

Queensland



Subordinate Legislation 1994 No. 313

Retirement Villages Act 1988

RETIREMENT VILLAGES AMENDMENT REGULATION (No. 2) 1994

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Short title

1. This regulation may be cited as the *Retirement Villages Amendment Regulation (No. 2) 1994*.

Regulation amended

2. This regulation amends the *Retirement Villages Regulation 1989*.

Replacement of s 6 (Fees)

3. Section 6—

omit, insert—

‘Fees

‘6. The fees stated in Schedule 3 are the fees payable for the purposes of the Act.’.

Replacement of Pt 7 (Exemptions)

4. Part 7—

omit, insert—

‘PART 7—EXEMPTIONS**‘Exempt organisations**

‘16.(1) An organisation mentioned in Schedule 1 (Exempt organisations) is declared to be an exempt organisation.

‘(2) The exemption is given—

- (a) on the conditions stated in Schedule 1; and
- (b) for the time stated in Schedule 1; and
- (c) from the application of the provisions of the Act stated in Schedule 1.

‘Exempt retirement villages

‘17.(1) A retirement village mentioned in Schedule 2 (Exempt retirement villages) is declared to be an exempt retirement village.

‘(2) The exemption is given—

- (a) on the conditions stated in Schedule 2; and
- (b) for the time stated in Schedule 2; and
- (c) from the application of the provisions of the Act stated in Schedule 2.’.

Replacement of Sch 1 (Exemptions)

5. Schedule 1—

omit, insert—

‘SCHEDULE 1**‘EXEMPT ORGANISATIONS**

section 16

‘Organisation exempted

‘1. Star Gardens Order of the Eastern Star Homes for the Aged Incorporated is exempt from the application of Part 4 of the Act.

‘SCHEDULE 2

‘EXEMPT RETIREMENT VILLAGES

section 17

‘PART 1—GOLDEN GROVE HOSTEL

‘Retirement village exempted

‘1. Golden Grove Hostel, Southport is exempt from the application of Parts 1 to 6 of the Act.

‘PART 2—RIVERLANDS NOOSA

‘Retirement village exempted

‘2. Riverlands Noosa, Tewantin is exempt from the application of Parts 1 to 6 of the Act.

‘PART 3—CYPRESS GARDENS SERVICED APARTMENTS

‘Retirement village exempted

‘3. Cypress Gardens Serviced Apartments, Clear Island Waters is exempt from the application of Part 4 of the Act.

‘Conditions of exemption

‘4.(1) The exemption mentioned in clause 3 is given on the conditions stated in subclause 2.

‘(2) For each lot in the retirement village—

- (a) a separate indefeasible title must be created under the *Building Units and Group Titles Act 1980*; and
- (b) if the lot is occupied—a lease for the life of the occupier must be registered under the *Land Titles Act 1994* over the lot in favour of the occupier of the lot; and
- (c) if the lot is occupied—a first mortgage must be registered under the *Land Titles Act 1994* over the lot in favour of the occupier of the lot.

‘PART 4—DOMAIN ANNEX HOSTEL**‘Definitions**

‘5. In this Part—

“Domain” means Domain Annex Pty Ltd ACN 060 719 557.

“hostel land” means the land described as Lot 1 on RP864265 County of Ward, Parish of Nerang contained in Certificate of Title volume 8773 folio 18 and having an area of 6 800m².

“mortgage” means the mortgage held by Commonwealth Bank of Australia Ltd ACN 123 123 124 over the hostel land.

“trust deed” means a trust deed entered into by John Francis Connors, Domain and a resident of the retirement village.

“trust funds” means the total of the amounts held by the trustee under the trust deeds.

“trustee” means John Francis Connors.

‘Retirement village exempted

‘6.(1) Domain Annex Hostel at 100 Wardoo Street, Ashmore is exempt from the application of Part 4 of the Act.

‘(2) The exemption starts on the day the registrar approves the scheme for the retirement village.

‘Conditions of exemption

‘7.(1) The exemption mentioned in clause 6 is given on the conditions stated in this clause.

‘(2) Domain must not use the amount secured by the mortgage other than for—

- (a) the purchase of the hostel land; and
- (b) the costs associated with the construction and fit out of the retirement village on the hostel land.

‘(3) Domain must notify the registrar, at least every 2 months, of—

- (a) the amount of the trust funds; and
- (b) the amount outstanding under the mortgage.

‘(4) Domain must notify the registrar as soon as practicable if the amount of the trust funds is sufficient to discharge the mortgage.

‘(5) The trustee must not deal with the trust funds other than under the trust deeds.

‘When exemption ends

‘8. The exemption mentioned in clause 6 ends when the registrar gives written consent to the trustee, under the trust deed, to pay an amount of the trust funds to discharge the mortgage.’.

Amendment of Sch 2 (Fees)

6. Schedule 2—

renumber as Schedule 3.

ENDNOTES

1. Made by the Governor in Council on 24 August 1994.
2. Notified in the Gazette on 26 August 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Office of Consumer Affairs.