

59. Retirement Villages Act 1992

- (1) In this rule —
- “agent” means any person who is not a legally qualified person;
 - “Commissioner” has the meaning given to that term in the RV Act section 3(1);
 - “legally qualified person” means —
 - (a) a legal practitioner;
 - (b) an articled clerk as defined in the *Legal Practice Act 2003* section 3; or
 - (c) any person who holds or has held legal qualifications under the laws of this State or any other place;
 - “the RV Act” means the *Retirement Villages Act 1992*.
- (2) A party to a proceeding before the Tribunal under the Act may be represented by an agent if —
- (a) the party is unable to appear personally or conduct the proceedings properly himself or herself; and
 - (b) no other party will be unfairly disadvantaged by the fact that the agent is allowed so to act.
- (3) Under the Act section 39(4), a party to a proceeding before the Tribunal under the Act is not entitled to be represented by a legal practitioner unless —
- (a) all the parties agree and any party who is not so represented will not be unfairly disadvantaged;
 - (b) one of the parties is a legally qualified person;
 - (c) one of the parties is a body corporate and any other party elects to be so represented;
 - (d) one of the parties is unable to appear personally or conduct the proceedings properly himself or herself; or
 - (e) the proceedings are instituted or defended, or the conduct thereof has been assumed, by the Commissioner.
- (4) Subrule (3) does not apply to a minor proceeding as defined in the Act section 93(1).