**Form 1A**

*Retirement Villages Act 1992*

[r. 4(1)(b)]

**Disclosure statement for prospective residents — short term residence contract (as defined in regulation 4A)**

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, OR A PERSON AUTHORISED TO ACT ON BEHALF OF THE OWNER, MUST COMPLETE ALL SECTIONS OF THIS DISCLOSURE STATEMENT IN WRITING.**

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| **Declaration by the owner**  I *[name]*:  of *[address]*: .  being the owner, or a person authorised to act on behalf of the owner of    *[retirement village]*, certify that the information contained herein is to the best of my knowledge correct.  ........................................................  *[Signature]* *[Date]* |
| **Important notice to prospective resident**  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**

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| **1. Retirement Village** | | | |
| A | Name of the retirement village | | Name: |
| B | Address of the retirement village | | Address: |
| C | Has this village commenced operation? | | □ Yes  □ No |
| D | In which year was this village first constructed?  Construction of subsequent completed stages:  If the construction of the village is still to be completed, provide estimated completion dates for each stage still to be constructed: | | Construction of the first stage was completed in …………… *[year]*  *[Insert stage number(s) and year(s) of completion]*      *[Insert stage number(s) and estimated date(s) for completion]* |
| E | **Aged care facility**  Is there an aged care facility adjacent to the village? | | □ Yes  □ No |
| **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 *Aged Care Act 1997* (Commonwealth). | | | |
| **2. Owner/administering body/management of the retirement village** | | | |
| A | **Owner:** details of the owner of the land on which the retirement village facilities are located (individual, company or organisation). | | Name:  ABN:  Address:    Tel. number(s): |
| B | **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 or organisation. | | Name:  ABN:  Address:    Tel. number(s): |
| C | **Management representative:**  Is there a management representative available to residents?  □ Yes  □ Located onsite at the village  □ Located offsite  □ No | | *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:*          Name:  Address:    Tel. number(s): |
| **3. Nature of residential premises (specific to the prospective resident)** | | | |
| A | The type of residential premises is: | | *Tick the type of residential premises the prospective resident proposes to occupy:*  □ Bedsitter  □ One‑bedroom  □ Two‑bedroom  □ Three‑bedroom  □ Other *[specify type]* |
| B | The term of occupancy: | | *Tick the box that applies:*  □ 12 months  □ Less than 12 months *[state term]*    *With an option at the end of the term to [tick the box that applies, if any] 1:*  □ renew the residence contract for an additional term on the same terms, except as to recurrent charges which may be varied at the end of the term  □ move to a periodic tenancy on the same terms, except as to recurrent charges which may be varied at the end of the term  □ enter a new fixed term residence contract on the same terms, except as to recurrent charges which may be varied at the end of the term |
| **4. Parking amenities (specific to prospective resident’s proposed residential premises) visitors’ parking and parking for trailers, boats and caravans** | | | |
| A | 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. |  | |
|  | Will the prospective resident have a reserved garage and/or parking bay within the village?  □ Yes  □ No | *If no, what are the parking arrangements?* | |
|  | Is there an additional amount payable to the premium or through recurrent charges to access garage or parking facilities?  □ Yes  □ No | *If yes, provide a brief explanation:* | |
|  | Is there visitors parking available in the village?  □ Yes  □ No | *If yes, briefly explain how much parking is available for visitors:* | |
|  | Is there trailer, boat and caravan parking available for the prospective resident to use?  □ Yes (subject to availability)  □ No | *If yes, provide a brief explanation:* | |
|  | Is there an additional amount payable for parking a trailer/boat/caravan?  □ Yes  □ No | *If yes, provide a brief explanation:* | |
|  | Are there any other arrangements in place for the parking of vehicles, trailers, boats or caravans?  □ Yes  □ No | *If yes, provide a brief explanation:*        At **Annexure A** provide a plan of the village indicating the location of residents’, visitors’, and caravan and/or boat parking. | |
| **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)** | | | |
| A | To live in the village, the prospective resident will be required to pay:  *Tick whether the charges apply to:*  □ single occupant  □ couple  □ not dependent on single or couple occupancy  Ongoing amounts payable to the operator during occupation may vary each financial year depending on operating expenses. | *Tick those charges that apply:*  □ Recurrent charges 3 per  *[week/fortnight/month]* $...............  □ Reserve fund 4 charge per  *[week/fortnight/month]* $...............  □ Any other charges 5  *[specify other charges]*  ................................................ $...............  ................................................ $...............  ................................................ $...............  **Total amount payable per**  *[week/fortnight/month]* $............... | |
| B | Other amounts 6 relating to the residential premises that are currently additional charges payable by the resident: | *Tick each box that applies:*  □ Contents insurance *[see also item 8]*  □ Council rates (not applicable to all retirement villages 7)  □ Other council charges 8  □ Water rates  □ Utilities (electricity and gas) | |
| C | Is the resident responsible for repairs and maintenance to the residential premises during their occupation of the premises?  □ Yes  □ No | *If yes, briefly explain the resident’s responsibilities including whether the resident is to organise the repairs and pay for the repairs:* | |
| **6. Village operating funds 9** | | | |
| A | What amounts are allocated in the village’s operating budget for the current financial year? | ***Annexure C*** *contains a copy of the village’s operating budget for the current financial year.* | |
| 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?  □ Yes  □ No | *Tick the box that applies:*  □ The village operating surplus in the last financial year was: $................  □ The village operating deficit in the last financial year was: $................  Comment on any specific surplus/deficit budget arrangements: | |

