

c2020-2341
GRNS--The Greens

LEGISLATIVE COUNCIL

Retirement Villages Amendment Bill 2020

First print

Proposed amendments

No. 1 **Exit entitlement order**

Page 5, Schedule 1[13], proposed section 182AB, insert after line 39—

- (1A) However, this section applies to a former occupant who has been paid any part of the former occupant's exit entitlement by way of an accommodation payment under section 182AG only if the former occupant's residential premises have not sold within 2 years after the date on which the former occupant first entered the aged care facility to which the payment relates.

No. 2 **Exit entitlement order**

Page 6, Schedule 1[13], proposed section 182AB, insert after line 2—

- (3A) Subsection (3) does not apply to a former occupant referred to in subsection (1A).

No. 3 **Exit entitlement order**

Page 6, Schedule 1[13], proposed section 182AB(7), definition of *prescribed period*, line 12.

Omit "182AE.". Insert instead—

182AE, or

- (c) for a former occupant referred to in subsection (1A)—2 years from the date on which the former occupant enters into an aged care facility after permanently vacating the residential premises.

No. 4 **Savings and transitional provisions**

Page 11, Schedule 1[15], insert after line 28—

Payment of recurrent charges during prescribed period

- (1) This clause applies to a former occupant of residential premises in a retirement village who is—
- (a) a registered interest holder in respect of the premises, and
 - (b) liable to pay a *recurrent charges payment*, being recurrent charges payable in relation to general services under section 152 after the former occupant has permanently vacated the residential premises.

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- (2) A former occupant to whom this clause applies may request an operator of the retirement village make a recurrent charges payment from the prescribed component of the former occupant's exit entitlement.
 - (3) A request must—
 - (a) be made in a form approved by the Secretary, and
 - (b) include the information prescribed by the regulations.
 - (4) An operator to whom a request is made must make the recurrent charges payment from the prescribed component of the former occupant's exit entitlement within 14 days after the request is first made.
 - (5) However, an operator is not required to make a recurrent charges payment from the prescribed component of the former occupant's exit entitlement if—
 - (a) the former occupant ceases to be liable to pay the recurrent charge under section 152, or
 - (b) the former occupant makes a written request to the operator to cease making the recurrent charges payment from the prescribed component of the former occupant's exit entitlement.
 - (6) To avoid doubt—
 - (a) an operator must pay any part of the former occupant's exit entitlement that is not paid towards a recurrent charges payment to the former occupant in accordance with section 180, and
 - (b) a former occupant to whom this clause applies is not prevented from applying for an exit entitlement order after 1 July 2021 merely because of this clause.
 - (7) This clause ceases to have effect at the beginning of 1 July 2021.
 - (8) In this clause—

exit entitlement and *prescribed component* have the same meanings as in Part 10AA of the Act.

prescribed period means the period commencing on the commencement of Schedule 1[13] to the *Retirement Villages Amendment Act 2020* and ending on 30 June 2021.