
Retirement Villages Amendment Bill 2008

Amendments proposed by Legislative Council on 4 December 2008.

- No. 1 Page 3, Schedule 1 [2]. Insert after line 13:
capital maintenance means works carried out for the purpose of repairing or maintaining an item of capital and includes works prescribed by the regulations as being capital maintenance, but does not include works that are prescribed by the regulations as not being capital maintenance.
capital replacement means works carried out for the purpose of replacing an item of capital, but does not include capital maintenance.
- No. 2 Page 3, Schedule 1 [3], line 32. Insert “**capital replacement**” after “**definitions of**”.
- No. 3 Page 25, Schedule 1 [63], proposed section 92 (2), lines 25–27. Omit all words on those lines.
- No. 4 Page 26, Schedule 1 [63], proposed section 93 (4), lines 27–30. Omit all words on those lines.
- No. 5 Page 27, Schedule 1 [63], proposed section 94 (3), line 7. Omit “the maintenance of or replacing any”. Insert instead “capital maintenance or capital replacement in respect of an”.
- No. 6 Page 27, Schedule 1 [63], proposed section 95 (1), line 13. Omit “maintenance”. Insert instead “capital maintenance or capital replacement in respect”.
- No. 7 Page 27, Schedule 1 [63], proposed section 95 (1), line 15. Omit “, or replace any such item,”.
- No. 8 Page 27, Schedule 1 [63], proposed section 95 (2), line 20. Omit “Except as provided by subsection (3), a”. Insert instead “A”.
- No. 9 Page 27, Schedule 1 [63], proposed section 95 (3), lines 25–31. Omit all words on those lines.
- No. 10 Pages 28 and 29, Schedule 1 [63], proposed section 97, line 16 on page 28 to line 21 on page 29. Omit all words on those lines. Insert instead:
- 97 Funding of certain capital maintenance and capital replacement**
- (1) The operator of a retirement village may fund the cost of capital maintenance in respect of which the operator is responsible from the following sources:
- (a) the capital works fund for the retirement village (if any),
 - (b) recurrent charges.

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- (2) The operator of a retirement village must bear the cost of capital replacement in respect of an item of capital for which the operator is responsible.
 - (3) This section does not authorise the funding of any of the following from the capital works fund or recurrent charges for the retirement village:
 - (a) the construction of a new building or a new stage of the retirement village,
 - (b) any work arising from the breach of a statutory warranty (within the meaning of the *Home Building Act 1989*) in respect of which proceedings may be commenced under Part 2C of that Act,
 - (c) the depreciation of items of capital,
 - (d) the refurbishment of vacant residential premises within the retirement village,
 - (e) such other things as may be prescribed by the regulations.

No. 11 Page 29, Schedule 1 [63], proposed section 98, lines 22–32. Omit all words on those lines.

No. 12 Pages 29 to 31, Schedule 1 [63], proposed section 99, line 33 on page 29 to line 9 on page 31. Omit all words on those lines. Insert instead:

99 Capital maintenance to be included in proposed annual budget

- (1) This section applies only if:
 - (a) the operator of the retirement village is required to supply the residents of the retirement village with a proposed annual budget, and
 - (b) the operator proposes to use any recurrent charges or any part of the capital works fund (if any) for the retirement village to fund capital maintenance.
- (2) The operator of a retirement village must, in the proposed annual budget:
 - (a) list each item of capital maintenance that is proposed to be carried out, and
 - (b) specify, in respect of each item, the expected cost, and
 - (c) include, in respect of each item, any quotes that the operator has obtained, and
 - (d) include provision for urgent capital maintenance.

No. 13 Page 31, Schedule 1 [63], proposed section 100 (1), line 13. Omit “and replacement”.

No. 14 Page 31, Schedule 1 [63], proposed section 100 (5) (a), lines 30 and 31. Omit “and replacement in accordance with a proposal under section 99”.

No. 15 Page 31, Schedule 1 [63], proposed section 100 (5) (b), line 35. Omit “and replacement”.

No. 16 Page 32, Schedule 1 [63], proposed section 100 (8) (b), line 14. Omit “and replacement”.

No. 17 Page 37, Schedule 1 [81], lines 13 and 14. Omit all words on those lines. Insert instead:

- (7) The residents of a retirement village may consent to not being supplied with a proposed annual budget if, in the year in which

the consent is given, the total amount of the recurrent charges that are to be collected for the year does not exceed \$50,000 or such other amount as may be prescribed by the regulations

No. 18 Page 37, Schedule 1 [81], lines 19–21. Omit all words on those lines. Insert instead:

- (9) Consent given under subsection (7) remains in force until such time as:
 - (a) the consent is revoked by a resolution of the residents of the village, or
 - (b) the total of the recurrent charges to be collected for a financial year to which the consent relates exceeds \$50,000 or such other amount as may be prescribed by the regulations.

No. 19 Page 41, Schedule 1 [103], lines 4–16. Omit all words on those lines. Insert instead:

[103] Section 119 (2) (a) (i) and (ii)

Omit the subparagraphs. Insert instead:

- (i) details of the income and expenditure of the village during the financial year, including income and expenditure of the capital works fund (if any),
- (ii) details of the balance of the capital works fund (if any),

No. 20 Page 62, Schedule 1 [167], proposed clause 17 of Schedule 4, line 20. Omit “6 months”. Insert instead “42 days”.

No. 21 Page 65, Schedule 1 [167], proposed clause 24 of Schedule 4, lines 1–7. Omit all words on those lines.

No. 22 Page 65, Schedule 1 [167], proposed clause 25 of Schedule 4, lines 13–15. Omit “held by the operator and may be used by the operator to fund the operator’s proportion of any capital maintenance and replacement”. Insert instead “paid to the operator of the retirement village”.

No. 23 Page 67, Schedule 1 [167], proposed clause 28 of Schedule 4, lines 2–7. Omit all words on those lines. Insert instead:

28 Amendments relating to annual budgets

- (1) A statement of proposed expenditure or a statement of approved expenditure under this Act (as in force immediately before the repeal of the definition of *statement of approved expenditure* in section 4 (1)) is taken, on that repeal, to be a proposed annual budget or approved annual budget respectively.
- (2) An amendment made by the 2008 amending Act does not affect expenditure from recurrent charges of a retirement village that was approved, in accordance with this Act, by the residents of the retirement village before the commencement of that amendment. Any such expenditure may be made after that commencement from the recurrent charges of the retirement village.