Department of **Local Government, Industry Regulation and Safety**
Consumer Protection

GOVERNMENT OF WESTERN AUSTRALIA

Application to extend - exit entitlement or buyback

Retirement Villages Act 1992 **(the Act) - section 38**

When completed this form is classified as OFFICIAL Sensitive

About this form

A village operator must use this form to apply for more time to pay a former resident their exit entitlement or enter into a contract to buyback the resident's former home. An extension of up to 12 months may be approved by the Commissioner for Consumer Protection (the Commissioner).

An operator must:

- submit the application at least **90 days before** the payment deadline; and
- give written notice to the former resident (or their representative) **within 7 days** of the application being made.

The **payment deadline** is the date when an operator must:

- pay an exit entitlement to a resident, or the person entitled to it (section 29 of the Act); or
- enter a contract for, and complete, the purchase of residential premises (Part 3A of the Act).

For more information about applying for an extension of time - exit entitlement or buyback:
www.consumerprotection.wa.gov.au/cdrv

Section 1: Retirement village and operator information

Retirement village name	
Retirement village address	Address line 1 Address line 2 Suburb/Town — State — Postcode
The operator	Village operator name (entity): Business trading name (if different from above): Name of village operator/owner (CEO/Director): Australian Company or Business Number (ACN or ABN):
Business address (if different to village address)	Address line 1 Address line 2 Suburb/Town — State — Postcode Email — Phone

If an email address is not provided, the decision will be sent to the business address.

Section 2: Information about former resident/s

Resident 1	
Resident 1 name	
Resident 1 address	Address line 1
	Address line 2
	Suburb/Town State Postcode
	Email Phone
Resident 2 (if applicable)	
Resident 2 name	
Resident 2 address	Address line 1
	Address line 2
	Suburb/Town State Postcode
	Email Phone

If an email address is not provided, the decision will be sent to the residential address provided.

Section 3: Application information

3.1 Address of residential premises to which this application relates

Residential premises address	Address line 1
	Address line 2
	Suburb/Town State Postcode

3.2 What extension are you seeking?	☐ Extension of time to pay an exit entitlement ☐ Extension of time to enter into a contract for and complete a buyback
3.3 Have you previously been granted an extension of time to pay an exit entitlement or complete a buyback for the resident the subject of this application?	☐ Yes ☐ No

Note: Only one extension in relation to the same resident may be granted.

Section 3 continued...

3.4 What is the payment deadline for the exit entitlement or buyback as stated in the residence contract?	Date
3.5 Has the resident ever agreed to extend the payment deadline above?	☐ Yes ☐ No (go to question 3.8)
If yes, what is the new agreed payment deadline?	Date
Attach evidence of the agreement and any related correspondence to the application before submitting.	
3.6 Has the resident ever revoked the extension agreement for the exit entitlement or buyback completion?	☐ Yes ☐ No (go to question 3.8)
If yes, what date was the extension agreement revoked?	Date
Attach evidence of the agreement and any related correspondence to the application before submitting.	
3.7 Has the residence contract been terminated by the State Administrative Tribunal?	☐ Yes ☐ No
If yes, the SAT order to terminate the residence contract to which this application relates will need to be attached to the application before submitting.	
3.8 When did the former resident(s) vacate the premises?	Date
3.9 Has another person entered occupation of the residential premises?	☐ Yes ☐ No
If yes, on what date did the other person move into the premises?	Date

Section 4: Rationale for, and details of, extension request

4.1 Why are you applying for an extension?

Include all circumstances and matters you want considered in deciding whether to grant the extension. Include matters the Commissioner may consider in deciding whether to grant an extension as outlined in section 38(8) of the Act.

4.2 What length of extension are you seeking? You can request up to 12 months.

4.3 Provide information to demonstrate the steps you have taken to prepare the premises for sale or occupation by the next resident.

Section 4 continued...

4.4 Do you have any information to suggest the former resident has unreasonably delayed the sale of the premises or entry of the next resident?	☐ Yes ☐ No (go to section 5)

If yes, provide details below and attach any relevant information to your application.

