

Approval to sell or purchase a retirement village residence

Documents to be provided when applying to SACAT

Types of applications SACAT deals with

Private administrators appointed by SACAT, and the Public Trustee, must apply to the Tribunal for approval to sell or purchase a retirement village residence on behalf of a protected person.

In considering applications for approval, SACAT needs to be satisfied that an administrator will deal with a protected person's estate in an appropriate manner and for the benefit of the protected person. The foremost concern is to protect the assets of the protected person.

What do you need to provide to sell or purchase a retirement village residence?

For the Tribunal to consider an approval for sale or purchase of a retirement village residence application, it will require the following documents to be provided with the application:

<input type="checkbox"/>	1. An application (Administration (existing orders) – request for advice, direction or approval) completed online at www.sacat.sa.gov.au
<input type="checkbox"/>	2. The retirement village agreement or contract in its entirety
<input type="checkbox"/>	3. Correspondence from the retirement village about the current value of the residence
<input type="checkbox"/>	4. The reasons for the sale or purchase
<input type="checkbox"/>	5. The protected person's current attitude to the sale or purchase
<input type="checkbox"/>	6. The name of the person that will be placed on the title of the new residence
<input type="checkbox"/>	7. The portion of the residence that is the protected person's and how they are paying for that portion
<input type="checkbox"/>	8. A letter from immediate family and any potential beneficiaries under a Will and any joint proprietor relating to their views about the sale or purchase of the residence
<input type="checkbox"/>	9. A copy of the protected person's last Will and testament <input checked="" type="checkbox"/> The administrator must not disclose the contents of the person's will to any other person other than the protected person except with the authority of the Tribunal (see more below)
<input type="checkbox"/>	10. A summary of the person's current assets and liabilities
<input type="checkbox"/>	11. A medical report from the protected person's doctor advising: <ul style="list-style-type: none"> ● Is there any likelihood of the protected person being able to manage their finances? ● Will the protected person be capable of returning home to live (if relevant)? ● Is the protected person capable of making a valid decision regarding the sale or purchase and if so, what are their views?

The Protected Person's last Will and testament

For the Tribunal to consider the application for approval, it requires, amongst other things, a letter from **any potential beneficiaries under the protected person's Will** relating to their views about the sale or purchase of a retirement village residence.

Please note that, under section 40(3) of the *Guardianship and Administration Act 1993*, **an administrator must not, except with the authority of the Tribunal, disclose the contents of a Will** to which they have access under the Act.

Prior to contacting anyone who is a potential beneficiary under the protected person's Will to gain their views on the sale or purchase of a retirement village residence, please contact the Tribunal via email at sacat@sacat.sa.gov.au or by phone on **1800 723 767** to seek approval to disclose the contents of the protected person's Will.

On receipt of a protected person's Will, the Tribunal will automatically make a confidentiality order to ensure that the contents of the Will are not disclosed to any person except as required by law or with the authority of the Tribunal.

How to apply to SACAT

All applications to SACAT are completed through our online application form which you can find at our website: www.sacat.sa.gov.au.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

What fees apply to an application to sell or purchase a retirement village residence?

There are no fees that apply to an application to sell or purchase a retirement village residence.

Contact the Tribunal

For further information and assistance about applying to SACAT for approval to sell or purchase a retirement village residence, please telephone SACAT on 1800 723 767 (select option 4 and then option 2).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice, you should seek that independently.