accommodation unit ends
- 37 whether, and the extent to which, a resident can, under a residence contract, be liable to pay for reinstatement work mentioned in item 10
- 38 details of any charge, cost or fee payable in relation to a service mentioned in item 17 or 18
- 39 any charge, cost or fee that may be payable in relation to a facility for the retirement village that is not part of the general services charges for the retirement village
- 40 details of any charge, cost or fee payable under a policy mentioned in item 53

### **Miscellaneous**

- 41 age limits for residents of the retirement village
- 42 details of whether an aged care facility is located on or adjacent to the retirement village land and, if so, the name of the facility and its approved provider
- 43 details of home care the scheme operator can provide to residents of the retirement village
- 44 details of any system or equipment kept at the retirement village for safety or emergency assistance  
*Examples of equipment kept at a retirement village for safety or emergency assistance—*
  - first aid kit, defibrillator
- 45 details of the following in relation to any settling in or trial period, however described, for a resident of the retirement village under a residence contract—
  - (a) the length of the period;
  - (b) any condition relating to the settling in or trial;
  - (c) any charge, cost or fee associated with the settling in or trial
- 46 details of car parking arrangements for residents of, and visitors to, the retirement village
- 47 details of whether residents can keep pets at the retirement village, including any restrictions
- 48 details of any restrictions or conditions on visiting or staying with residents of the retirement village
- 49 details of whether there are by-laws made for the retirement village under section 130 of the Act
- 50 details of whether a residents committee has been established for the retirement village under section 127 of the Act
- 51 details of the insurance for which a resident is responsible
- 52 details of whether the retirement village is voluntarily accredited under an industry-based accreditation scheme



- 53 details of any waiting list policy, however described, for prospective residents of the retirement village
- 54 a list of the operational documents, relating to the operation of the scheme, that may, under section 85 of the Act, be accessed free of charge
- 55 a reference to sources of information or advice about retirement villages, including the sources on the department's website

## **Schedule 3      Information to be contained in prospective costs document**

section 7

### **Statements**

- 1 a statement about when the scheme operator of the scheme for the retirement village must give the prospective resident a copy of the prospective costs document under sections 75(3) and 84(5) of the Act
- 2 a statement of the purpose of the prospective costs document
- 3 a statement to the effect that the prospective resident should—
  - (a) obtain independent legal advice about any contracts the prospective resident may have to enter into; and
  - (b) understand the financial commitment involved in entering, living in and leaving the retirement village

### **Identifying information**

- 4 the name and address of the retirement village
- 5 the name, address and contact details of the prospective resident

### **Accommodation unit and retirement village land**

- 6 the address of the accommodation unit to which the prospective costs document relates
- 7 the following information about the accommodation unit—
  - (a) the type and layout of the unit;

- 
- (b) the type of tenure or interest the prospective resident is to obtain in the unit;
  - (c) any design features of the unit relating to access by persons with a disability;
  - (d) the fixtures, fittings and furnishings to be included with the unit
- 8 details of car parking arrangements for the prospective resident
- 9 the following information for retirement village land used, or to be used, for the retirement village—
- (a) the real property description;
  - (b) whether, and for whom, either of the following affects the land—
    - (i) a statutory charge under part 6 of the Act;
    - (ii) any other interest or encumbrance

### **Charges, costs and fees**

- 10 the amounts of the following—
- (a) any charge, cost or fee the prospective resident may have to pay to become a resident of the retirement village;
  - (b) any ongoing charge, cost or fee the prospective resident may have to pay while residing in the retirement village
- 11 the following information about the prospective resident's liabilities on the termination of the prospective resident's right to reside in the accommodation unit under a residence contract—
- (a) whether an exit fee is payable under the contract, and if so, details of how the exit fee is to be worked out, including an estimate of—
    - (i) the fee after 1, 2, 5 and 10 years of residence; and

- (ii) the lowest and highest amounts the fee can be;
  - (b) whether, and the extent to which, the prospective resident can, under a residence contract, be liable to pay for reinstatement work or renovation work for the accommodation unit
  - (c) for any charge, cost or fee the prospective resident may have to pay in relation to the sale of the prospective resident's right to reside or freehold interest in the accommodation unit—
    - (i) the amount of the charge, cost or fee; and
    - (ii) the extent to which the charge, cost or fee is to be deducted from any exit entitlement payable to the prospective resident;
  - (d) any other charge, cost or fee, whether ongoing or not, the prospective resident may have to pay under the contract
- 12 for any exit entitlement relating to the accommodation unit—
  - (a) the scheme operator's best estimate of the entitlement; and
  - (b) details of how the entitlement is to be worked out, including—
    - (i) the scheme operator's best estimate of the entitlement after 1, 2, 5 and 10 years of residence; and
    - (ii) any cost, charge or fee to be deducted from the entitlement; and
  - (c) when the entitlement is payable

### **Miscellaneous**

- 13 details of any current insurance policy relating to the retirement village taken out by the scheme operator

- 14 details of whether the prospective resident and the scheme operator are to share any capital gain or capital loss on selling the prospective resident's interest in the accommodation unit, and if so, how it is to be shared
- 15 a list of the operational documents for the scheme that may, under section 85 of the Act, be accessed free of charge
- 16 a declaration, signed and dated by the scheme operator, that the information contained in the prospective costs document is correct as at that date

