



Retirement Villages Act 1992

**Retirement Villages Amendment
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Retirement Villages Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 April 2016.

3. Regulations amended

These regulations amend the *Retirement Villages Regulations 1992*.

4. Regulation 4A amended

In regulation 4A insert in alphabetical order:

related body corporate has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;

short-term residence contract means a residence contract that —

- (a) has a term of 12 months or less; and

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- (b) does not require a payment of a total amount of more than \$1 500 to the administering body of a retirement village in consideration for, or in contemplation of, admission of a person as a resident of the retirement village;

5. Regulation 4 replaced

Delete regulation 4 and insert:

4. Section 13 statement

- (1) At least 10 working days before a person enters into a residence contract, the owner must cause to be given to that person —
 - (a) if the residence contract is not a short-term residence contract, a statement in the form of Form 1 in Schedule 1; or
 - (b) if the residence contract is a short-term residence contract, a statement in the form of Form 1A in Schedule 1.
- (2) The owner, or person authorised to act on behalf of the owner, must complete and sign the information required to be provided under Form 1 or Form 1A.

6. Regulation 7A amended

- (1) In regulation 7A delete “A residence” and insert:
 - (1) A residence

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(2) At the end of regulation 7A insert:

- (2) However, the matter listed in item 11 of the Table to subregulation (1) does not apply to a residence contract if the residence contract is a short-term residence contract.

7. Regulation 7C amended

(1) In regulation 7C delete “A residence” and insert:

- (1) A residence

(2) At the end of regulation 7C insert:

- (2) However, the matter listed in item 2 of the Table to subregulation (1) does not apply to a residence contract if the residence contract is a short-term residence contract.

8. Regulation 7D amended

(1) At the beginning of regulation 7D insert:

- (1) In this regulation —
associated person, in relation to an administering body, means a person who is —
- (a) an employee of the administering body; or
 - (b) a person concerned with the administration of the administering body; or
 - (c) a related body corporate.

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(2) In regulation 7D delete “A residence” and insert:

(2) A residence

(3) In regulation 7D in the Table delete item 3(b) and insert:

- (b) the period of notice to be provided to the resident of the intention to withdraw or vary the service —
- (i) which must not be less than 30 days;
or
- (ii) which must be as soon as reasonably practicable if the administering body has engaged a person, who is not an associated person, to provide that service and that person has not provided the administering body with notice of the intention to withdraw or vary the service.

9. Regulation 7E amended

(1) In regulation 7E delete “A residence” and insert:

(1) A residence

(2) At the end of regulation 7E insert:

(2) However, the matter listed in item 2 of the Table to subregulation (1) does not apply to a residence contract if the residence contract is a short-term residence contract.

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(1) In regulation 7F delete “A residence” and insert:

(1) A residence

(2) At the end of regulation 7F insert:

(2) However, the provisions or matters listed in items 1, 2, 5(b)(ii), 6 and 7 of the Table to subregulation (1) do not apply to a residence contract if the residence contract is a short-term residence contract.

11. Regulation 7G amended

(1) In regulation 7G delete “A residence” and insert:

(1) A residence

(2) At the end of regulation 7G insert:

(2) However, the provisions listed in items 1 and 3 of the Table to subregulation (1) do not apply to a residence contract if the residence contract is a short-term residence contract.

12. Regulation 7I amended

(1) In regulation 7I(1) delete the definition of *related body corporate*.

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- (2) In regulation 7I(1) in the definition of *power of attorney* delete “section 102;” and insert:

section 102.

13. Regulation 13 inserted

At the end of Part 4 insert:

13. Transitional provision — section 13 statement

- (1) In this regulation —
- commencement day* means the day on which the *Retirement Villages Amendment Regulations 2016* regulation 5 comes into operation;
- new section 13 statement* means the statement in the form of Form 1 in Schedule 1;
- previous section 13 statement* means the statement in the form of Form 1 in Schedule 1 immediately before commencement day;
- short-term section 13 statement* means the statement in the form of Form 1A in Schedule 1;
- transitional period* means the period beginning on commencement day and ending on 30 June 2016.
- (2) During the transitional period, an owner complies with regulation 4 if the owner gives to a person entering into a residence contract —
- (a) the previous section 13 statement; or
 - (b) the new section 13 statement; or
 - (c) if the residence contract is a short-term residence contract, the short-term section 13 statement.

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14. Schedule 1 amended

In Schedule 1 delete Form 1 and insert:

Form 1

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Information statement for prospective resident

Under the *Retirement Villages Act 1992* section 13(2) the owner of residential premises in a retirement village is required to provide the following information to a person at least 10 working days before that person enters into a residence contract.

THE OWNER MUST ANSWER EACH OF THE FOLLOWING QUESTIONS IN WRITING BELOW EACH QUESTION —

Declaration by the owner	
I <i>[name]</i> :	
of <i>[address]</i> :	
being the owner, or a person authorised to act on behalf of the owner of	
.....	
<i>[retirement village]</i> , certify that the information contained herein is to the best of my knowledge correct.	
.....
<i>[Signature]</i>	<i>[Date]</i>

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Before signing a residence contract it is important that you:

- understand the enclosed information and its implications;
- read all the terms of the contract;
- seek independent legal advice, particularly if unsure about any details in the contract;
- understand the legal basis of occupancy (e.g. a person who signs a lease does not own the premises);
- understand the financial commitments involved, and in particular entry fees, ongoing costs, and exit fees;
- consider whether you have had satisfactory responses to any questions you ask;
- consider whether communal living in a retirement village is right for you.

Disclosure statement for prospective resident

The owner, or a person authorised to act on behalf of the owner, must complete all sections of this disclosure statement in writing.

1. Retirement Village		
A	Name of the retirement village	Name:
B	Address of the retirement village	Address:
C	Has this village commenced operation?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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D	<p>In which year was this village first constructed?</p> <p>Construction of subsequent completed stages:</p> <p>If the construction of the village is still to be completed, provide estimated completion dates for each stage still to be constructed:</p>	<p>Construction of the first stage was completed in [year]</p> <p>[Insert stage number(s) and year(s) of completion]</p> <p>.....</p> <p>.....</p> <p>[Insert stage number(s) and estimated date(s) for completion]</p> <p>.....</p> <p>.....</p>
E	<p>Aged care facility</p> <p>Is there an aged care facility adjacent to the village?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>Important notice to prospective residents: The administering body cannot guarantee a resident a place in an aged care facility. To enter an aged care facility, a resident must be assessed as eligible through an aged care assessment in accordance with the <i>Aged Care Act 1997</i> (Commonwealth).</p>		
<p>2. Owner/administering body/management of the retirement village</p>		
A	<p>Owner: details of the owner of the land on which the retirement village facilities are located (individual/company/organisation):</p>	<p>Name:</p> <p>ABN:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>

