

## Precontractual Disclosure Waiver

*Retirement Villages Act 1999 (Section 84)*

**This form is effective from 1 February 2019**

**ABN: 86 504 771 740**

### Important

This form should only be completed if you have received legal advice from a Queensland lawyer about entering into a residence contract for a retirement village.

Section 84 of the *Retirement Villages Act 1999* requires a retirement village scheme operator to provide the following documents, and details of any changes to the information in the documents (other than minor changes as defined in the Act), to a person at least 21 days before the scheme operator and the person enter into a retirement village residence contract:

- the residence contract
- the village comparison document for the village
- a prospective costs document for the residence contract
- any by-laws for the village in force under section 130

A person may use this form to waive the 21 day precontractual disclosure period and agree to receive one or more of the documents listed above less than 21 days before entering into a residence contract.

The person entering into the residence contract must complete this form to confirm that they have received legal advice from a Queensland lawyer about entering into the residence contract. A copy of this form must be signed by the person and the Queensland lawyer who has provided the advice and the form given to the scheme operator.

### Important information for the prospective resident or other person signing the contract

- It is very important to understand your rights and obligations before signing a contract to enter into a retirement village.
- This form confirms that you have received legal advice about the residence contract for the retirement village.
- The Queensland Law Society can provide assistance in helping you find a qualified lawyer with expertise in retirement village residence contracts.

### Important information for the village scheme operator

A scheme operator must not enter into a residence contract with a person unless they have been given all of the documents listed in section 84 of the *Retirement Villages Act 1999* and either:

- At least 21 days have elapsed since the person received the documents; or
- The person has provided a properly completed Precontractual Disclosure Waiver (Form 5) signed by them and a Queensland lawyer.

Penalties apply if a scheme operator does not comply.

**Instructions**

Please complete in **BLOCK** letters. If you need help completing this form, please contact the Department of Housing and Public Works on 13 QGOV (13 74 68)

**Part 1 – To be completed by prospective resident**

<b>1.1 Unit Details</b>	Retirement Village Name .....
	.....
	Unit number ..... Street Address .....
	.....
	Suburb ..... State Post Code

<b>1.2 Prospective resident details</b>	<b>Person 1</b>
	Preferred title Mr Mrs Ms Miss Other (specify).....
	First name .....
	Last name .....
	Phone .....
	Email .....
	<b>Person 2</b>
	Preferred title Mr Mrs Ms Miss Other (specify).....
	First name .....
	Last name .....
	Phone .....
	Email .....

<b>1.3 Details of person signing contract (if not the prospective resident)</b>	<b>Person 1</b>
	Preferred title Mr Mrs Ms Miss Other (specify).....
	First name .....
	Last name .....
	Phone .....
	Email .....
	Relationship of person signing the contract to the prospective resident
	.....
	<b>Person 2</b>
	Preferred title Mr Mrs Ms Miss Other (specify).....
	First name .....
	Last name .....
	Phone .....
	Email .....
	Relationship of person signing the contract to the prospective resident
	.....

**Part 1 continued**

**1.4 Due date for documents**

**Confirmation of documents received**

**Dates Received**

I confirm that I have received the following precontractual disclosure documents:

(DD/MM/YYYY)

- The residence contract for the retirement village on .....
- The village comparison document for the village on .....
- A prospective costs document for the residence contract on .....
- The by-laws for the village in force under section 130 of the *Retirement Villages Act 1999* on .....

**Documents subject to this waiver – documents already received**

I agree to receive less than 21 days before entering into the residence contract:

1. the following precontractual disclosure documents that I have confirmed that I have received above:
    - The residence contract for the retirement village
    - The village comparison document for the village
    - A prospective costs document for the residence contract
    - The by-laws for the village in force under section 130 of the *Retirement Villages Act 1999*
- and / or** (select which apply)
2. the details of changes that were provided to me by the scheme operator on ..... (insert date) in relation to information in the following precontractual disclosure documents:
    - The residence contract for the retirement village
    - The village comparison document for the village
    - A prospective costs document for the residence contract
    - The by-laws for the village in force under section 130 of the *Retirement Villages Act 1999*

**Documents subject to this waiver – documents and details of changes yet to be received**

**(Complete the following only if you agree to provide a waiver in respect of documents and details of changes that you may receive in the future)**

I agree to receive the following precontractual disclosure documents, including any changes to information contained in any of the documents, less than 21 days before entering into the residence contract:

- The residence contract for the retirement village
- The village comparison document for the village
- A prospective costs document for the residence contract
- The by-laws for the village in force under section 130 of the *Retirement Villages Act 1999*

**Part 1 continued**

**1.4 Due date for documents**

These documents, including any changes to information contained in any of these documents, must be provided at least .....(insert number) days before the residence contract is entered into. (refer Note 1)

**Notes:**

1. All documents listed in section 84 of the *Retirement Villages Act 1999* must be received by the person entering into the residence contract prior to entering into a residence contract. If no time is stated above for provision of documents subject to the waiver, then the documents must be provided immediately before the scheme operator and the person enter into the residence contract.
2. If a document is not indicated as being subject to this waiver, then it must be provided to the person at least 21 days before entering into the residence contract.