## **Schedule 4      Particulars to be contained in waiver given under Act, s 84**

### section 8

- 1 the name of the retirement village to which the residence contract relates
- 2 the address of the accommodation unit to which the residence contract relates
- 3 the name of the person giving the waiver
- 4 the name of the Queensland lawyer giving advice to the person about entering into the residence contract
- 5 a statement to the effect that—
  - (a) the lawyer is a Queensland lawyer; and
  - (b) in relation to the residence contract, the lawyer is acting solely for the person giving the waiver
- 6 a statement to the effect that the lawyer has given legal advice to the person about the following matters—
  - (a) giving the waiver;
  - (b) the type of tenure or interest a resident of the accommodation unit obtains in the unit;
  - (c) the charges, costs or fees a person may have to pay to become a resident of the retirement village;
  - (d) the ongoing charges, costs or fees a person may have to pay while residing in the retirement village;
  - (e) selling a person's right to reside or freehold interest in the accommodation unit;
  - (f) the charges, costs or fees for which a person may be liable if the person's right to reside or freehold interest in the accommodation unit is terminated or disposed of;

- (g) the exit entitlement for which the scheme operator may be liable if a person's right to reside or freehold interest in the accommodation unit is terminated or disposed of;
  - (h) the sharing between a person and the scheme operator of capital gain or capital loss on selling the person's interest in the accommodation unit;
  - (i) the extent to which a person indemnifies the scheme operator under the residence contract and any effect an indemnity may have on the person's rights under insurance policies relating to the retirement village;
  - (j) any other right or obligation of a person in relation to the accommodation unit or retirement village
- 7 a statement to the effect that the lawyer is satisfied the person, in deciding whether to sign the waiver and residence contract, acted freely and without compulsion
- 8 a statement to the effect that the lawyer—
- (a) has not given the person financial advice in relation to the residence contract; and
  - (b) recommends the person seek independent financial advice in relation to the residence contract.

## Schedule 5 Operational documents

section 16(1)

- 1 the registration certificate given for the scheme under section 28(4) of the Act
- 2 a certificate of title or current title search for the retirement village land to which the scheme relates
- 3 a site plan for the retirement village to which the scheme relates
- 4 a plan showing the location, floor plan or dimensions of an accommodation unit in the retirement village
- 5 a plan relating to an accommodation unit or facility being constructed on the retirement village land
- 6 a development approval relating to construction or redevelopment of all or part of the retirement village
- 7 a statement showing the following, as at the end of any of the 3 most recent financial years—
  - (a) the balance of the capital replacement fund or maintenance reserve fund for the retirement village;
  - (b) income and expenditure relating to general services for the retirement village;
  - (c) the balance of an administrative fund or sinking fund under a regulation module applying to a community titles scheme on the retirement village land
- 8 an instrument used as a template for a written contract a resident or prospective resident of the retirement village has entered, or may be required to enter, into

*Example—*  
standard form draft residence contract
- 9 a policy of insurance under which the retirement village is insured under section 110 of the Act



- 10 a certificate of currency of insurance for a policy of insurance mentioned in item 9
- 11 a by-law made under section 130 of the Act that is in force
- 12 an annual financial statement presented, under section 131 of the Act, at the most recent annual meeting of the residents of the retirement village
- 13 a document describing any policy or procedure for mediating retirement village disputes for the retirement village under part 9 of the Act
- 14 a current public information document, continued in effect under section 237I of the Act in relation to the scheme, that is in effect

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## Schedule 6 Fees

section 17

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1 Application for registration of a retirement village scheme (Act, s 27(2)(c))	2,335.05
2 Register for retirement village schemes—	
(a) inspection of the register (Act, s 35(4)(a))	20.85
(b) obtaining a certified copy of an extract from, or details in, the register (Act, s 35(4)(b))—	
(i) for the first page	22.90
(ii) for each additional page	1.60
(c) obtaining an uncertified copy of an extract from, or details in, the register (Act, s 35(4)(b))—for each page	1.60
3 Inspection or taking a copy of the scheme operator's copy of either of the following (Act, s 85(3)(c))—	
(a) a residence contract the resident and scheme operator have entered into	88.95
(b) a public information document relating to a residence contract mentioned in paragraph (a)	53.20

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## Schedule 7 Dictionary

### section 3

***aged care facility*** means a facility at which residential care is provided by an approved provider under the *Aged Care Act 1997* (Cwlth).

***capital replacement fund budget*** see section 93 of the Act.

***community titles scheme*** means a community titles scheme within the meaning of the *Body Corporate and Community Management Act 1997*.

***development application*** see the *Planning Act 2016*, schedule 2.

***development approval*** see the *Planning Act 2016*, section 49(1).

***entry condition report***, for part 3, division 1, see section 9.

***exit condition report***, for part 3, division 2, see section 13.

***general services charges budget*** see section 102A(1) of the Act.

***home care*** has the meaning given by the *Aged Care Act 1997* (Cwlth).

***lease*** includes an instrument of lease under the *Land Title Act 1994*, whether or not the instrument is registered under that Act.

***maintenance reserve fund budget*** see section 99 of the Act.

***redevelopment***, of a retirement village, includes—

- (a) the construction or demolition of an accommodation unit in the retirement village; and
- (b) the construction or demolition, or the expansion or reduction in size or area, of a building or structure located in the retirement village, other than works of a minor nature; and

*Example of works of a minor nature—*

the construction or demolition of a shed or similar structure

- (c) the expansion or reduction in size or area of the retirement village; and
- (d) a change of the use, other than a minor change, of a building or structure located in the retirement village.

*Example of a minor change of use—*

a change of use of a shed or similar structure

***regulation module*** see the *Body Corporate and Community Management Act 1997*, section 21.

***renovation work*** see section 59A(7) of the Act.

***residential tenancy agreement*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12.

***termination date*** see section 56 of the Act.