**Retirement Villages Form 11**

**Transition Plan**

*Retirement Villages Act 1999 (Section 41E)*

**This form is effective from 11 November 2019 ABN: 86 504 771 740**

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| About this document | | | | | | |
| Under the *Retirement Villages Act* 1999 **(the Act)** an existing retirement village scheme operator **(existing scheme operator)** must prepare a written *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)**. | | | | | | |
| Short description of transition ………………………………………………………………………….…  ………………………………………………………………………………………………………………..  Plan version number ……………………………………………………………………………………….  The information in this document is correct as at [dd/mm/yyyy] | | | | | | |
| Part 1 – Details of transfer | | | | | | |
| 1.1 Retirement village name and location | Retirement village name …………………………………………….………  Street address………………………………………………………………...  Suburb ……………………………………… State …..…Postcode …..…  Real Property Description of land ……………………………………..…. | | | | | |
| 1.2 Existing scheme operator details | Name of entity of existing scheme operator:  ……………………………………………………………………………..…………..…  Australian Company Number (ACN) …………………………………………  Address of registered office …………………………………………………..  …………………………………………….……………………..………………  Suburb ……………………………………… State .….… Postcode …..…  Date entity became operator………………………………..………………… | | | | | |
| **1.3 New scheme operator details**  See part 4 for more details on the timeline for transition | Name of entity of proposed new scheme operator:  …………………………………………………………………………………………  Australian Company Number (ACN) ………………………………………  Address………………………………………………………….……………  Suburb …………………………………… State ….….… Postcode …..… | | | | | |
| **1.4 Existing management of village** | Name of existing village management entity and contact details  ……………………………………………………………………………………..  Australian Company Number (ACN)………………………..…………………  Phone ………………….………Email……………………………………………… | | | | | |
| **1.5 New management of village** | Name of village management entity under the proposed new scheme operator and contact details  ……………………………………………………………………………………  Australian Company Number (ACN) …………….……………………………  Phone ………………………………… Email …………………………………… | | | | | |
| **1.6 Existing retirement village land owner** | Name of existing land owner  ……………………………………………………………………………………  …………………………………………………………………………………… | | | | | |
| **1.7 New retirement village land owner** | Name of proposed new land owner  ……………………………………………………………………………………  …………………………………………………………………………………… | | | | | |
| **1.8 Key contact persons for transition plan**  Details of the key persons who the department can contact. | **Existing operator:** details of key contact person  Name ……………………………………………………………………………  Phone……………………………. Email………………………………………  **New operator:** details of key contact person  Name ……………………………………………………………………………  Phone……………………………. Email……………………………………… | | | | | |
| **1.9 Reason for transition of control of operations** | What is the reason for the proposed transfer of control of operations of the retirement village scheme?  ……………………………………………………………………………………  …………………………………………………………………………………… | | | | | |
| **1.10 Accommodation units and residents**  Number of units in each tenure type and number of residents (at the time transition plan was completed). | **Number of…** | **Freehold** | **Lease** | **Licence** | **Other (specify)**  **…………………..** | |
| Occupied units |  |  |  |  | |
| Residents in occupied units |  |  |  |  | |
| Vacant units |  |  |  |  | |
| Part 2 – Requirements of a transition plan | | | | | | |
| **When a transition plan is required**  A *transition plan* is required when a retirement village scheme operator (existing scheme operator) proposes to transition control of a retirement village scheme’s operation to another person (new scheme operator).  A *transition plan* must not state matters about more than 1 retirement village scheme.  **Transition plan must be clear, orderly and fair**  The purpose of the transition plan is to provide for a clear, orderly and fair process for transitioning control of a retirement village scheme’s operation from the existing scheme operator to the new scheme operator and include the matters prescribed by the *Retirement Village Regulation 2018*.  **Transition plan process and approval**  An existing scheme operator who proposes to transfer control of a retirement village scheme’s operation to a new operator must:   * give the **chief executive** (Director-General of the Department of Communities, Housing and Digital Economy) *notice about change of scheme operator* (Form 11A); and * prepare and give a proposed transition plan to the chief executive within 28 days of giving the above notice unless granted an extension of the notice period by the chief executive.   The chief executive may approve the proposed transition plan, request additional information from the scheme operator or direct the scheme operator to revise the proposed transition plan.  