

The ARQRV is a not-for-profit organisation run by volunteers who are themselves residents in a retirement village. Our aim is to represent the interests of residents in retirement villages to Government and Village Operators. The ARQRV, after more than 25 years, retains a focus on consumer protection, and is an advocate on behalf of residents to examine, advise and/or act upon matters referred to us by any financial member.

Recent changes to the *Retirement Villages Act 1999* has improved consumer protection and increased transparency in the relationship between retirement village operators and residents.

This fact sheet provides information on the amendments that have been made and because they are retrospective they affect both current and future contracts.

Amendment	What does it mean?
When a former resident's exit entitlement is paid.	<p>The scheme operator must pay the former resident the exit entitlement:</p> <ul style="list-style-type: none"> <li>• The day stated in the resident's contract.</li> <li>• 14 days after the settlement date.</li> <li>• No later than 18 months after the termination date or a later date if the operator has applied for an extension.</li> </ul> <p>The scheme operator must receive a copy of the Probate or Letters of Administration before paying the exit entitlement of a former resident who has died. For former residents who left the village before commencement of the amendment to the Act, the eighteen-month period starts from 10 November 2017. This means that the exit entitlement must be paid, at the latest, by 10 May 2019.</p>
Extension of time to pay the exit entitlement.	<p>A scheme operator may apply to QCAT to extend the time for payment of the exit entitlement. The Tribunal must be satisfied that:</p> <ul style="list-style-type: none"> <li>• The scheme operator is unable to sell the unit.</li> <li>• The scheme operator is likely to suffer undue financial hardship.</li> <li>• Extending the payment time would not be unfair to the former resident.</li> </ul> <p>The Tribunal may order the operator to pay the exit entitlements by instalments.</p>
Updating the agreed resale value if the exit entitlement is to be paid before the unit has sold.	<p>If the former resident and the scheme operator have not agreed on the resale value the scheme operator must pay for an independent valuation of the unit, not more than 14 days before the exit entitlement is due to be paid. The valuation will be considered the agreed resale value of the right to reside.</p>
Review of buy back provision.	<p>No later than two years after the buy back provision has been in place, 20 November 2019, the Queensland Government will conduct a review to investigate the impact on this provision on residents, former residents, resident's families and scheme operators.</p>

For further information please contact ARQRV

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