

## Queensland Retirement Village Reforms - Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)

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The *Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)* was passed by Parliament on 25 October 2017 and assented to on 10 November 2017. Part 7 contains amendments to the *Retirement Villages Act 1999 (Qld)* (Act).<sup>27</sup>

The changes to the Act will increase transparency in the relationships between retirement village operators and residents, and will provide additional security and confidence to residents.

### What will change

- Behavioural standards that guide how village operators, staff and residents interact with each other have been introduced. These standards ensure respect for the rights and obligations of all parties and the quality of life of residents.
- An operator must pay the exit entitlement of a former resident at 18 months if their unit is not sold. For residents who have already left their retirement village and whose unit has not sold, the 18-month period started on 10 November 2017. An operator may apply to Queensland Civil and Administrative Tribunal (QCAT) if paying the exit entitlement will cause them undue financial hardship. QCAT will consider the matter and may determine a later payment date or payments by instalment.

The following changes will be implemented at a later date, to be advised. These changes will support prospective residents by:

- improving pre-contractual disclosure to allow prospective residents to compare retirement villages and other options so they understand the costs of entering, living in, and leaving a village
- allowing for simpler, standardised contracts; and
- allowing them 21 days to review their contract and seek financial and legal advice before they sign.

Operators will be required to provide a "village comparison document" (section 74) in the approved form which will give general information about a retirement village scheme to potential residents of the retirement village, including information about available types of accommodation, facilities and services and amounts payable by or to residents, the scheme operator and other persons. In addition, operators will be required to provide a "prospective costs document" (section 75) to give to a prospective resident of a retirement village a summary of the estimated costs of moving into, living in and leaving the retirement village.

The following changes will also be implemented at a later date, to be advised. These changes will protect residents.

- New requirements for operators to prepare and obtain approval for plans for proposed changes in village operations, such as closure, redevelopment, or change in operator.
- Improved financial transparency regarding retirement village funds, budgets and financial statements.
- A fairer process for identifying work needed to refurbish and reinstate units when a resident decides to leave. This process will distinguish between reinstatement and refurbishment works, and clarify who is responsible for the costs of each.

### Implementation

The Government is currently working with the community and industry to finalise the detail of these changes. A timeline has been released which details the program of works required to change the legislation.



Activity	May 2018	June 2018	July 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019
<b>Retirement Villages Act 1999</b>																
Consultation – Stage 1																
• Pre-contractual disclosure																
• Access to documents																
• Reinstatement of unit																
Implementation – Stage 1																
Consultation – Stage 2																
• Change in village operations																
• Retirement village contracts																
Implementation – Stage 2																
Consultation – Stage 3																
• Standard financial reports and budgets																

<sup>27</sup> Source: <http://www.hpw.qld.gov.au/Housing/IndustryRegulation/RetirementVillages/Pages/Retirement%20villages.aspx>; *Housing Legislation (Building Better Futures) Amendment Act 2017 (Qld)*