The chief executive may approve the proposed transition plan only if satisfied that it provides for a clear, orderly and fair process for transitioning of control of the scheme operations from the existing scheme operator to the new scheme operator.  The chief executive must make a decision within 90 days of the later of receiving the application or receiving further information from the existing scheme operator that the chief executive reasonably requires for the purpose of making the decision.  **Approved transition plan may be revised**  An approved transition plan may be revised in the following circumstances:   * the chief executive may, on their own initiative, give the scheme operator a written direction to revise the approved transition plan; or * a scheme operator may apply to the chief executive to revise the approved transition plan.   The chief executive may approve the revised transition plan only if satisfied the revised transition plan provides for a clear, orderly and fair process for transitioning of control of the scheme operations from the existing scheme operator to the new scheme operator. **by the Queensland**  **Queensland Civil and Administrative Tribunal (QCAT) Notices**  The chief executive must provide a *QCAT information notice* to:   * residents when the chief executive approves a transition plan or a revised transition plan * the existing scheme operator if the chief executive gives the existing scheme operator a written direction to take action, or particular action, to revise a proposed transition plan * the existing scheme operator if the chief executive, using their own initiative, gives the existing scheme operator, a written direction to take action, or particular action, to revise an approved transition plan.   **Preparing and implementing a transition plan is a legal requirement**  A transition plan must be in the approved form and meet the requirements of the *Retirement Villages Act 1999* and the *Retirement Villages Regulation 2018*.  Penalties may apply to an existing operator who fails to appropriately prepare a transition plan and to an existing and a new scheme operator who fail to implement and comply with an approved transition plan when implementing a transition of control. Decisions that may be reviewed by the Queensland Civil and Administrative Tribunal (QCAT) Residents who disagree with a decision by the chief executive to approve a *transition plan* may have the decision reviewed by QCAT. If a decision to approve a *transition plan* is made by the chief executive, each resident in the village will receive a *QCAT information notice* which provides further information on how to have a decision reviewed.  A scheme operator may also apply to QCAT for a review of the chief executive's decision directing the scheme operator to revise a proposed *transition plan*, or to revise an approved *transition plan*.  **Discontinuing transition of control of the retirement village**  If at any time the existing scheme operator and new scheme operator decide not to proceed with the transfer of the control of the retirement village scheme’s operation, they must give a *notice of discontinuation* (form 11B) to the chief executive. This will mean any approved transition plan for the retirement village scheme is no longer approved.  **Advising residents of transfer of control of the retirement village scheme’s operations**  Within 14 days after the transfer takes effect, the new scheme operator must give, to each resident of the retirement village, a notice stating the:   * scheme operator for the retirement village scheme has changed * name, address and telephone number of the new scheme operator * date the transfer took effect. | | | | | | |
|  | | | | | | |
| Transfer of control of operations | | | | | | |
| Part 3 – Communication and consultation | | | | | | |
| **3.1 Communication and consultation with residents to date**  Include whether this applies to all, some, or no residents. | What communication and consultation has already occurred with residents about the proposed transfer of control of the scheme operations as at the date of this *transition plan*?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ……………………………..………………………………………………………  ……………………………..……………………………………………………… | | | | | |
