

Guidance Notes – Note Retirement Village

These guidance notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner.

The purpose of this application is to be used when under the provisions of section 42 of the *Retirement Villages Act 2012* the operator of a retirement village must lodge a notice with the Registrar-General for registration under the *Land Titles Act 1925* that the land consisting of the retirement village (or land that is part of the retirement village) is used as a retirement village. A notice must be lodged with the Registrar-General before entering into a residence contract in relation to residential premises on the land.

The operator must lodge with the Registrar-General a new notice under section 42 if any of the information in a notice registered under the *Land Titles Act 1925* in relation to the retirement village is no longer accurate.

Where a retirement village notification relates to a parcel of land that has been unit titled, the notification should go on each unit title that is subject/used as part of a retirement village.

This guidance note is to be read in conjunction with the Verification of Authority Guidelines and Verification of Identity Rules on the [Access Canberra website](#).

All panels must be completed in full. If an annexure is required, use form ANN-Annexure. If more than one page is required in the annexure these pages shall be numbered consecutively and bound to this document by staples along the left margin.

All handwriting must be clear, legible and in black ink.

Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear, and all parties must sign in the margin. Do not use correction fluid or tape.

The Registrar-General may refuse to accept any instrument that does not comply with the *Land Titles Act 1925* or these notes.

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the *Information Privacy Act 2014*. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

LODGMENT INFORMATION

Access Canberra - Dickson Service Centre, 480 Northbourne Avenue Dickson ACT
Opening hours – Monday to Friday 9:00am to 5:00pm
(excluding public holidays)

Lodgment fees apply.

COMPLETION OF FORM

LODGING PARTY DETAILS

The lodging party needs to complete all fields. The Customer Reference Number is only required for approved subscribers who have a lodgment account to the ACT Land Information System. If the lodging party does not have a lodgment account, this field can be left blank. The lodging party will receive a Registration Confirmation Statement by email upon registration of the document to the provided email address.

LAND DESCRIPTION

Legal identifier of the land is to be supplied. To assist with suburb, section, and block, visit actmapi.act.gov.au

FULL NAME ADDRESS OF APPLICANT

Full legal name of the applicant/operator.

FULL NAME AND ADDRESS OF THE REGISTERED PROPRIETOR ON TITLE

Full name of registered proprietor must match the title

LAND COMPRISED FOR USE BY RETIREMENT VILLAGE

Under the provisions of section 42 of the Act the operator of a retirement village must lodge a notice with the Registrar-General for registration under the *Land Titles Act 1925* that the land consisting of the retirement village (or land that is part of the retirement village) is used as a retirement village.

Must tick which box applies if not whole of the land then must attach original plan.

An original plan describing the location of the retirement village in relation to other dwellings on the parcel. Each retirement village diagram needs to be site specific and should be prepared in accordance with the standards and specifications for the preparation of Sublease Plans and should be prepared by a surveyor, architect, technical officer or survey draftsman.

Retirement Village diagrams should be prepared on A4 size paper. Colour should not be used in the preparation of easement diagrams. Hatching, striking and pecked lines can be used to identify areas within the plan. A key should be accompanied on the supporting retirement village diagram to clearly define any hatched or pecked areas.

TRADING NAME

Only complete this field if the trading name of retirement village is different to applicant/operator.

CERTIFICATION

Certifications are statements made by a Certifier that they have undertaken a specific action prior to lodging the Registry Instrument to the Land Titles Office. A Certifier must provide the required Certifications when signing Registry Instruments or other Documents and provide the Certifications required for the role they are undertaking.

All parties must execute the document under certification.

Certification statements (dot points) must be made by the certifier, being one of the following:

- a. **A legal practitioner**
- b. **If the applicant is not represented by a legal practitioner – the applicant (i.e. self- represented party)**

c. If a party to an instrument is not represented by a legal practitioner – that party (i.e. self-represented party)

Any inapplicable certification statement(s) must be deleted.

All certification statements apply where the certifier is a legal practitioner.

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter the conveyancing transaction.

The first two listed certification statements do not apply where the Certifier is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

A self-represented party must have their identity verified and certified by an Identity Agent, Justice of the Peace, Legal Practitioner, or Notary Public and provide evidence to be able to transact on the land as outlined in the self-represented party pack found [here](#). Self-represented parties must sign in the certification panel and have that signature witnessed by the authorised person completing the verification of or by an adult over the age of 18 who is not a party to this document. A completed self-represented party pack is to accompany the application at time of lodgment.

Note: - An attorney, body corporate or a corporation cannot make certification statements. They are required to complete the form as a self-represented party.

SUPPORTING DOCUMENTS

- Plans showing the area of the retirement village (if required)
- When the land has a registered mortgage, and the mortgage is carrying over to the new title after the Note of Retirement Village is registered, consent is required from the mortgagee. Consent form 042-C is available from Access Canberra Website.

EVIDENCE TO BE LODGED FOR SELF-REPRESENTED

If you are a self-represented party, satisfactory evidence is to accompany this application. Evidence may include but not limited to:

- A completed Self-represented party pack including identity certification, documents used to verify identity, and documents linking the applicant to be able to deal on the property; and
- Annexures or attachments supporting the lodgment.

EVIDENCE TO BE RETAINED BY LEGAL PRACTITIONERS AND MORTGAGEE CORPORATIONS

Any evidence to support verification of identity carried out by a legal practitioner or mortgagee corporations, must be retained:

- (a) by the Legal Practitioner for at least 7 years from the date of lodgment of the Registry Instrument in the Land Titles Office;
- (b) by the mortgagee until they cease to be mortgagee in respect of the mortgage.

Evidence is required to be retained in order to demonstrate that the transaction was completed in accordance with legislative and other requirements and the certifications required were accurately made. Evidence may be required

to be provided to the Registrar-General for the purpose of monitoring compliance with legislative and other requirements. The evidence must be legible, stored safely and securely, and accessible and may include:

- Client Authorisation
- Verification of identity
- Right to deal
- Other Prescribed Requirements; and
- Any evidence required by the Duty Authority.

Have a question or need assistance? Click the Contact us form button at the end of the [ACTLIS](#) home page or you can call this office on (02) 6207 0491