

Transition Plan

Retirement Villages Act 1999 (Section 41E)

About this document

Under the *Retirement Villages Act 1999* (the Act) an existing retirement village scheme operator (**existing scheme operator**) must prepare a *Transition Plan* when it proposes to transfer control of the operations of the retirement village to a new retirement village scheme operator (**new scheme operator**).

This Form is to be completed within 28 days after you have submitted the Notice of proposal to change scheme operator (Form 11A).

Attach extra sheets if necessary. All references to dates should be DD/MM/YYYY.

Failure to correctly complete this form or provide all information, fees and documents requested, may result in the application being refused. .

Privacy statement—please read

The Department of Housing and Public Works is collecting information, including personal information, on this form for the purposes of the *Retirement Villages Act 1999* Part 2, Division 5. In accordance with the Act, some personal information and business information is placed on a register that may be inspected by the public. In other instances, information on this form can be disclosed without your consent where authorised or required by law.

Criminal History Check

The new scheme operator and/or the directors of the new scheme operator will be required to complete a national criminal history check and supply a National Police Certificate for each person whose date and place of birth are requested. To apply go to [www.police.qld.gov.au/documents-for-purchase/ national-police-certificates](http://www.police.qld.gov.au/documents-for-purchase/national-police-certificates). You may be charged a fee.

Retirement Village Details

Retirement village name and location	Retirement village name Street address..... Suburb State QLD Postcode
Title Details	Title Holder..... Real Property Description of land Encumbrances/Leases.....

Existing Scheme Operator Details

Existing Scheme Operator Details	<p>Name of entity of existing scheme operator:</p> <p>.....</p> <p>RV number.....</p> <p>Australian Company Number (ACN)</p> <p>Address of registered office</p> <p>.....</p> <p>Suburb State Postcode</p> <p>Date entity became operator of Retirement Village.....</p> <p>Copy of the following documents are attached:</p> <p>☐ Retirement Village Comparison Document (VCD)</p> <p>☐ Resident Contract - template</p> <p>☐ Service Agreement – Personal</p> <p>☐ Service Agreement – Ancillary</p> <p>☐ Floor plan/s and/or site map/s</p> <p>☐ Any proposed development plan/s</p> <p>☐ Capital Replacement Budget</p> <p>☐ Maintenance Reserve Fund Budget</p> <p>☐ Quantity Surveyor Report</p>
Existing management of village Details	<p>Name of existing village management entity and contact details</p> <p>.....</p> <p>Australian Company Number (ACN).....</p> <p>PhoneEmail.....</p>
Existing Scheme Operator Key contact persons for transition plan	<p>Name</p> <p>Phone..... Email.....</p>
Reason for transition of control of operations	<p>What is the reason for the proposed transfer of control of operations of the retirement village scheme?</p> <p>.....</p> <p>.....</p>

Accommodation units and residents Number of units in each tenure type and number of residents (at the time transition plan was signed).	Number of...	Freehold	Lease	Licence	Other (specify)
	Occupied units				
	Residents in occupied units				
	Vacant units				
Resident Contact Details Name and Contact Details for <u>each</u> resident contract. (please add additional rows or attach a separate list of resident contact details)	Name	Postal Address		Email Address	
Disclosure of mandatory payments due to former residents Provide details of the scheme operator's liabilities to former residents (exit entitlement / buyback requirements under the Act).	Leasehold and licence Detail the total number of exit entitlements owing and the best estimate of the total amount payable to former residents and the anticipated date range or timeframe of when payments fall due. Freehold Detail the total number of units, the best estimate of total amount owing and date range or timeframe for buyback payments due to former residents with freehold tenure. <i>Note: the above information is estimated only and may be subject to change or adjustment throughout the course of the village transition.</i>				

Ingoing contributions	<p>Have all the required capital replacement fund contributions from residents' ingoing contributions been paid into the capital replacement fund?</p> <p>☐ Yes ☐ No</p> <p>If no, provide details of how any outstanding capital replacement fund contributions will be paid and managed during the transition of control of the retirement village to the new scheme operator.</p> <p>.....</p> <p>.....</p> <p>.....</p>
New Scheme Operator Details	
New Scheme Operator details	<p>Name of entity of new scheme operator:</p> <p>.....</p> <p>Australian Company Number (ACN)</p> <p>Address of registered office</p> <p>.....</p> <p>Suburb State Postcode</p>
New management of village details	<p>Name of new village management entity under the proposed new scheme operator</p> <p>.....</p> <p>Australian Company Number (ACN)</p> <p>Phone Email</p>
Key contact persons for transition plan Details of the key person/s who the department can contact.	<p>New scheme operator: details of key contact person</p> <p>Name</p> <p>Phone..... Email.....</p>
Other land owners (if any)	<p>Name, ACN (if any), and address of</p> <p>Each existing owner of any part of the retirement village land</p> <p>.....</p> <p>The details of another person if that person will be an owner of part of the retirement village land on the transfer day of the scheme</p> <p>.....</p>

