

RETIREMENT VILLAGES BILL 1999

Amendments agreed to in the Committee of the Whole
on 23 November 1999

- GRNS** No. 1 Page 2, clause 2, line 7. Insert “, except as provided by this section” after “proclamation”.
- GRNS** No. 2 Page 2, clause 2. Insert after line 7:
- (2) Clause 14 of Schedule 4 commences on the date of assent to this Act.
- GRNS** No. 3 Page 51, clause 75. Insert after line 16:
- (3) Despite subsection (2), a person has a right to attend a meeting of the residents of a retirement village and to vote at the meeting on behalf of a resident of the village if the person:
- (a) is authorised to do so under a power of attorney given in favour of the person by the resident concerned, or
- (b) is a person appointed, under the Guardianship Act 1987 or the Protected Estates Act 1983, to manage the estate of the resident (or, if the management of the resident's estate is committed to the Protective Commissioner, the person is the Protective Commissioner or a person authorised by the Protective Commissioner for the purposes of this section).
- CDP** No. 4 Page 71, clause 115. Insert after line 27:
- (3) If:
- (a) the operator makes an application under this section, and
- (b) the Tribunal does not, before the commencement of the financial year to which the statement of proposed expenditure relates, make an order that gives rise to a statement of approved expenditure, the operator may, until the Tribunal makes the relevant order, expend money received by way of recurrent charges to meet the reasonable and necessary costs of operating the village.
- (4) In determining an application made by the operator under this section, the Tribunal may review any expenditure made under subsection (3) and may order that the operator is liable for so much of that expenditure as it considers was not reasonable or necessary.
- R JONES** No. 5 Page 76, clause 122, line 17. Insert “(or residents)” after “a resident”.

R JONES No. 6 Page 76, clause 122, line 20. Insert “(or residents)” after “resident”.

R JONES No. 7 Page 76, clause 122. Insert after line 24:

- (2) Two or more residents who claim that a dispute, as referred to in subsection (1), has arisen may nominate, in accordance with the regulations, any resident as their representative in the dispute.
- (3) The nominated representative may apply to the Tribunal for an order in respect of the dispute, and the Tribunal may make an order that applies to the residents who are represented by the nominated representative.

R JONES No. 8 Page 78, clause 128, line 24. Insert “(or residents)” after “resident”.

R JONES No. 9 Page 78, clause 128, line 26. Insert “(or residents)” after “resident”.

R JONES No. 10 Page 79, clause 128, line 1. Insert “(or residents)” after “resident”.

R JONES No. 11 Page 79, clause 128, line 7. Insert “(or residents)” after “resident”.

GRNS No. 12 Page 140. Insert after line 15:

14 Operator's legal costs

- (1) Section 198 (3) extends to a village contract entered into before the commencement of that subsection.
- (2) If, before the commencement of this clause, any legal proceedings in relation to a retirement village had been commenced but were not finally determined (being proceedings to which the operator and a resident or residents of the village are parties), the resident or residents concerned are not liable to pay such part of the operator's costs in relation to the proceedings as are incurred, or may reasonably be apportioned to such of the proceedings as take place, after that commencement.
- (3) Subclause (2) has effect despite the provisions of any village contract, whether entered into before or after the commencement of this clause.
- (4) However, subclause (2) does not apply in respect of any costs awarded in favour of the operator and against a resident or residents of the retirement village in legal proceedings.