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B	<p>Administering body: if the village is administered by a person or entity other than the owner of the land, the details of that individual/company/organisation:</p>	<p>Name:</p> <p>ABN:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>
C	<p>Management representative:</p> <p>Is there a management representative available to residents?</p> <p><input type="checkbox"/> Yes</p> <p style="padding-left: 40px;"><input type="checkbox"/> Located onsite at the village</p> <p style="padding-left: 40px;"><input type="checkbox"/> Located offsite</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide details of when the manager is available onsite and how the manager can be contacted when not onsite including before, during and after working hours:</i></p> <p>.....</p> <p>.....</p> <p>Name:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>
<p>3. Nature of residential premises (specific to the prospective resident)</p>		
A	<p>The type of residential premises is:</p>	<p><i>Tick the type of residential premises the prospective resident proposes to occupy:</i></p> <p><input type="checkbox"/> Bedsitter</p> <p><input type="checkbox"/> One-bedroom</p> <p><input type="checkbox"/> Two-bedroom</p> <p><input type="checkbox"/> Three-bedroom</p> <p><input type="checkbox"/> Other [specify type]</p>

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<p>B</p>	<p>The nature of the prospective resident’s occupancy right in relation to the residential premises that the resident proposes to occupy is:</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> Lease, licence, rental (non-owner resident)</p> <p><input type="checkbox"/> Lease for life</p> <p><input type="checkbox"/> Lease/Licence to occupy (long-term) <i>[state term]</i></p> <p><input type="checkbox"/> Fixed term rental (short-term) <i>[state term]</i></p> <p><input type="checkbox"/> Periodic rental (short-term) <i>[state term]</i></p> <p><input type="checkbox"/> Strata title (owner resident)</p> <p><input type="checkbox"/> Purple title (owner resident/tenant in common)</p> <p><input type="checkbox"/> Other <i>[specify details]</i></p>
<p>4. Parking amenities (specific to prospective resident’s proposed residential premises) visitors’ parking and parking for trailers, boats and caravans</p>		
<p>A</p>	<p>This section provides information about the garage and parking facilities that will be provided with the resident’s individual residential premises, along with details of parking for visitors, trailers, boats and caravans.</p>	

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<p>Will the prospective resident have a reserved garage and/or parking bay within the village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If no, what are the parking arrangements?</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Is there an additional amount payable to the premium or through recurrent charges to access garage or parking facilities?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Is there visitors parking available in the village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation of how much visitors parking is available:</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Is there trailer, boat and caravan parking available for the prospective resident to use?</p> <p><input type="checkbox"/> Yes (subject to availability)</p> <p><input type="checkbox"/> No</p>	<p>.....</p>

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	<p>Is there an additional amount payable for parking a trailer/boat/caravan?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>Are there any other arrangements in place for the parking of vehicles, trailers, boats or caravans?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>At Annexure A provide a plan of the village indicating the location of residents', visitors', and caravan and/or boat parking.</i></p>
<p>5. Premium (specific to the prospective resident) and other entry fees and charges ¹</p>		
<p>A</p>	<p>The prospective resident must pay the following entry amounts in relation to the proposed residential premises:</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> A premium ² of: \$.....</p> <p><input type="checkbox"/> fully refundable</p> <p><input type="checkbox"/> partially refundable</p> <p><input type="checkbox"/> non-refundable</p> <p><input type="checkbox"/> A deposit of: \$.....</p> <p><i>[Repayable if the contract is rescinded during the cooling off period under section 75(1)]</i></p>

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<p>B</p>	<p>Other entry amounts and charges payable in relation to the residential premises include:</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> Prepayment of a recurrent charge</p> <p><input type="checkbox"/> Transfer duty <i>[strata title/purple title]</i></p> <p><input type="checkbox"/> First instalment of any fortnightly/monthly charges <i>[number of weeks, months]</i></p> <p>.....</p> <p><input type="checkbox"/> Any other entry fees and charges <i>[Specify details, e.g. use of a garage or carport, strata title certificate fees, strata title levy adjustments, administration fee]</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>6. Ongoing amounts payable to the operator during occupation³ (specific to the prospective resident and the residential premises that the resident has expressed interest in)</p>		
<p>A</p>	<p>To live in the village, the prospective resident will be required to pay the following amounts:</p> <p><i>Tick whether the following amounts apply to:</i></p> <p><input type="checkbox"/> single occupant</p> <p><input type="checkbox"/> couple</p>	<p><i>Tick those costs that apply:</i></p> <p><input type="checkbox"/> Recurrent charges⁴ per <i>[week/fortnight/month]</i> \$.....</p> <p><input type="checkbox"/> Reserve fund⁵ charge per <i>[week/fortnight/month]</i> \$</p> <p><i>[Provide further information about reserve fund contributions at item 11]</i></p> <p><input type="checkbox"/> Any other charges per <i>[week/fortnight/month]</i> \$</p> <p><i>[specify other charges]</i> \$</p>

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	<input type="checkbox"/> not dependent on single / couple occupancy NB: The amount may vary each financial year depending on operating expenses.	<p>..... \$.....</p> <p>..... \$.....</p> <p>Total amount payable <i>[week/fortnight/month]</i> \$ </p>
<p>B</p>	<p>Other amounts ⁶ relating to the residential premises that are currently additional charges payable by the resident:</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> Contents insurance <i>[see also item 12]</i></p> <p><input type="checkbox"/> Council rates <i>[not applicable to all retirement villages ⁷]</i></p> <p><input type="checkbox"/> Other council charges ⁸</p> <p><input type="checkbox"/> Water rates</p> <p><input type="checkbox"/> Utilities (electricity and gas)</p>
<p>C</p>	<p>Is the resident responsible for repairs and maintenance to the residential premises during their occupation of the premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, briefly explain the resident's responsibilities including whether the resident is to organise the repairs and pay for the repairs:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

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D	<p><i>This item only applies to strata title villages.</i></p> <p>Is there a body corporate strata levy fee for the lot containing the residential premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If there is a body corporate strata levy fee for the lot containing the residential premises, tick each box that applies:</i></p> <p><input type="checkbox"/> The current body corporate strata levy fee for the lot containing the residential premises is per <i>[week/fortnight/month/quarter]</i> \$</p> <p>The body corporate strata levy fee is:</p> <p><input type="checkbox"/> incorporated as a separate item in the recurrent charges to be paid by the resident</p> <p><input type="checkbox"/> charged separately from the recurrent charges</p>
	<p>Do communal amenities form part of the common property in the village such that they are owned by the strata company?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If the communal amenities do not form part of the common property in the village, state who owns the lots containing those amenities:</i></p> <p>The communal amenities are on lots owned by:</p> <p><input type="checkbox"/> the administering body</p> <p><input type="checkbox"/> a third party</p> <p>Residents contribute to the body corporate strata levies payable in relation to the lots containing the communal amenities through:</p> <p><input type="checkbox"/> an item in the recurrent charges</p> <p><input type="checkbox"/> an amount that is charged separately</p> <p><input type="checkbox"/> the body corporate fee is included in the recurrent charges at item 6A</p>