| **3.2 Communication and consultation with residents throughout the village transition**  Details to include:   * the type of communication and consultation that is to occur (e.g. email, personal, letterbox or public notices, residents’ meeting etc.) * the timing of any notices, communication and consultation * how resident concerns will be considered and addressed.   \*Other relevant persons include residents’ families, staff, contractors or third-party providers of services (e.g. personal care/home care), commercial or other businesses at the village (e.g. restaurant, medical centre, etc). | Detail how consultation will occur, and how matters relevant to the transition of control will be communicated to residents and other relevant persons throughout the transition period. \*  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **3.3 Communication and consultation on revisions to the approved transition plan** | 3.3.1 How will the existing scheme operator consult with residents about any proposed revisions to an approved *transition plan*?  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  3.3.2 How will the existing scheme operator advise residents of an approved revision to the approved *transition plan*?  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  ………………………………………………………………………………….. | | | | | |
| **3.4 Communicating discontinuation of transfer of control of scheme operations to residents** | If residents have been advised of, or communicated with regarding a transfer of control of scheme operations, how will the existing scheme operator advise residents of any discontinuation of transfer of control?  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  ………………………………………………………………………………….. | | | | | |
| Part 4 – Transition implementation | | | | | | |
| **4.1 Schedule and detail of transition of operations**  Include details of any gradual transition arrangements for transitioning control to the new scheme operator. | 4.1.1 What is the proposed date or timeframe for the transition of the village operations?  …………………………………………………………………………………...  4.1.2 Will there be a handover period where the existing scheme operator assists the new scheme operator to assume control of operations?  Yes  No  4.1.3 Provide information on the timeline of the proposed transition of operations.  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ……………………………..………………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **4.2 Provision of general services and maintenance during transition** | How will the provision of general services and maintenance be transitioned from the existing scheme operator to the new scheme operator?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **4.3 Provision of personal services during transition** | How will the provision of personal services or other services be transitioned from the existing scheme operator to the new scheme operator?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **4.4 Ingoing contributions** | 4.4.1 Have all the required capital replacement fund contributions from residents’ ingoing contributions been paid into the capital replacement fund?  Yes  No  4.4.2 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.  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **4.5 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). | 4.5.1 Leasehold and licence  Detail the total number of exit entitlements owing and an estimate of the total amount payable to former residents and the anticipated date range or timeframe of when payments fall due.  …………………………………………...……………………………………..  …………………………………………...……………………………………..  …………………………………………...……………………………………..  4.5.2 Freehold  Detail the total number of units, estimate of total amount owing and date range or timeframe for buyback payments due to former residents with freehold tenure.  …………………………………………...……………………………………..  …………………………………………...……………………………………..  …………………………………………...……………………………………..  *Note: the above information is estimated only and may be subject to change or adjustment throughout the course of the village transition.* | | | | | |
| Part 5 – Residence contracts | | | | | | |
| By law, from the date the transfer takes effect the new scheme operator is the scheme operator for the retirement village who obtains the benefits and is subject to the obligations of the previous scheme operator in relation to a residence contract associated with the retirement village scheme (section 41J(3) of the Act). | | | | | | |
| **5.1 Residence contracts** | 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?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **5.2 Transfer of existing residence contracts** | 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?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  …………………………………………………………………………………..  ………………………………………………………………………………….. | | | | | |
| Part 6 – Village funds and documents | | | | | | |
| **6.1 Transfer of village financial documents, reports and funds** | **When will control of the following funds be transferred to the new scheme operator?**  General services charges fund ….……………….............(dd/mm/yyyy)  Maintenance reserve fund ……………………………......(dd/mm/yyyy)  Capital replacement fund ...……………………….............(dd/mm/yyyy)  **When will control of the following be transferred to the new scheme operator?**  General services charge budget ………………………….......(dd/mm/yyyy)  Maintenance reserve fund budget ...………………….............(dd/mm/yyyy)  Capital replacement fund budget …………………….............(dd/mm/yyyy)  Annual financial statements……….……………………………(dd/mm/yyyy)  Quarterly financial statements ……..……………..……………(dd/mm/yyyy)  Quantity Surveyors reports..………………………..….............(dd/mm/yyyy) | | | | | |
