



Important questions to ask your lawyer

If you're considering moving into a retirement village, it's important to speak with a lawyer who has experience with retirement village documentation

What to ask before you move into a retirement village

By law, you're required to receive independent legal advice before you sign an occupation right agreement. When consulting with your lawyer, it's also a good idea to discuss the disclosure statement and other village paperwork.

General questions

If your budget allows, you may want to meet with a lawyer before you start visiting retirement villages to get a better understanding of what to expect from the application process. If you do, you might want to ask the following questions.

- Can you talk me through what to expect (from a legal perspective) when applying for a retirement village?
- What paperwork can I expect to come across?
- Can you talk me through the following documents?
 - Occupation right agreement (ORA)
 - Disclosure statement
 - Retirement Villages Act 2003
 - Code of Residents' Rights
 - Code of Practice
- Can you let me know the parts of the ORA and disclosure statement that I should pay close attention to when I review them?
- Other than a licence to occupy, what are some other legal titles I might come across?

Application questions

If you've decided to apply for a retirement village, here are some specific questions to ask your lawyer as you go through the application process.

- Can you review the occupation right agreement and let me know if anything is amiss, unreasonable or unusual? In particular, can you tell me if the village can increase the fees it charges me at any point and if there are other charges and costs which I will have to pay?
- Can you explain the occupation right agreement to me clearly – in plain English – until I have a complete understanding of the agreement?
- I have a family trust – can it enter into an occupation right agreement or will I need to sign the ORA under my own name?
- Can you talk me through the disclosure statement and village rules and let me know if everything is as it should be?
- If I do sign an occupation right agreement but decide I don't want to proceed, can I get out of it?
- If I do move into a village and find that the village is not for me, can I terminate the occupation right agreement? If yes, what would be the financial consequences?

Other must-dos

- Keep a written record of all communication between yourself and the retirement village operator, including a record of any verbal promises or assurances made.
- Make sure you completely understand the occupation right agreement before you sign it. If you're unsure about anything, ask your lawyer to explain it again in a different way. Keep asking until you are confident understand the issue.
- Appoint an enduring power of attorney for your personal care.
- Appoint an enduring power of attorney for your property.