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E	<p>How much have the recurrent charges, for the type of residential premises the prospective resident has expressed interest in, increased or decreased over the last 3 financial years ⁹?</p> <p><i>Specify if the amounts apply to a single occupant or to a couple or if not dependent on the number of occupants:</i></p> <p><input type="checkbox"/> Single occupant</p> <p><input type="checkbox"/> Couple</p> <p><input type="checkbox"/> Not dependent on single/couple occupancy</p> <p><i>[Insert in the Table below the dollar amount and percentage increase or decrease (whichever applies) for each of the last 3 financial years ¹⁰. An explanation may also be provided]</i></p> <p>.....</p> <p>.....</p> <p>.....</p>			
Financial Year	<i>e.g.</i> 2011/12	<i>e.g.</i> 2012/13	<i>e.g.</i> 2013/14	<i>e.g.</i> 2014/15
Recurrent charge				
Increase/decrease over previous financial year (\$)	N/A			
Increase/decrease over previous financial year (%)	N/A			

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F	<p>The total recurrent charges village residents have contributed towards operating expenses in the village and the amount of any increase or decrease in each of the last 3 financial years are set out in the following Table:</p> <p><i>[Insert in the Table below the dollar amount and percentage increase or decrease (whichever applies) for each of the last 3 financial years ¹¹. An explanation may also be provided]</i></p> <p>.....</p>			
Financial Year	<i>e.g.</i> 2011/12	<i>e.g.</i> 2012/13	<i>e.g.</i> 2013/14	<i>e.g.</i> 2014/15
Total Recurrent charges in the operating budget				
Increase/decrease over previous financial year (\$)	N/A			
Increase/decrease over previous financial year (%)	N/A			

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7 Exit fees ¹² and other exit related matters		
A	<p>Exit fees</p> <p>Are residents required to pay one or more exit fees after they have permanently vacated ¹³ their residential premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>When are the exit fees payable?</i></p> <p>.....</p> <p>.....</p> <p><i>Provide a short statement to describe the structure of each fee structure, including any formula that applies to calculate the amount payable and whether the maximum amounts payable are capped or uncapped so that it is clear the extent to which an exit fee will vary for example where it depends on the length of residency in the village:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
B	<p>Recurrent charges</p> <p>Are residents required to pay recurrent charges after permanently vacating?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Tick each box that applies:</i></p> <p>Recurrent charges must be paid until the earlier of:</p> <p>For owner residents:</p> <p><input type="checkbox"/> settlement of the residential premises or within 7 days of a new resident moving into the residential premises.</p> <p><input type="checkbox"/> other [<i>explain</i>]</p> <p>.....</p>

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		<p>For non-owner residents:</p> <p><input type="checkbox"/> 3 months after permanently vacating or evidence of death ¹⁴.</p> <p><input type="checkbox"/> another time (less than 3 months) specified in the contract [<i>specify timeframe</i>]</p>
<p>C</p>	<p>Refurbishment costs ¹⁵</p> <p>Do residents contribute in whole or part to the costs of refurbishment works to the residential premises when permanently vacating?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, explain how the extent of refurbishment work will be determined and assessed and whether resident contribution is in whole or in part:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>D</p>	<p>Reserve fund</p> <p>Do residents contribute to an exit fee contribution to a reserve/sinking fund when permanently vacating?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[Provide further information about reserve fund contributions at item 11]</i></p>	<p><i>If the village is strata titled, include information about whether or not there is one or more sinking fund operating in relation to the village, for example one relating to the retirement village scheme under the Retirement Villages Act and one relating to the common property under the Strata Titles Act:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

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E	<p>Other amounts deducted</p> <p>Are there any other amounts payable to the owner / administering body that will be deducted from the amount of premium repayable to the resident?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, list the expenses and if known, the amounts:</i></p>	
		Expenses	Amounts
<p>8. Arrangements for marketing, releasing or selling the residential premises</p>			
A	<p>Are residents liable to pay an amount towards expenses incurred for marketing, advertising, re-leasing or selling the residential premises that they occupied:</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 9]</i></p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> The administering body manages this process itself</p> <p><input type="checkbox"/> The administering body may appoint one or more real estate agents to re-lease/sell the residential premises on:</p> <p style="padding-left: 20px;"><input type="checkbox"/> an exclusive basis</p> <p style="padding-left: 20px;"><input type="checkbox"/> a non-exclusive basis</p> <p><input type="checkbox"/> Residents may appoint their own agent</p>	

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		<p><input type="checkbox"/> Residents may not appoint their own agent but may nominate an agent that may then be appointed by the administering body:</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>Provide a short statement to describe the fees structure, including any formula that applies to calculate the amount payable for marketing, advertising, releasing or selling the residential premises and whether the formula will vary according to, for example length of residency in the village:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>Explain any other arrangements that may apply to disposing of the residents interest in the retirement village:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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		<p>Does the resident have the right to agree/disagree regarding the amount set for the incoming premium (sale price/lease premium) payable for the residential premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>9. Repayment of whole or part of premium</p>		
<p>A</p>	<p>Are residents entitled to be repaid the whole or part of the premium (or other amounts) paid on entry after permanently vacating the residential premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 10A]</i></p>	<p>The administering body must pay the resident the following amounts:</p> <p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> the whole of the premium originally paid by the resident</p> <p><input type="checkbox"/> <i>[insert percentage]</i> of the premium originally paid by the resident</p> <p><input type="checkbox"/> the whole of any increase in the value of the residential premises</p> <p><input type="checkbox"/> <i>[insert percentage]</i> of any increase in the value of the residential premises</p> <p><input type="checkbox"/> the whole premium a new resident pays to secure a right to occupy the premises formerly occupied by the former resident</p> <p><input type="checkbox"/> <i>[insert percentage]</i> of the premium a new resident pays to secure a right to occupy the premises formerly occupied by the former resident</p>

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		<p><input type="checkbox"/> other arrangements:</p> <p><i>[Insert a short statement to explain the structure of any other amounts payable to the resident after the residential premises have been permanently vacated including any formula or method used to determine the amount payable]</i></p> <p>.....</p> <p>.....</p> <p>Less</p> <p><input type="checkbox"/> exit fees (referred to in item 7A-7D)</p> <p><input type="checkbox"/> any other fees/charges (referred to in item 7E)</p> <p><i>At Annexure B complete either Table A or Table B of a resident's estimated entitlements based on the resident permanently vacating after 1, 2, 5 and 10 years.</i></p>
B	<p>Is repayment subject to any precondition?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, tick each box that applies:</i></p> <p><input type="checkbox"/> Repayment is subject to the payment of a premium by a resident that wishes to occupy the residential premises of the former resident</p> <p><input type="checkbox"/> Repayment is subject to the administering body "buying back" the residential premises</p>

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<p>C</p>	<p>When is the administering body required to pay the resident?</p>	<p><i>Tick the box that applies:</i></p> <p>The resident is to be paid the amount owed by the administering body:</p> <p><input type="checkbox"/> within 45 days of the day on which the resident ceases to reside in the retirement village</p> <p><input type="checkbox"/> within 7 days of another person occupying the premises formerly occupied by the resident</p> <p><input type="checkbox"/> if another person does not occupy the premises formerly occupied by the resident, at another time specified in the residence contract being:</p> <p><i>[Insert details of when the resident will be paid the amount owed by the administering body]</i></p> <p>.....</p> <p>.....</p>
<p>10. Village operating funds ¹⁶</p>		
<p>A</p>	<p>What amounts are allocated in the village's operating budget for the current financial year?</p>	<p><i>Annexure C contains a copy of the village's operating budget for the current financial year.</i></p>

