

Queensland Retirement Village and Park Advice Service

Participating in Decision Making

Residents of retirement villages can participate in decision making about the retirement village in a number of ways including through residents committees, residents meetings and through special resolutions.

The information contained in this factsheet is for general information only and should not be relied upon as advice. It is important to get legal advice that is specific to your circumstances.

RESIDENTS COMMITTEES

Residents in a retirement village may establish a residents committee by election amongst residents. The role of the committee is to deal with the operator of the village on behalf of residents about the day-to-day running of the village and raise any complaints or proposals suggested by the residents.

The operator of the village may attend committee meetings if they are invited.

Subcommittees may be formed, but it is the residents committee itself that is to liaise with the village operator on behalf of the residents.

MEETINGS OF RESIDENTS

The residents committee may hold meetings to discuss issues that are of importance to the residents of the village. Minutes must be kept of all meetings, and residents within the village are able to access the minutes on request.

Annual meeting of residents

Every year, the operator of the village must call a residents meeting to discuss the annual financial statements for the village. The meeting must be called as soon as possible after the annual financial statements are made available, giving each resident at least 21 days written notice of the meeting. The annual financial statements must be presented at the meeting.

The annual residents meeting cannot be held at the same time as another meeting that is taking place at the village.

Notice for meetings of residents

When the operator or the residents committee want to call a meeting of all the residents in a village, each resident must receive 14 days written notice that the meeting will take place. In urgent circumstances, the notice period can be reduced, but at least two days written notice must be given.

Voting at a meeting of residents

When a meeting of the residents of a retirement village takes place, one resident from each unit within the village is entitled to vote, unless the residents have passed a special resolution allowing each resident to vote.

A resident who has moved out of their unit is entitled to vote for as long as they are required to contribute the full amount of their services charges.

BUDGETS AND FINANCIAL STATEMENTS

The village operator must set a general services charge and maintenance reserve fund budget for each financial year.

Draft maintenance reserve fund and general services charge fund budgets

A resident or the residents committee may request a copy of the draft maintenance reserve fund budget for the financial year. You must make this request at least 28 days before the beginning of the financial year to which the draft maintenance reserve fund budget relates. The village operator must comply by giving you or the committee the draft budget at least 14 days before the beginning of the financial year.

Similarly, a residence committee (but not an individual resident) may request a copy of the draft general services charge budget for the financial year to be provided to the committee at least 14 days before the beginning of the financial year. Where there is an increase in the expenditure involved in providing a general service that varies from expected expenditure in the general services charge fund budget, the residents committee for a village may ask the village operator for an explanation. The scheme operator must, as soon as practicable, give the committee a document that explains the increase.

Operators of retirement villages must also ensure that a quarterly statement about the income and expenditure of the capital replacement fund, maintenance reserve fund and general services charge fund is given to you on your request. The operator is only required to give you quarterly financial statements for the last two completed financial years. The operator must provide these statements within 28 days of the request being made. From March 2020, the operator must include both income and expenditure of the general services charge fund for the financial year.

Within five months after the end of each financial year, the village operator must also provide you with a financial statement showing the details of the retirement village operation upon request.

VILLAGE RULES AND BY-LAWS

By special resolution, residents can make, change or revoke by-laws at a residents meeting with the agreement of the operator of the village. The operator of the village must not withhold their agreement to a reasonable change or request.

DISPUTES AND ADVICE

See the Queensland Retirement Village and Park Advice Service factsheet *Disputes and Complaints* for practical guidance about how to resolve disputes that relate to retirement villages.

THE LAW

The *Retirement Villages Act 1999* (Qld) contains the law about retirement villages in Queensland. It does not contain the law about resolution of disputes between residents.

CONTACT POINTS

QUEENSLAND RETIREMENT VILLAGE AND PARK ADVICE SERVICE

This service, situated at Caxton Legal Centre, provides information, advice and assistance about the law relating to retirement villages.

Caxton Legal Centre
1 Manning Street
South Brisbane Qld 4101

Tel.: (07) 3214 6333
www.caxton.org.au

ASSOCIATION OF RESIDENTS OF QUEENSLAND RETIREMENT VILLAGES

This association provides advice and information to members about dispute resolution.

Tel.: 0437 906 074
www.arqrv.org.au

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

The department provides a free mediation service to help settle disputes without having to go to court.

Tel.: (07) 3239 6269 or 1800 017 288
(toll free outside Brisbane)

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

The tribunal can make orders about disputes relating to retirement villages.

Tel.: 1300 753 228
www.qcat.qld.gov.au

QUEENSLAND LAW SOCIETY

This service can provide referrals to a lawyer who has experience advising and assisting people who are thinking of moving into a retirement village.

Tel.: 1300 367 757
Seniors enquiry line
Tel.: (07) 3842 5842

DEPARTMENT OF HOUSING AND PUBLIC WORKS REGULATORY SERVICES UNIT

This unit regulates the *Retirement Villages Act 1999* (Qld). This includes investigating complaints and alleged breaches of the Act.

Tel.: (07) 3008 3450
email: regulatoryservices@hpw.qld.gov.au

Disclaimer

This information is intended only as a guide. It is not a substitute for legal advice.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on information contained in or omitted from this publication.

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