| **6.2 Handover of any other relevant documents**  For example, emergency plans, safety, compliance, former residents’ committee meeting minutes, relevant correspondence etc. | How will other reports and documentation relevant to the operation of the retirement village scheme be transferred to the new scheme operator?  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **6.3 Building management statement**  Copies of building management statements may be provided as attachments. | 6.3.1 Does the retirement village scheme have a building management statement which is likely to be impacted by the transition?  Yes  No  6.3.2 If yes, what is the registered dealing number for the building management scheme?  …………………………………………………………………………………….  6.3.3 If yes to 6.3.1, provide a summary of the likely impacts on the building management statement  ………………………………………………………………………………….  …………………………………………………………………………………..  ………………………………………………………………………………….  …………………………………………………………………………………..  ………………………………………………………………………………….  ………………………………………………………………………………….. | | | | | |
| Part 7 – Community titles information | | | | | | |
| **7.1 Community titles scheme** | Does the retirement village have any community titles scheme arrangements in place?  Yes  No  If yes, complete 7.2. | | | | | |
| **7.2 Details related to community titles schemes** | 7.2.1 Full scheme name for the community titles scheme  ……………………………………………………………………………………  ……………………………………………………………………………………  7.2.2 Community Management Statement dealing number  …………………………………………………………………………………….  7.2.3 Does the community titles scheme arrangement apply to all units in the retirement village scheme?  Yes  No  7.2.4 If no, provide details.  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  7.2.5 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?  Yes  No  7.2.6 If yes, provide details.  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| Part 8 – Impacts of change of operator for residents | | | | | | |
| **8.1 Impacts on businesses operating in the retirement village** | 8.1.1 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?  Yes  No  8.1.2 If yes, provide detail of the impacts and how any negative impacts will be mitigated  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| **8.2 Other impacts on residents** | 8.2.1 Are there likely to be any other significant impacts to residents during or as a result of the transition, of which the existing scheme operator is aware?  Yes  No  8.2.2 If yes, provide detail and how any negative impacts will be mitigated  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..……………………………………………………  ………………………………..…………………………………………………… | | | | | |
| Part 9 – General information | | | | | | |
| **Other relevant information related to the proposed transition plan may be provided below**  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..……………………………………………………………………………..  ………………………………..…………………………………………………………………………….. | | | | | | |
| Part 10 – Confirmation and signature | | | | | | |
| I, …………. *[print name]* of ……………… [*print address]* being the existing scheme operator of the retirement village or the agent/representative of the existing scheme operator of the retirement village *[delete whichever does not apply]* certify that:   * the information in this *transition plan* is correct as at [dd/mm/yyyy]*.* * I have the agreement of the new scheme operator to the contents of this proposed *transition plan*.   **Existing scheme operator:**  Position in company ……………………………………………………………………………………..  Signature ……………………………………………………………… Date ……………………………  **New scheme operator:**  Name………………………………………………………………………………………………………  Position in company ……………………………………………………………………………………..  Signature ……………………………………………………………… Date …………………………… | | | | | | |
| **Part 11 – Lodgement** | | | | | | | |
| Please send the completed notice to the chief executive of the Department of Communities, Housing and Digital Economy at the address below:  **By mail:**  Regulatory Services  Department of Communities, Housing and Digital Economy  GPO Box 690  Brisbane QLD 4001  **By email:**  [regulatoryservices@chde.qld.gov.au](mailto:regulatoryservices@chde.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 Communities, Housing and Digital Economy on 13 QGOV (13 74 68) or visit our website [**www.chde.qld.gov.au**](http://www.chde.qld.gov.au)**/regulatoryservices**  **General information**  For general information and fact sheets on retirement villages visit [**www.qld.gov.au/retirementvillages**](http://www.qld.gov.au/retirementvillages) | | | | | | |
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