Criminal History and Financial Disclosure	<p>Have you or any person mention in this application ever:</p> <ul style="list-style-type: none"> • been convicted of an offence involving fraud or dishonesty punishable, at the time the conviction is recorded, by not less than three months imprisonment? ☐ Yes ☐ No • been convicted of an offence involving physical violence to someone else? ☐ Yes ☐ No <p>Is any corporation mentioned in this application?</p> <ul style="list-style-type: none"> • under the control of a receiver or an external administrator? ☐ Yes ☐ No • subject to an executive deed of arrangement under Chapter 5 of the Corporation Law or corresponding provisions of the law of the country other than Australia where the administration of the terms of deed has not been finalised? ☐ Yes ☐ No <p>Are you or any person in this application insolvent under administration as provided under the Corporations Law including:</p> <ul style="list-style-type: none"> • declared bankrupt under the <i>Bankruptcy Act 1966</i>? ☐ Yes ☐ No • having the status of an undischarged bankrupt? ☐ Yes ☐ No • having executed a deed of arrangement under the <i>Bankruptcy Act 1966</i> or corresponding provisions of the law of a country other than Australia where administration of the terms of deed has not been finalised? ☐ Yes ☐ No • having creditors accept a composition under the <i>Bankruptcy Act 1966</i> or corresponding provisions of the law of a country other than Australia where the final payment has not been made under the terms of the composition. ☐ Yes ☐ No
Criminal history report/s of new scheme operator directors	<p>Please attach criminal history reports for the director(s) of the new scheme operator</p> <p>Director name/s.....</p> <p>.....</p>

Existing and New Scheme Operator Transition Implementation

Communication and consultation with residents to date	<p>What communication and consultation has already occurred with some, none or all residents about the proposed transfer of control of the scheme operations as at the date of this <i>transition plan</i>?</p> <p>.....</p> <p>.....</p> <p>.....</p>
Communication and consultation with residents throughout the village transition	<p>Detail how consultation has/will occur, and how matters relevant to the transition of control have/will be communicated to residents and other relevant persons throughout the transition period, (e.g. email, personal, letterbox or public notices, residents' meeting etc.).</p> <p>Detail how communication to other persons including families, staff, contractors or third-party providers of services are being managed.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Communication and consultation on revisions to the approved transition plan	<p>How will the existing scheme operator consult with residents about any proposed revisions to an approved <i>transition plan</i>?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>How will the existing scheme operator advise residents of an approved revision to the approved <i>transition plan</i>?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Communicating discontinuation of transfer of control of scheme operations to residents	<p>If residents have been advised of, or communicated about a transfer of control of scheme operations; how will the existing scheme operator advise residents of any discontinuation of transfer of control?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Schedule and detail of transition of operations	<p>What is the proposed date or timeframe for the transition of the village operations?</p> <p>.....</p> <p>Will there be a handover period where the existing scheme operator assists the new scheme operator to assume control of operations?</p> <p>☐ Yes ☐ No</p> <p>Provide information on the timeline of the proposed transition of operations, including details of any gradual transition arrangements, if any.</p> <p>.....</p> <p>.....</p> <p>.....</p>
Provision of general services and maintenance during transition	<p>How will the provision of general services and maintenance be transitioned from the existing scheme operator to the new scheme operator?</p> <p>.....</p> <p>.....</p> <p>.....</p>
Provision of personal services during transition	<p>How will the provision of personal services or other services be transitioned from the existing scheme operator to the new scheme operator?</p> <p>.....</p> <p>.....</p> <p>.....</p>