**1.5 Signature and confirmation**

**Person 1**

I, ..... (print name), received legal advice from a Queensland Lawyer about entering into a retirement village contract.

By completing this document, I wish to waive my rights to the 21-day precontractual disclosure period provided for under the *Retirement Villages Act 1999*.

Signature ..... Date signed .....  
DD / MM / YYYY

**Person 2**

I, ..... (print name), received legal advice from a Queensland Lawyer about entering into a retirement village contract.

By completing this document, I wish to waive my rights to the 21-day precontractual disclosure period provided for under the *Retirement Villages Act 1999*.

Signature ..... Date signed .....  
DD / MM / YYYY

**Part 2 - To be completed by lawyer providing advice**

<p><b>2.1 Lawyer details</b></p>	<p>Name .....</p> <p>ABN .....</p> <p>Address .....</p> <p>.....</p> <p>Suburb ..... State ..... Post Code .....</p> <p>Phone ..... Fax .....</p> <p>Email .....</p>
<p><b>2.2 Date legal advice was provided</b></p>	<p>.....</p> <p>DD / MM / YYYY</p>
<p><b>2.3 Signature and confirmation</b></p>	<p>By signing this waiver, you are confirming that:</p> <ul style="list-style-type: none"> <li>• You are a qualified Queensland lawyer</li> <li>• You acted solely on behalf of the person giving the waiver and entering into the residence contract in the transaction</li> <li>• You have provided legal advice to the person entering into the residence contract about the effect of the precontractual disclosure waiver and entering into the residence contract for the retirement village listed in part 1.1, including advice on the legal meaning and effect of the rights and obligations that apply under the residence contract in respect to:             <ul style="list-style-type: none"> <li>◦ The type of tenure or ownership of the unit;</li> <li>◦ Ingoing contribution and other fees payable upon entry;</li> <li>◦ Ongoing charges, including general services charges, maintenance reserve fund contributions and personal services charges;</li> <li>◦ Exit fee and other fees payable upon termination;</li> <li>◦ Any exit entitlement payable and the time frame for payment and any arrangements concerning capital gain or capital loss;</li> <li>◦ Resale process, including the obligation to pay ongoing general services charges and maintenance reserve fund contributions after vacating the unit;</li> <li>◦ The extent of any indemnities in the scheme operator’s favour in the residence contract and any possible impact that could have on the person’s rights under insurance policies relating to the retirement village;</li> <li>◦ The resident’s rights and obligations in respect of the unit and residing in the village.</li> </ul> </li> <li>• You are satisfied that the person, in deciding whether to sign the precontractual disclosure waiver and the residence contract, acted freely and without compulsion</li> <li>• You have not provided financial advice and recommend that the person seek independent financial advice in relation to the residence contract.</li> </ul> <p>Signature ..... Date signed .....</p> <p style="text-align: right;">DD / MM / YYYY</p>

## Further Information

If you would like more information, contact the Department of Housing and Public Works on 13 QGOV (13 74 68) or visit our website at [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)

### General Information

General information on retirement villages:

[www.qld.gov.au/retirementvillages](http://www.qld.gov.au/retirementvillages)

Further information on retirement villages and other seniors living options

[www.qld.gov.au/seniorsliving](http://www.qld.gov.au/seniorsliving)

### Department of Housing and Public Works, Regulatory Services

Regulatory Services administers the Retirement Villages Act 1999. This includes investigating complaints and alleged breaches of the Act.

Department of Housing and Public Works

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3008 3450

Email: [regulatoryservices@hpw.qld.gov.au](mailto:regulatoryservices@hpw.qld.gov.au)

Website: [www.hpw.qld.gov.au/housing](http://www.hpw.qld.gov.au/housing)

### Queensland Law Society

Find a qualified solicitor

Law Society House

179 Ann Street, Brisbane, QLD 4000

Phone: 1300 367 757

Email: [info@qls.com.au](mailto:info@qls.com.au)

Website: [www.qls.com.au](http://www.qls.com.au)

### Queensland Retirement Village and Park Advice Service (QRVPAS)

Specialist service providing free information and legal assistance for residents and prospective residents of retirement villages and manufactured home parks in Queensland.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: [caxton@caxton.org.au](mailto:caxton@caxton.org.au)

Website: [www.caxton.org.au](http://www.caxton.org.au)

### Department of Human Services (Australian Government)

Information on planning for retirement and how moving into a retirement village can affect your pension.

Phone: 132 300

Website: [www.humanservices.gov.au/individuals/subjects/age-pension-and-planning-your-retirement](http://www.humanservices.gov.au/individuals/subjects/age-pension-and-planning-your-retirement)

## Further Information continued

### Seniors Legal and Support Service

These centres provide free legal and support services for seniors concerned about elder abuse, mistreatment or financial exploitation.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: [caxton@caxton.org.au](mailto:caxton@caxton.org.au)

Website: [www.caxton.org.au](http://www.caxton.org.au)