

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## AMENDMENTS AND SCHEDULES

**Supplementary Notice Paper No. 287  
Issue No. 3**

**TUESDAY, 18 SEPTEMBER 2012**

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### ***RETIREMENT VILLAGES AMENDMENT BILL 2012 [287-1B]***

When in committee on the *Retirement Villages Amendment Bill 2012*:

#### **Clause 11**

**Minister for Commerce:** To move –

**10/11** Page 8, line 7 — To delete “who does not” and insert —

who has permanently vacated residential premises in the retirement village and who does not

**Hon Lynn MacLaren:** To move –

**1/11** Page 8, after line 11 — To insert —

*personal representative* includes a resident’s attorney, guardian, executor, administrator or trustee in bankruptcy;

**Minister for Commerce:** To move –

**11/11** Page 8, after line 11 — To insert —

*permanently vacated*, in relation to a former resident and residential premises in a retirement village, means that —

- (a) if required by the residence contract — the administering body has been given notice of the former resident's intention to vacate the residential premises; and
- (b) the goods and belongings of the former resident have been removed from the residential premises; and
- (c) the former resident has ceased to reside in the residential premises; and
- (d) the right to exclusively occupy the residential premises has been given up by the former resident (or, if the former resident is deceased, by the estate of the former resident) by returning the keys to the residential premises to the administering body;

**Minister for Commerce:** To move –

**12/11** Page 8, lines 12 to 15 — To delete the lines and insert —

*recurrent charges* means recurrent charges —

- (a) that are payable in respect of the residential premises in a retirement village that a former resident formerly occupied; and
- (b) that arise —
  - (i) after those premises have been permanently vacated by the former resident; and
  - (ii) on or after the commencement of the *Retirement Villages Amendment Act 2012* section 11.

**Hon Lynn MacLaren:** To move –

**9/11** Page 8, after line 15 — To insert —

*vacant possession* means the date on which the keys to the residential premises are returned to the administering body by the former resident.

**Hon Lynn MacLaren:** To move –

**3/11** Page 8, after line 15 — To insert —

- (2) In this section any reference to a former resident is deemed also to be a reference to that former resident's personal representative.

**Minister for Commerce:** To move –

**13/11** Page 8, lines 16 to 21 — To delete the lines and insert —

- (2) This section applies to a former resident of residential premises in a retirement village, whether that former resident permanently vacated those premises before or after the commencement of the *Retirement Villages Amendment Act 2012* section 11.
- (3) Subject to subsection (4), a former resident's liability to pay recurrent charges —
  - (a) begins when the residential premises have been permanently vacated by the former resident; and
  - (b) ceases in accordance with the regulations.

**Hon Lynn MacLaren:** To move –

**4/11** Page 8, line 17 — To delete “on” and insert —

before

**Hon Lynn MacLaren:** To move –

**5/11** Page 8, lines 19 to 21 — To delete the lines and insert —

- (4) Where applicable, the former resident and the administering body must co-operate in all respects to ensure that the residential premises are ready for occupation by a new resident as soon as possible.
- (5) Where a person who became a former resident before the commencement of the *Retirement Villages Amendment Act 2012* is still liable for recurrent charges after the commencement of the *Retirement Villages Amendment Act 2012*, that liability continues for the period specified in the regulations.
- (6) Subject to subsection (4), where a person becomes a former resident on or after the commencement of the *Retirement Villages Act 2012*, that person's liability to pay recurrent charges shall continue from vacant possession for the period specified in the regulations.

**Minister for Commerce:** To move –

**14/11** Page 8, line 26 — To delete “subsection (3),” and insert —

subsection (3)(b),

**Minister for Commerce:** To move –

**15/11** Page 9, lines 27 and 28 — To delete the lines and insert —

- (i) after those premises have been permanently vacated by the former resident; and

**Minister for Commerce:** To move –

**16/11** Page 10, line 9 — To delete “cease to occupy” and insert —

permanently vacated

### **Clause 15**

**Hon Lynn MacLaren:** To move –

**6/15** Page 15, line 10 — To delete “special resolution” and insert —

ordinary resolution

**Hon Lynn MacLaren:** To move –

**7/15** Page 15, lines 15 to 18 — To delete the lines and insert —

***ordinary resolution*** means a resolution passed at a meeting of residents called either by the administering body or by the Residents Committee, or (in villages where there is no Residents Committee) by a minimum of 5 residents entitled to vote on the resolution or 30% of the number of residents entitled to vote on the resolution (whichever is the greater). The meeting must be held in accordance with subsection (4).

**Hon Lynn MacLaren:** To move –

**8/15** Page 15, after line 18 — To insert —

(4) To pass an ordinary resolution —

- (a) the residents must have been given notice of the meeting by the administering body or by the Residents Committee or by the residents calling the meeting; and
- (b) there must be a quorum present (whether in person or by proxy) of —
  - (i) a minimum of 5 residents entitled to vote on the resolution or 30% of the number of residents entitled to vote on the resolution (whichever is the greater); or
  - (ii) If the retirement village has fewer than 10 occupied residential premises, a majority of residents entitled to vote;
- and
- (c) the resolution must be carried by at least 51% of the number of residents who are present (whether in person or by proxy) and who are entitled to vote, and do vote.

