

[Act 1998 No 61]



New South Wales

Retirement Villages Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*
This Bill is cognate with the *Fair Trading Amendment Bill 1998*.

Overview of Bill

The object of this Bill is to amend the *Retirement Villages Act 1989*:

- (a) to extend the Act to:
 - (i) retired persons who occupy residential premises in a complex that was a retirement village when they entered their residence contract but which is now predominantly occupied by persons who are not retired, and
 - (ii) the authorities that administer such premises, and
- (b) to enable the Residential Tenancies Tribunal to adjudicate on disputes concerning the proposed annual budget of a retirement village. and
- (c) to make consequential and other minor amendments.

* Amended in committee—see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

Schedule 1 Amendments

Schedule 1 [1] inserts proposed section 5A, which extends the Principal Act to:

- (a) retired persons who occupy residential premises in a complex that was a retirement village when they entered their residence contract but which is now predominantly occupied by persons who are not retired, and
- (b) the authorities that administer such residential premises.

The section does this by extending references to a resident and an administering authority of a retirement village in the Principal Act to cover such persons occupying such premises, and such administering authorities.

Schedule 1 [2] amends section 14(1) (a) as a consequence of the amendment made by Schedule 1 [3].

Schedule 1 [3] inserts proposed section, 14A which enables the Residential Tenancies Tribunal to adjudicate on disputes between residents of a retirement village and the administering authority about the proposed annual budget for the village. The proposed section sets out the requirements for bringing the dispute before the Tribunal, determining factors that the Tribunal may take into account in considering an application, and the orders the Tribunal may make in respect of such a dispute (including the fixing of residents' fees for a 12 month period).

Schedule 1 [4] and **[5]** amend Schedule 1 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [6] amends Schedule 1 to include a savings and transitional provision as a consequence of amendments made by the proposed Act.