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| **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?  □ Yes  □ No | *If yes, state the amount 11*: $.................  *If no, move to item 8*. | |
| B | 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?  □ Yes  □ No | *At* ***Annexure B*** *complete the Table of a resident’s estimated entitlements based on the resident permanently vacating after one year.* | |
|  | Are there any amounts that may be deducted from the amount paid on entry after permanently vacating the residential premises?  □ Yes  □ No | *If yes, list the expenses and if known, the amounts:* | |
| **Expenses** | **Amounts** |
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| C | When is the administering body required to pay the resident? |  | |

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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 residents?  □ Yes  □ No | | *Tick the box that applies:*  If yes, insurance costs are paid via:  □ Recurrent charges  □ A separate levy | | |
| B | Are residents responsible for arranging any insurance cover for the residential premises that they occupy?  □ Yes  □ No | | *If yes, provide details of the types of insurance residents are responsible for arranging:* | | |
| 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) |  | |  |  |
| Other  *[specify type]* |  | |  |  |

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| **9. Communal amenities** | | | | |
| The following **communal amenities** 13 are available for all residents to use. *Tick each box that applies:* | | | | |
| □ Club house/Social Centre  □ Separate amenities  □ Activities or games  □ Arts and crafts  □ Billiards  □ Gym  □ Men’s shed/workshop  □ Bowling green  □ Tennis court | | □ Swimming pool  □ indoor  □ outdoor  □ heated  □ not heated  □ Spa  □ indoor  □ outdoor  □ heated  □ not heated  □ BBQ area outdoors  □ Restaurant  □ Dining room | | □ Library  □ Computer station  □ Place for worship  □ Medical consultation room  □ Shop  □ Hair salon  □ Beauty salon  □ Village bus  □ Other *[specify details]* |
| **10. Communal and personal services** | | | | |
| A | This section provides information about the **communal services** 14 provided or made available to all residents in the village. | | *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.*  *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.* | |
| B | This section provides information about the **personal services** that are currently provided or made available to residents on an individual basis. | | *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).*  *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.* | |

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| **11. Security** | | |
| A | Does the village have security arrangements in place for the communal areas 15 of the village?  □ Yes  □ No  *[If no, move to item 12A]* | *If yes, the security arrangements include:*  □ Security alarm  □ Locked gates  □ CCTV  □ Security guard on site  □ Other [specify details] |
| B | Is there any monitoring of the security arrangements listed above?  □ Yes  □ 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?  □ Yes  □ No  *[If no, move to item 13A]* | *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: | □ Recurrent charges  □ Additional cost per *[week/fortnight/month]* $............. |
| C | The emergency call system is currently monitored: | □ 24 hours/7 days per week  □ between…….... am and ….... pm  *[number]* ....... days per week |
| **13. Resident restrictions** | | |
| A | Are there any restrictions on the use of residential premises or personal and communal amenities in regard to: | *Tick each box that applies:*  □ Having someone else live with the resident?  □ Having a carer live with the resident?  □ Allowing a spouse or de facto partner to continue living in the village on the death of a resident?  □ Having visitors, including short-stay guests?  □ Allowing a house sitter to stay in a resident’s absence?  □ Keeping pets? |
| B | *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 communal amenities.* | |
| **14. Accreditation** | | |
| A | Is the village currently accredited?  □ Yes  □ No  □ Pending  *[If no, move to item 15A]* | *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:* |
| B | Do residents currently contribute to the expenses incurred for accreditation via a recurrent charge?  □ Yes  □ No | *If yes, specify the percentage of the expenses incurred for accreditation that residents have contributed or will contribute towards accreditation:*  [number] ……. % of accreditation expenses is paid by residents  Approximate amount per  residence per year is: $............... |

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| **15. Residents’ committee** | | |
| A | Does the village currently have a residents’ committee established under the *Retirement Villages Act 1992*?  □ Yes  □ No  *[If no, move to item 16A]* | *If the village does not have a residents’ committee, explain how residents may communicate with management:* |
| B | Is the function of the residents’ committee currently vested in an incorporated association?  □ Yes  □ No |  |
| **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?  □ Yes  □ No |  |
|  | If yes, is there a waiting list fee?  □ Yes  □ No  *[If no, move to item 18A]* | If so, how much is charged?  □ Waiting list fee $................ |
| B | Is the waiting list fee refundable on entry to the village?  Is the waiting list fee refundable if the resident decides not to move into the village? | □ Yes  □ No  □ Yes  □ No |
| **18. Planning and development** | | |
| A | Are there any plans for development in the village expected to commence in the next 18 months? | □ Yes  □ No |
|  | Has planning permission been sought for the development of the village? | □ Yes *[insert date of application]*    □ No  □ Pending |
|  | Has planning permission been granted for the development of the village? | □ Yes *[insert date of grant]*    □ No  □ Pending |
| B | *If yes or pending, briefly describe the plans for development:*  ..............................................................................................................................................  ..............................................................................................................................................  ..............................................................................................................................................  .............................................................................................................................................. | |
| C | Do residents have access to documents relating to the development in the village expected to commence in the next 18 months? | □ Yes  □ 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 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. Financial statements are required to be provided to residents under codes of practice made under the   
*Fair Trading Act 2010*. The most recent code that requires a statement of income and expenditure to be provided to residents is in the *Fair Trading (Retirement Villages Code) Regulations 2022* (see Schedule 1 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 note 13.

16. See note 13.

**Annexures**

**Annexure A** Plan of the village indicating the location of residents’, visitors’, and caravan and/or boat parking.

**Annexure B** Table of a resident’s estimated refund entitlement based on the 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 communal amenities.

**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: $.............................**  Deductions by the administering body | ***At the end of one year*** |
| Fees and charges *[explain]* | $  $  $  $  $  $  $ |
| **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).

[Form 1A inserted in Gazette 23 Mar 2016 p. 903‑24; amended in Gazette 30 Jun 2016 p. 2725‑32.]