Section 5: Operator declaration

- I declare this application is true and correct to the best of my knowledge and belief. This includes all statements I have made and all information I have provided in relation to the application.
- I consent to the Department of Local Government, Industry Regulation and Safety (LGIRS) making enquiries and exchanging information, including personal information, with other WA state government agencies, or other States, Territories and/or the Commonwealth for the purpose of determining this application.
- I acknowledge I am required to notify in writing the person to whom the exit entitlement or buyback payment is owed, to advise them that this application for extension has been made, and I must do this within 7 days of lodgement.

Full name:	
Position/title:	
Signature	
Date	

Documentation checklist

Please select the boxes below to show all required documents are attached when submitting this application. Please provide copies not originals.

☐	Residence contract (the agreement between the operator and former resident).
☐	Quarterly income and expenditure financial statements of the **main operating account** for the: • previous financial year; and • current financial year, showing year-to-date figures.
☐	Quarterly income and expenditure financial statements of the **maintenance account** (from 1 July 2028) or account holding **capital maintenance funds** (before 1 July 2028 and if not already attached) for the: • previous financial year; and • current financial year, showing year-to-date figures.
☐	Quarterly income and expenditure financial statements for the **replacement account**, or the account holding **capital replacement funds** (if not already attached) for the: • previous financial year; and • current financial year, showing year-to-date figures.
☐	Quarterly income and expenditure financial statements for a **reserve/sinking fund** (if applicable) for the: • previous financial year; and • current financial year, showing year-to-date figures.
☐	Most recent **residential premises valuation** (if there is one) for the premises this application relates.

Note: Your application must include the above documentation as a minimum. This will allow the financial capacity of the village to pay the exit entitlement or complete the buyback to be considered. An application may be refused if insufficient information is provided.

Additional documents you may include (optional)

- The resident's written request to use daily accommodation payments for aged care.
- A copy of the aged care provider's daily accommodation payment schedule.
- Evidence of an agreed alternative date to pay the exit entitlement.
- A State Administrative Tribunal order ending the residence contract.
- Written notice from the resident extending the deadline for payment.
- Written notice from the resident revoking a previously granted extension.
- Any other information you would like the Commissioner to consider (attach as a separate document).

Note: A decision will be made on the information provided in this application, any submissions made by the operator and former resident, and any other enquiries the Commissioner considers necessary. There will be no formal hearing conducted.

Privacy Collection Notice – Applications received under the *Retirement Villages Act 1992* (WA)

LGIRS collects personal information through the following applications made under the *Retirement Villages Act 1992* (WA):

- Application for appointment of an external mediator
- Review of refusal to appoint a mediator
- Application for the Commissioner appointment of a licensed land valuer
- Application to extend – exit entitlement or buyback
- Application for exemption – exit entitlements and/or buybacks

This information is used for the following purposes:

- to review and determine the application; and
- maintain records of applications for accountability and reporting purposes.

For the same purposes, we may provide this information to:

- relevant government agencies or departments, or any third parties to assess issues raised in your application; and
- internal staff to enable assessment of the application, statistical analysis, customer satisfaction surveys, and other regulatory functions, including communication, education, and policy and legislative review and development.

We will not disclose personal information about you to anybody else, unless you have given consent, or we are authorised or required to do so by law.

Providing us with the requested information is voluntary, but if you choose not to provide us with it, we may not be able to assess your application.

Please refer to LGIRS Privacy Policy on our website for more information about how we handle your personal information, how you can request access to or correction of the personal information we hold about you, and who to contact if you have a privacy enquiry or complaint.

Lodgement options

In Person:	Mail:	Email:
Consumer Protection Gordon Stephenson House Level 2/140 William Street Perth WA 6000	Consumer Protection Locked Bag 14 Cloisters Square Perth WA 6850	Email your completed application with clearly labelled attachments to: cp.determinations@lgirs.wa.gov.au

For more information or help filling out this form:

Email: cp.determinations@lgirs.wa.gov.au

Call 1300 30 40 54 on weekdays from 8.30am to 4:30pm.

Visit: www.consumerprotection.wa.gov.au/retirement-villages