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<p>B</p>	<p>Did the village have an operating surplus/deficit in the last financial year for which a financial statement ¹⁷ has been provided to residents?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Tick the box that applies:</i></p> <p><input type="checkbox"/> The village operating surplus in the last financial year was: \$.....</p> <p><input type="checkbox"/> The village operating deficit in the last financial year was: \$.....</p> <p><i>[Comment on any specific surplus/deficit budget arrangements]</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>11. Reserve fund(s) ¹⁸</p>		
<p>A</p>	<p>Does the village have at least one reserve fund?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 12A]</i></p>	<p>If the village has more than one reserve fund state the types of reserve funds held:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Provide the total balance of each reserve fund at the end of the last financial year for which a financial statement has been provided to residents ¹⁹:</p> <p>\$.....</p> <p>\$.....</p> <p>\$.....</p>

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		<p>If the village does not have a reserve fund(s), briefly explain how the costs of capital works and maintenance are managed:</p> <p>.....</p> <p>.....</p>
<p>B</p>	<p>When do residents pay the reserve fund contribution?</p>	<p><i>Tick the box that applies:</i></p> <p><input type="checkbox"/> Via recurrent charges payable [specify weekly, fortnightly, monthly]</p> <p><input type="checkbox"/> On or after permanently vacating</p> <p><input type="checkbox"/> Both of the above</p>
<p>C</p>	<p>The amount payable to the reserve fund by the former resident after permanently vacating is worked out as follows:</p>	<p><i>Tick the box that applies:</i></p> <p><input type="checkbox"/> [insert number] % of:</p> <p><input type="checkbox"/> premium paid by exiting resident</p> <p><input type="checkbox"/> premium paid by next incoming resident</p> <p><input type="checkbox"/> Other basis [specify details]</p>

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12. Insurance				
A	<p>Does the administering body pass on the costs of insurance cover for the retirement village (listed at item 12C) to residents?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Tick the box that applies:</i></p> <p>If yes, insurance costs are paid via:</p> <p><input type="checkbox"/> recurrent charges</p> <p><input type="checkbox"/> a separate levy</p>		
B	<p>Are residents responsible for arranging any insurance cover for the residential premises that they occupy?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If yes, provide details of the types of insurance residents are responsible for arranging:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		
C	The retirement village is currently insured as follows:			
	Type of insurance	Maximum amount of insurance cover	Period of coverage	Excess payable in event of a claim
	Public liability			
	Workers compensation			
	Building (including refurbishment)			

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	Other <i>[specify type]</i>			
13. Communal amenities				
The following communal amenities ²⁰ are available for all residents to use. <i>Tick each box that applies:</i>				
<input type="checkbox"/> Club house/social centre <input type="checkbox"/> Separate amenities <input type="checkbox"/> Activities or games <input type="checkbox"/> Arts and crafts <input type="checkbox"/> Billiards <input type="checkbox"/> Gym <input type="checkbox"/> Men's shed/workshop <input type="checkbox"/> Bowling green <input type="checkbox"/> Tennis court	<input type="checkbox"/> Swimming pool <input type="checkbox"/> indoor <input type="checkbox"/> outdoor <input type="checkbox"/> heated <input type="checkbox"/> not heated <input type="checkbox"/> Spa <input type="checkbox"/> indoor <input type="checkbox"/> outdoor <input type="checkbox"/> heated <input type="checkbox"/> not heated <input type="checkbox"/> BBQ area outdoors <input type="checkbox"/> Restaurant <input type="checkbox"/> Dining room	<input type="checkbox"/> Library <input type="checkbox"/> Computer station <input type="checkbox"/> Place for worship <input type="checkbox"/> Medical consultation room <input type="checkbox"/> Shop <input type="checkbox"/> Hair salon <input type="checkbox"/> Beauty salon <input type="checkbox"/> Village bus <input type="checkbox"/> Other <i>[specify details]</i>		

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14. Communal and personal services		
A	This section provides information about the communal services ²¹ provided or made available to all residents in the village	<p><i>At Annexure D is a list of communal services currently provided or made available in the village (one per line). The services listed at items 15 and 16 do not have to be included in Annexure D.</i></p> <p><i>If communal services are not provided, make a statement to the effect that the administering body does not provide or make available any communal services in the village.</i></p>
B	This section provides information about the personal services that are currently provided or made available to residents on an individual basis	<p><i>At Annexure E is a list of personal services currently provided or made available in the village and the current fees charged for each service (one per line).</i></p> <p><i>If personal services are not provided, make a statement to the effect that the administering body does not provide or make available any personal services in the village.</i></p>
15. Security		
A	<p>Does the village have security arrangements in place for the communal areas²² of the village?</p> <p><input type="checkbox"/> Yes</p>	<p><i>If yes, the security arrangements include:</i></p> <p><input type="checkbox"/> Security alarm</p> <p><input type="checkbox"/> Locked gates</p> <p><input type="checkbox"/> CCTV</p> <p><input type="checkbox"/> Security guard on site</p>

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	<input type="checkbox"/> No <i>[If no, move to item 16A]</i>	<input type="checkbox"/> Other <i>[specify details]</i>
B	Is there any monitoring of the security arrangements listed above? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify details and frequency of monitoring:
<p>16. Emergency system</p>		
A	Does the village have an emergency call system operating in the village ²³ ? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>[If no, move to item 17A]</i>	If yes, provide details of the emergency call system, including the name of the current provider:
B	If yes, the current cost to residents of the emergency call system is recovered from residents via:	<input type="checkbox"/> Recurrent charges <input type="checkbox"/> Additional cost per <i>[week/fortnight/month]</i> \$.....

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C	The emergency call system is currently monitored between:	<input type="checkbox"/> 24 hours/7 days per week <input type="checkbox"/> am and pm <i>[number]</i> days per week
17. Resident restrictions		
A	Are there any restrictions on the use of residential premises or personal and community amenities in regard to:	<i>Tick each box that applies:</i> <input type="checkbox"/> Having someone else live with the resident? <input type="checkbox"/> Having a carer live with the resident? <input type="checkbox"/> Allowing a spouse or de facto partner to continue living in the village on the death of a resident? <input type="checkbox"/> Having visitors, including short-stay guests? <input type="checkbox"/> Allowing a house sitter to stay in a resident's absence? <input type="checkbox"/> Keeping pets?
B	<i>If any of the boxes in 'A' are ticked, provide at Annexure F a table of the relevant contract clauses or residence rules clauses that apply to any such restrictions or conditions of use of residential premises and personal and community amenities.</i>	

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18. Accreditation		
A	<p>Is the village currently accredited?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Pending</p> <p><i>[If no, move to item 19A]</i></p>	<p><i>If yes or pending, which scheme is the retirement village accredited under or proposed to be accredited under?</i></p> <p><i>Provide the name of the retirement village accreditation scheme and key details including the year in which the village was last assessed against the accreditation criteria and accredited:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
B	<p>Do residents currently contribute to the expenses incurred for accreditation via a recurrent charge?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, specify the percentage of the expenses incurred for accreditation that residents have contributed or will contribute towards accreditation:</i></p> <p><i>[number] % of accreditation expenses is paid by residents</i></p> <p>Approximate amount per residence per year is: \$</p>