Residence contracts	<p>s.41J of the Act sets out the effect of change of scheme operator and the new scheme operator's benefits and obligations in relation to a residence contract associate with the retirement village scheme.</p> <p>How will residents be informed that the obligations of the existing scheme operator will be transferred to the new scheme operator from the date the transfer takes effect?</p> <p>.....</p> <p>.....</p> <p>.....</p>
Transfer of existing residence contracts	<p>What will be the process for handing over all existing residence contracts, including those of former residents who have a financial interest in the village, from the existing operator to the new scheme operator?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Transfer of village financial documents, reports and funds	<p>When will control of the following funds be transferred to the new scheme operator?</p> <p>General services charges fund(dd/mm/yyyy)</p> <p>Maintenance reserve fund(dd/mm/yyyy)</p> <p>Capital replacement fund(dd/mm/yyyy)</p> <p>When will control of the following be transferred to the new scheme operator?</p> <p>General services charge budget(dd/mm/yyyy)</p> <p>Maintenance reserve fund budget(dd/mm/yyyy)</p> <p>Capital replacement fund budget(dd/mm/yyyy)</p> <p>Annual financial statements.....(dd/mm/yyyy)</p> <p>Quarterly financial statements(dd/mm/yyyy)</p> <p>Quantity Surveyors reports.....(dd/mm/yyyy)</p>

<p>Handover of any other relevant documents</p> <p>For example, emergency plans, safety, compliance, former residents' committee meeting minutes, relevant correspondence etc</p>	<p>How will other reports and documentation relevant to the operation of the retirement village scheme be transferred to the new scheme operator?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Building management statement</p> <p>Copies of building management statements may be provided as attachments.</p>	<p>Does the retirement village scheme have a building management statement which is likely to be impacted by the transition?</p> <p>☐ Yes ☐ No</p> <p>If yes, what is the registered dealing number for the building management scheme?</p> <p>.....</p> <p>If yes, provide a summary of the likely impacts on the building management statement</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Community titles scheme</p>	<p>Does the retirement village have any community titles scheme arrangements in place?</p> <p>☐ Yes ☐ No (if no, go to next heading question)</p> <p>If yes, please provide full scheme name for the community titles scheme</p> <p>.....</p> <p>.....</p> <p>Community Management Statement dealing number</p> <p>.....</p> <p>Does the community titles scheme arrangement apply to all units in the retirement village scheme?</p> <p>☐ Yes ☐ No</p> <p>If no, provide details.</p> <p>.....</p> <p>.....</p>

	<p>Will there be any changes to the community titles scheme or body corporate arrangements as a result of the transition to a new scheme operator?</p> <p>☐ Yes ☐ No</p> <p>If yes, provide details.</p> <p>.....</p> <p>.....</p>
<p>Impacts on businesses operating in the retirement village</p>	<p>Will the transition change or end the leases or contracting arrangements with businesses operating in the retirement village in a way that will impact residents?</p> <p>☐ Yes ☐ No</p> <p>If yes, provide detail of the impacts and how any negative impacts will be mitigated</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Other impacts on residents</p>	<p>Are there likely to be any other significant impacts to residents during or because of the transition of which the existing scheme operator is aware?</p> <p>☐ Yes ☐ No</p> <p>If yes, provide detail and how any negative impacts will be mitigated</p> <p>.....</p> <p>.....</p>
<p>General Information</p>	
<p>Other relevant information related to the proposed transition plan may be provided below</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Confirmation and signature

Existing scheme operator:

I, [\[insert name\]](#) of [\[insert address\]](#)
being the existing scheme operator of the retirement village or the agent/representative of the existing
scheme operator of the retirement village certify that:

- I have agreed to the contents of this proposed *transition plan*.

Position in company

Signature Date

New scheme operator:

I, [\[insert name\]](#) of [\[insert address\]](#)
being the new scheme operator of the retirement village or the agent/representative of the new scheme
operator of the retirement village certify that:

- I have agreed to the contents of this proposed *transition plan*.

Position in company

Signature Date

Lodgement

Transition Plan is to be addressed to the Department of Housing and Public Works below:

By mail:

Attn. Regulatory Services
Department of Housing and Public Works
GPO Box 690
Brisbane QLD 4001

By email:

regulatoryservices@hpw.qld.gov.au

If you require any assistance, please contact Regulatory Services on phone: 07 3013 2666.

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 www.housing.qld.gov.au

General information

For general information and fact sheets on retirement villages visit

<https://www.business.qld.gov.au/industries/housing-accommodation/retirement-village-operators/operating-retirement-village/forms>