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19. Residents' committee		
A	<p>Does the village currently have a residents' committee established under the <i>Retirement Villages Act 1992</i>?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 20A]</i></p>	<p><i>If the village does not have a residents' committee, explain how residents may communicate with management:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
B	<p>Is the function of the residents' committee currently vested in an incorporated association?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	

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20. Resident consultation		
A	What arrangements currently exist for a resident to be consulted in relation to the administration of the retirement village, including the making of residence rules and charging for the village operating costs that are payable by the resident:	Provide details of resident consultation:
21. Waiting list		
A	Does the village currently have a waiting list? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, is there a waiting list fee? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>[If no, move to item 22A]</i>	If so, how much is charged? <input type="checkbox"/> Waiting list fee \$

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B	<p>Is the waiting list fee refundable?</p> <p><input type="checkbox"/> on entry to the village?</p> <p><input type="checkbox"/> if the resident decides not to move into the village?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
22. Planning and development		
A	<p>Are there any plans for development in the village expected to commence in the next 18 months?</p> <p>Has planning permission been sought for the development of the village?</p> <p>Has planning permission been granted for the development of the village?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <i>[insert date of application]</i></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Pending</p> <p><input type="checkbox"/> Yes <i>[insert date of grant]</i></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Pending</p>

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B	<p><i>If yes or pending, briefly describe the plans for development:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
C	<p>Do residents have access to documents relating to the development in the village expected to commence in the next 18 months?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Notes for Form 1:

1. All entry fees, recurrent charges, exit fees, and security bonds for rentals, are inclusive of GST if applicable.
2. A **premium** is an ongoing contribution paid by an incoming resident to the administering body to confer a resident's right to occupy a residential premise in the retirement village. The *Retirement Villages Act 1992* section 3(1) defines the term premium more fully.
3. Note that recurrent charges are ongoing costs that may increase annually.
4. The term **recurrent charge** under the *Retirement Villages Act 1992* section 3(1) means any amount (including rent) payable by a resident to the administering body of a retirement village on a recurrent basis. The recurrent charges referred to above do not include a reserve fund charge which is listed as a separate charge.
5. A reserve fund may also be referred to as a sinking fund. Residents may be required to pay ongoing reserve fund charges for maintenance work, as referred to in item 6A, as well as an amount calculated as part of the Deferred Management Fee (DMF), as referred to in item 7D.
6. This item identifies those amounts that the resident is directly responsible for paying to a third party that is independent of the administering body. That is, they are amounts paid in addition to any recurrent charge contributions for operating expenses. For example, if the administering body pays the council

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rates and water rates and recovers the expenses incurred through recurrent charge contributions towards operating expenses then the tick boxes for “council rates” and “water rates” would not be ticked in item 6B.

7. For example retirement villages operated by a not for profit operator may not be subject to council rates.
8. For example charges for rubbish collection or an emergency service levy that apply independently of council rates.
9. The dollar amounts provided in the Tables in items 6E and 6F are historical amounts and are not a predictor of increases or decreases in recurrent charges that may apply in the future.
10. **Financial year** means the period of 12 months ending on 30 June (*Interpretation Act 1984* section 5).
11. **Financial year** means the period of 12 months ending on 30 June (*Interpretation Act 1984* section 5).
12. **Exit fees** may also be referred to as Deferred Management Fees (DMF), Deferred Fees or Deferred Facilities Fees.
13. Under the Act section 23(1) **permanently vacated**, in relation to a former resident and residential premises in a retirement village, means that —
 - (a) if required by the residence contract — the administering body has been given notice of the former resident’s intention to vacate the residential premises; and
 - (b) the goods and belongings of the former resident have been removed from the residential premises; and
 - (c) the former resident has ceased to reside in the residential premises; and
 - (d) the right to exclusively occupy the residential premises has been given up by the former resident (or, if the former resident is deceased, by the estate of the former resident) by returning the keys to the residential premises to the administering body.
14. **Evidence of death**, in relation to a deceased former resident of a retirement village, means —
 - (a) evidence of the grant of probate or letters of administration; or
 - (b) other evidence that the administering body of the retirement village accepts as evidence of the former resident’s death (*Retirement Villages Regulations 1992* regulation 9(1)).
15. **Refurbishment** work means maintenance, repair, replacement or renovation work carried out in respect of residential premises that return the residential premises to a reasonable condition (*Fair Trading (Retirement Villages Code) Regulations 2015* clause 22).
16. This section will be required to be completed as of 1 July 2016.

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17. Provided under the *Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2014* clause 5.5(1) or from 1 July 2016 provided under the *Fair Trading (Retirement Villages Code) Regulations 2015* clause 19(1)(a).
18. This section will be required to be completed as of 1 July 2016.
19. The total balance of the reserve fund(s) to be stated refers to the accounts available in the last financial year, as set out in the *Fair Trading (Retirement Villages Code) Regulations 2015* clause 19(1)(b).
20. Communal amenities may be varied by resident consent via a special resolution of residents (*Retirement Villages Regulations 1992* regulation 7C Table item 4).
21. Communal services may be varied by resident consent via a special resolution of residents (*Retirement Villages Regulations 1992* regulation 7E Table item 3).
22. See footnote 20.
23. See footnote 20.

Annexures

- Annexure A** Plan of the village indicating the location of residents', visitors', and caravan and/or boat parking.
- Annexure B** Table containing examples of estimated refund entitlement based on residents permanently vacating after 1, 2, 5 and 10 years.
- Annexure C** Village operating budget for the current financial year.
- Annexure D** Current communal services funded through recurrent charges or a levy.
- Annexure E** Current personal services and their fees.
- Annexure F** Relevant contract clauses or residence rules clauses that apply to restrictions or conditions of use of residential premises and personal and community amenities.

Retirement Villages Amendment Regulations 2016**r. 14****ESTIMATING REFUND ENTITLEMENTS****(Annexure B: Tables A and B)****INSTRUCTIONS FOR COMPLETING EXAMPLES OF ESTIMATED REFUND ENTITLEMENTS IN ANNEXURE B**

1. In Table A estimates must be provided based on an initial premium where the resident has no entitlement to an increase in value over the full period.
2. In Table B estimates must be based on an assumed refund entitlement to an increase in the value of the residential premises of 2% per annum over the full period.
3. Each column must be completed using the estimate for a typical residential premise of the type to be leased or purchased by the prospective resident.
4. If a particular amount is not payable a nil amount may be inserted.

Annexure B**Table A****ESTIMATED REFUND ENTITLEMENT*****(Based on an initial premium where the resident has no entitlement to an increase in value of the residential premises)**

Initial premium paid by prospective resident is: \$.....	<i>At end of 1 year</i>	<i>At end of 2 years</i>	<i>At end of 5 years</i>	<i>At end of 10 years</i>
Value of initial premium	\$.....	\$.....	\$.....	\$.....
Deductions by the administering body	<i>At end of 1 year</i>	<i>At end of 2 years</i>	<i>At end of 5 years</i>	<i>At end of 10 years</i>
Exit fees (based on the fees referenced under item 7A)	\$..... \$.....	\$..... \$.....	\$..... \$.....	\$..... \$.....

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Reserve fund (based on the fees referenced at item 7D)	\$.....	\$.....	\$.....	\$.....
	\$.....	\$.....	\$.....	\$.....
Refurbishment costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Re-lease/sales and marketing costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Settlement, legal and administrative costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Management and administration fees (based on)	\$.....	\$.....	\$.....	\$.....
Any other fees and charges [explain]	\$.....	\$.....	\$.....	\$.....
	\$.....	\$.....	\$.....	\$.....
TOTAL DEDUCTIONS	\$.....	\$.....	\$.....	\$.....
TOTAL ESTIMATED REFUND ENTITLEMENT	\$.....	\$.....	\$.....	\$.....

*Note for Table A:

The values used in this example are for illustrative purposes only and do not guarantee a specific entitlement to a refund. Additional deductions may apply for amounts that may be payable for matters such as council rates, water, utilities and unpaid recurrent charges (if any).

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Annexure B**Table B****ESTIMATED REFUND ENTITLEMENT***

(Based on an assumed entitlement to a refund on an increase in the value of the residential premises of 2% per annum over the full period)

Initial premium paid by prospective resident is: \$.....	<i>At end of 1 year</i>	<i>At end of 2 years</i>	<i>At end of 5 years</i>	<i>At end of 10 years</i>
Value of premium (based on an increase in the value of the initial premium of 2% per annum)	\$.....	\$.....	\$.....	\$.....
Deductions by the administering body	<i>At end of 1 year</i>	<i>At end of 2 years</i>	<i>At end of 5 years</i>	<i>At end of 10 years</i>
Exit fees (based on the fees referenced under item 7A)	\$.....	\$.....	\$.....	\$.....
Reserve fund (based on the fees referenced at item 7D)	\$.....	\$.....	\$.....	\$.....
Refurbishment costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Re-lease/sales and marketing costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Settlement, legal and administrative costs (based on current average and estimated% increase per year)	\$.....	\$.....	\$.....	\$.....
Management and administration fees (based on)	\$.....	\$.....	\$.....	\$.....

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Any other fees and charges <i>[explain]</i>				
.....	\$.....	\$.....	\$.....	\$.....
TOTAL DEDUCTIONS	\$.....	\$.....	\$.....	\$.....
TOTAL ESTIMATED REFUND ENTITLEMENT	\$.....	\$.....	\$.....	\$.....

*Note for Table B:

The value of residential premises in a retirement village will increase and decrease over time and be influenced by a range of circumstances including the national and international economy. The values used in this example are illustrative only and do not guarantee an entitlement to a specific refund amount. The 2% per annum increase is an arbitrary figure chosen to enable comparison between villages. Additional deductions may also apply.

Form 1A

Retirement Villages Act 1992

[r. 4(b)]

Information statement for prospective resident — short-term residence contract

Under the *Retirement Villages Act 1992* section 13(2) the owner of residential premises in a retirement village is required to provide the following information to a person at least 10 working days before that person enters into a residence contract.

THE OWNER MUST ANSWER EACH OF THE FOLLOWING QUESTIONS IN WRITING BELOW EACH QUESTION —

<p>Declaration by the owner</p> <p>I <i>[name]</i>:</p> <p>of <i>[address]</i>:</p> <p>being the owner, or a person authorised to act on behalf of the owner of</p> <p><i>[retirement village]</i>, certify that the information contained herein is to the best of my knowledge correct.</p>
--

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..... <i>[Signature]</i> <i>[Date]</i>
<p>Important notice to prospective resident</p> <p>Before signing a residence contract it is important that you:</p> <ul style="list-style-type: none"> • understand the enclosed information and its implications; • read all the terms of the contract; • seek independent legal advice, particularly if unsure about any details in the contract; • understand the legal basis of occupancy (e.g. a person who signs a lease does not own the premises); • understand the financial commitments involved, and in particular entry fees, ongoing costs and exit fees; • consider whether you have had satisfactory responses to any questions you ask; • consider whether communal living in a retirement village is right for you. 	

Disclosure statement for prospective resident

The owner, or a person authorised to act on behalf of the owner, must complete all sections of this disclosure statement in writing.

1. Retirement Village		
A	Name of the retirement village	Name:
B	Address of the retirement village	Address:
C	Has this village commenced operation?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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D	<p>In which year was this village first constructed?</p> <p>Construction of subsequent completed stages.</p> <p>If the construction of the village is still to be completed, provide estimated completion dates for each stage still to be constructed:</p>	<p>Construction of the first stage was completed in [year].</p> <p>[Insert stage number(s) and year(s) of completion]</p> <p>.....</p> <p>.....</p> <p>[Insert stage number(s) and estimated date(s) for completion]</p> <p>.....</p> <p>.....</p>
E	<p>Aged care facility</p> <p>Is there an aged care facility adjacent to the village?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>Important notice to prospective residents: The administering body cannot guarantee a resident a place in an aged care facility. To enter an aged care facility, a resident must be assessed as eligible through an aged care assessment in accordance with the <i>Aged Care Act 1997</i> (Commonwealth).</p>		
<p>2. Owner administering body/management of the retirement village</p>		
A	<p>Owner:</p> <p>Details of the owner of the land on which the retirement village facilities are located (individual/company/organisation):</p>	<p>Name:</p> <p>ABN:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>

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<p>B</p>	<p>Administering body: If the village is administered by a person or entity other than the owner of the land, the details of that individual/company/organisation.</p>	<p>Name:</p> <p>ABN:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>
<p>C</p>	<p>Management representative: Is there a management representative available to residents?</p> <p><input type="checkbox"/> Yes</p> <p style="padding-left: 20px;"><input type="checkbox"/> Located onsite at the village</p> <p style="padding-left: 20px;"><input type="checkbox"/> Located offsite</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide details of when the manager is available onsite and how the manager can be contacted when not onsite including before, during and after working hours:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Name:</p> <p>Address:</p> <p>.....</p> <p>Tel. number(s):</p>

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3. Nature of residential premises (specific to the prospective resident)		
A	The type of residential premises is:	<p><i>Tick the type of residential premises the prospective resident proposes to occupy:</i></p> <p><input type="checkbox"/> Bedsitter</p> <p><input type="checkbox"/> One-bedroom</p> <p><input type="checkbox"/> Two-bedroom</p> <p><input type="checkbox"/> Three-bedroom</p> <p><input type="checkbox"/> Other <i>[specify type]</i></p> <p>.....</p>
B	The term of occupancy:	<p><i>Tick the box that applies:</i></p> <p><input type="checkbox"/> 12 months</p> <p><input type="checkbox"/> Less than 12 months <i>[state term]</i></p> <p><i>With [tick the box that applies, if any] ¹:</i></p> <p><input type="checkbox"/> an option to renew or vary the residence contract on the same terms</p> <p><input type="checkbox"/> an option to move to a periodic tenancy on the same terms at the end of the fixed period</p> <p><input type="checkbox"/> an option to move to a new fixed term tenancy on the same terms at the end of the term</p>

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<p>4. Parking amenities (specific to prospective resident’s proposed residential premises) visitors’ parking and parking for trailers, boats and caravans</p>		
<p>A</p>	<p>This section provides information about the garage and parking facilities that will be provided with the resident’s individual residential premises, along with details of parking for visitors, trailers, boats and caravans.</p>	
	<p>Will the prospective resident have a reserved garage and/or parking bay within the village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Is there an additional amount payable to the premium or through recurrent charges to access garage or parking facilities?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>Is there visitors parking available in the village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If no, what are the parking arrangements:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>If yes, provide a brief explanation how much visitors parking is available:</i></p> <p>.....</p> <p>.....</p> <p>.....</p>

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	<p>Is there trailer, boat and caravan parking available for the prospective resident to use?</p> <p><input type="checkbox"/> Yes (subject to availability)</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>Is there an additional amount payable for parking a trailer/boat/caravan?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>Are there any other arrangements in place for the parking of vehicles, caravans or boats?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, provide a brief explanation:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
		<p><i>At Annexure A provide a plan of the village indicating the location of residents', visitors', and caravan and/or boat parking.</i></p>

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<p>5. Ongoing amounts payable to the operator during occupation ² (specific to the prospective resident and the residential premises that the resident has expressed interest in)</p>		
<p>A</p>	<p>To live in the village, the prospective resident will be required to pay the following amounts:</p> <p><i>Tick whether the amounts apply to:</i></p> <p><input type="checkbox"/> single occupant</p> <p><input type="checkbox"/> couple</p> <p><input type="checkbox"/> not dependent on single/couple occupancy</p> <p>NB: The amount may vary each financial year depending on operating expenses.</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> Recurrent charges ³ per [week/fortnight/month] \$.....</p> <p><input type="checkbox"/> Reserve fund ⁴ charge per [week/fortnight/month] \$.....</p> <p><input type="checkbox"/> Any other charges ⁵ per [week/fortnight/month] \$..... <i>[specify other charges]</i></p> <p>..... \$.....</p> <p>..... \$.....</p> <p>..... \$.....</p> <p>Total amount payable [week/fortnight/month] \$.....</p>

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<p>B</p>	<p>Other amounts ⁶ relating to the residential premises that are currently additional charges payable by the resident:</p>	<p><i>Tick each box that applies:</i></p> <p><input type="checkbox"/> Contents insurance [see also item 12]</p> <p><input type="checkbox"/> Council rates (not applicable to all retirement villages ⁷)</p> <p><input type="checkbox"/> Other council charges ⁸</p> <p><input type="checkbox"/> Water rates</p> <p><input type="checkbox"/> Utilities (electricity and gas)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>C</p>	<p>Is the resident responsible for repairs and maintenance to the residential premises during their occupation of the premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, briefly explain the resident's responsibilities including whether the resident is to organise the repairs and pay for the repair:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

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6. Village operating funds ⁹		
A	What amounts are allocated in the village's operating budget for the current financial year?	<i>Annexure C contains a copy of the village's operating budget for the current financial year.</i>
B	Did the village have an operating surplus/deficit in the last financial year for which a financial statement ¹⁰ has been provided to residents? <input type="checkbox"/> Yes <input type="checkbox"/> No	Tick the box that applies: <input type="checkbox"/> The village operating surplus in the last financial year was: \$..... <input type="checkbox"/> The village operating deficit in the last financial year was: \$..... Comment on any specific surplus/deficit budget arrangements:
7. Payment and repayment of an amount paid on entry		
A	Is the resident required to pay an amount to the administering body in consideration for or in contemplation of admission as a resident in the retirement village? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the amount ¹¹ : \$..... If no, move to item 8.

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<p>B</p>	<p>Is the resident entitled to be repaid the amount ¹² paid by the resident in consideration for or in contemplation of admission as a resident in the retirement village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>At Annexure B complete the Table of a resident's estimated entitlements based on resident permanently vacating after one year.</i></p>	
	<p>Are there any amounts that may be deducted from the amount paid on entry after permanently vacating the residential premises?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, list the expenses and if known, the amounts:</i></p>	
		Expenses	Amounts
<p>C</p>	<p>When is the administering body required to pay the resident?</p>	<p>.....</p> <p>.....</p> <p>.....</p>	

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8. Insurance				
A	Does the administering body pass on the costs of insurance cover for the retirement village (listed at item 8C) to resident? <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Tick the box that applies:</i> <i>If yes, insurance costs are paid via:</i> <input type="checkbox"/> Recurrent charges <input type="checkbox"/> A separate levy		
B	Are residents responsible for arranging any insurance cover for the residential premises that they occupy? <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, provide details of the types of insurance residents are responsible for arranging:</i>		
C	The retirement village is currently insured as follows:			
	Type of insurance	Maximum amount of insurance cover	Period of coverage	Excess payable in event of a claim
	Public liability			
	Workers compensation			
	Building (including refurbishment)			

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	Other <i>[specify type]</i>		
9. Communal amenities			
<p>The following communal amenities ¹³ are available for all residents to use. <i>Tick each box that applies:</i></p>			
<input type="checkbox"/> Club house/Social Centre <input type="checkbox"/> Separate amenities <input type="checkbox"/> Activities or games <input type="checkbox"/> Arts and crafts <input type="checkbox"/> Billiards <input type="checkbox"/> Gym <input type="checkbox"/> Men's shed/workshop <input type="checkbox"/> Bowling green <input type="checkbox"/> Tennis court	<input type="checkbox"/> Swimming pool <input type="checkbox"/> indoor <input type="checkbox"/> outdoor <input type="checkbox"/> heated <input type="checkbox"/> not heated <input type="checkbox"/> Spa <input type="checkbox"/> indoor <input type="checkbox"/> outdoor <input type="checkbox"/> heated <input type="checkbox"/> not heated <input type="checkbox"/> BBQ area outdoors <input type="checkbox"/> Restaurant <input type="checkbox"/> Dining room	<input type="checkbox"/> Library <input type="checkbox"/> Computer station <input type="checkbox"/> Place for worship <input type="checkbox"/> Medical consultation room <input type="checkbox"/> Shop <input type="checkbox"/> Hair salon <input type="checkbox"/> Beauty salon <input type="checkbox"/> Village bus <input type="checkbox"/> Other <i>[specify details]</i>	

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10. Communal and personal services		
A	<p>This section provides information about the communal services¹⁴ provided or made available to all residents in the village:</p>	<p><i>At Annexure D is a list of communal services currently provided or made available in the village (one per line). The services listed at items 11 and 12 do not have to be included in Annexure D.</i></p> <p><i>If communal services are not provided, make a statement to the effect that the administering body does not provide or make available any communal services in the village.</i></p>
B	<p>This section provides information about the personal services that are currently provided or made available to residents on an individual basis:</p>	<p><i>At Annexure E is a list of personal services currently provided or made available in the village and the current fees charged for each service (one per line).</i></p> <p><i>If personal services are not provided, make a statement to the effect that the administering body does not provide or make available any personal services in the village.</i></p>
11. Security		
A	<p>Does the village have security arrangements in place for the communal areas¹⁵ of the village?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 12A]</i></p>	<p><i>If yes, the security arrangements include:</i></p> <p><input type="checkbox"/> Security alarm</p> <p><input type="checkbox"/> Locked gates</p> <p><input type="checkbox"/> CCTV</p> <p><input type="checkbox"/> Security guard on site</p> <p><input type="checkbox"/> Other <i>[specify details]</i></p> <p>.....</p> <p>.....</p>

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B	Is there any monitoring of the security arrangements listed above? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify details and frequency of monitoring:
12. Emergency system		
A	Does the village have an emergency call system operating in the village ¹⁶ ? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>[If no, move to item 13A]</i>	If yes, provide details of the emergency call system, including the name of the current provider:
B	If yes, provide details of the emergency call system, including the name of the current provider.	<input type="checkbox"/> Recurrent charges <input type="checkbox"/> Additional cost per [week/fortnight/month] \$.....
C	The emergency call system is currently monitored between:	<input type="checkbox"/> 24 hours/7 days per week <input type="checkbox"/> am and pm <i>[number]</i> days per week

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13. Resident restrictions		
A	Are there any restrictions on the use of residential premises or personal and community amenities in regard to:	Tick each box that applies: <input type="checkbox"/> Having someone else live with the resident? <input type="checkbox"/> Having a carer live with the resident? <input type="checkbox"/> Allowing a spouse or de facto partner to continue living in the village on the death of a resident? <input type="checkbox"/> Having visitors, including short-stay guests? <input type="checkbox"/> Allowing a house sitter to stay in a resident's absence? <input type="checkbox"/> Keeping pets?
14. Accreditation		
A	Is the village currently accredited? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending <i>[If no, move to item 15A]</i>	If yes or pending, which scheme is the retirement village accredited under or proposed to be accredited under? Provide the name of the retirement village accreditation scheme and key details including the year in which the village was last assessed against the accreditation criteria and accredited:

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<p>B</p>	<p>Do residents currently contribute to the expenses incurred for accreditation via a recurrent charge?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>If yes, specify the percentage of the expenses incurred for accreditation that residents have contributed or will contribute towards accreditation:</i></p> <p><i>[number] % of accreditation expenses is paid by residents</i></p> <p>Approximate amount per residence per year is: \$.....</p>
<p>15. Residents' committee</p>		
<p>A</p>	<p>Does the village currently have a residents' committee established under the <i>Retirement Villages Act 1992</i>?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>[If no, move to item 16A]</i></p>	<p><i>If the village does not have a residents' committee, explain how residents may communicate with management:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>B</p>	<p>Is the function of the residents' committee currently vested in an incorporated association?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	

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16. Resident consultation		
A	What arrangements currently exist for a resident to be consulted in relation to the administration of the retirement village, including the making of residence rules and charging for the village operating costs that are payable by the resident?	Provide details of resident consultation:
17. Waiting list		
A	Does the village currently have a waiting list? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, is there a waiting list fee? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>[If no, move to item 18A]</i>	If so, how much is charged? <input type="checkbox"/> Waiting list fee \$.....

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<p>B</p>	<p>Is the waiting list fee refundable:</p> <p><input type="checkbox"/> on entry to the village?</p> <p><input type="checkbox"/> if the resident decides not to move into the village?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>18. Planning and development</p>		
<p>A</p>	<p>Are there any plans for development in the village expected to commence in the next 18 months?</p> <p>Has planning permission been sought for the development?</p> <p>Has planning permission been granted for the development?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <i>[insert date of application]</i></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Pending</p> <p><input type="checkbox"/> Yes <i>[insert date of grant]</i></p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Pending</p>

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B	<i>If yes or pending, briefly describe the plans for development:</i>	
C	Do residents have access to documents relating to the development in the village expected to commence in the next 18 months?	<input type="checkbox"/> Yes <input type="checkbox"/> No
D	Do residents have access to documents relating to the development in the village?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Notes for Form 1A:

1. It is recommended that the residents, at least one month prior to the end of the term, ask the administering body what is proposed at the end of the fixed term.
2. Note that recurrent charges are ongoing costs that may increase annually.
3. The term **recurrent charge**, under the *Retirement Villages Act 1992* section 3(1), means any amount (including rent) payable by a resident to the administering body of a retirement village on a recurrent basis. The recurrent charges referred to above do not include a reserve fund charge which is listed as a separate charge.
4. A reserve fund may also be referred to as a sinking fund. Residents may be required to pay ongoing reserve fund charges for maintenance work, as referred to in item 5A.
5. For example “short-term rental payment” where this amount is payable separately to other recurrent charges.
6. This item identifies those amounts that the resident is directly responsible for paying to a third party that is independent of the administering body. That is, they are amounts paid in addition to any recurrent charge contributions for operating expenses. For example, if the administering body pays the council rates and water rates and recovers the expenses incurred through recurrent

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- charge contributions towards operating expenses then the tick boxes for “council rates” and “water rates” would not be ticked in item 5B.
7. For example retirement villages operated by a not-for-profit operator may not be subject to council rates.
 8. For example charges for rubbish collection or an emergency service levy that apply independently of council rates.
 9. This section will be required to be completed as of 1 July 2016.
 10. Provided under the *Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2014* clause 5.5(1) or from 1 July 2016 provided under the *Fair Trading (Retirement Villages Code) Regulations 2015* clause 19(1)(a).
 11. Total amount must be \$1 500 or less.
 12. For example a security bond.
 13. Communal amenities may be varied by resident consent via a special resolution of residents (*Retirement Villages Regulations 1992* regulation 7C Table item 4).
 14. Communal services may be varied by resident consent via a special resolution of residents (*Retirement Villages Regulations 1992* regulation 7E Table item 3).
 15. See footnote 9.
 16. See footnote 9.

Annexures

- Annexure A** Plan of the village indicating the location of residents’, visitors’, and caravan and/or boat parking.
- Annexure B** Table of estimated refund entitlement based on resident permanently vacating after one year.
- Annexure C** Village operating budget for the current financial year.
- Annexure D** Current communal services funded through recurrent charges or a levy.
- Annexure E** Current personal services and their fees.
- Annexure F** Relevant contract clauses or residence rules clauses that apply to restrictions or conditions of use of residential premises and personal and community amenities.

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Annexure B

ESTIMATED REFUND ENTITLEMENT*
(Based on an initial amount paid that is less than or equal to \$1 500)

INSTRUCTIONS FOR COMPLETING ESTIMATED REFUND ENTITLEMENT IN ANNEXURE B.

In the Table estimates must be provided based on an initial amount of \$1 500 or less payable to secure admission as a resident of the retirement village for a period of 12 months or less.

Initial amount paid by prospective resident is: \$.....	<i>At the end of one year</i>
Deductions by the administering body	<i>At the end of one year</i>
Fees and charges <i>[explain]</i>	\$ \$ \$ \$ \$ \$ \$ \$
TOTAL ESTIMATED REFUND ENTITLEMENT	\$

*Notes for this Table:

1. The values used in this example are for illustrative purposes only and should not be interpreted as guaranteeing a specific entitlement to a refund.
2. Additional deductions may apply for amounts that may be payable for matters such as council rates, water, utilities and unpaid recurrent charges (if any).

K. H. ANDREWS, Clerk of the Executive Council.