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Western Australia

Retirement Villages Regulations Amendment Regulations 2016

Contents

Fair Trading Act 2010
Retirement Villages Act 1992

Retirement Villages Regulations Amendment Regulations 2016

Made by the deputy of the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Retirement Villages Regulations Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day.

Retirement Villages Regulations Amendment Regulations 2016
Part 2   Fair Trading (Retirement Villages Code) Regulations 2015
                amended

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Part 2 — *Fair Trading (Retirement Villages Code) Regulations 2015* amended

3.   Regulations amended

This Part amends the *Fair Trading (Retirement Villages Code) Regulations 2015*.

4.   Schedule 1 clause 17 amended

In Schedule 1 clause 17(3)(q) delete "net amount of GST" and insert:

amount, net of GST,

5.   Schedule 1 clause 32 amended

(1)   In Schedule 1 clause 32(2) delete "The costs" and insert:

Subject to subclause (1), the costs

(2)   In Schedule 1 clause 32(3) delete "costs as a result of complying with the village dispute resolution process set out in clause 30(2), the administering body must not recover those costs from a resident or a former resident." and insert:

a share of costs under subclause (2), it must not recover any of that share from any resident or former resident (whether or not a party to a dispute).

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Part 3 — *Retirement Villages Regulations 1992* amended

6. Regulations amended

This Part amends the *Retirement Villages Regulations 1992*.

7. Schedule 1 Form 1 amended

(1) Delete the reference after the heading to Schedule 1 Form 1 and insert:

[r. 4(1)(a)]

(2) In Schedule 1 Form 1 delete "**Information statement for prospective resident**" and insert:

Disclosure statement for prospective residents — residence contract that is not a short-term residence contract (as defined in regulation 4A)

(3) In Schedule 1 Form 1 delete "**THE OWNER MUST ANSWER EACH OF THE FOLLOWING QUESTIONS IN WRITING BELOW EACH QUESTION** —" and insert:

THE OWNER, OR A PERSON AUTHORISED TO ACT ON BEHALF OF THE OWNER, MUST COMPLETE ALL SECTIONS OF THIS DISCLOSURE STATEMENT IN WRITING.

(4) In Schedule 1 Form 1 delete "The owner, or a person authorised to act on behalf of the owner, must complete all sections of this disclosure statement in writing.".

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(5)   In Schedule 1 Form 1 item 2A delete "(individual/company/organisation):" and insert:

(individual, company or organisation).

(6)   In Schedule 1 Form 1 item 2B delete "individual/company/organisation:" and insert:

individual, company or organisation.

(7)   In Schedule 1 Form 1 item 4A:

    (a)   delete "*If yes, provide a brief explanation of how much visitors parking is available:*" and insert:

        If yes, briefly explain how much parking is available for visitors:

    (b)   opposite the question "Is there trailer, boat and caravan parking available for the prospective resident to use?" insert:

        If yes, provide a brief explanation:
        ....
        ....
        ....

(8)   In Schedule 1 Form 1 item 5A delete "*section 75(1)]*" and insert:

the Retirement Villages Act 1992 sections 14 and 75]

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(9) In Schedule 1 Form 1 delete item 6A and insert:

A	To live in the village, the prospective resident will be required to pay: *Tick whether the charges apply to:* ☐ single occupant ☐ couple ☐ not dependent on single or couple occupancy Ongoing amounts payable to the operator during occupation may vary each financial year depending on operating expenses.	*Tick those charges that apply:* ☐ Recurrent charges [4] per *[week/fortnight/month]* $............. ☐ Reserve fund [5] charge per *[week/fortnight/month]* $............. *[Provide further information about reserve fund contributions at item 11]* ☐ Any other charges *[specify other charges]* .... $............... .... $............... .... $............... **Total amount payable per** *[week/fortnight/month]* $..............

(10) In Schedule 1 Form 1 item 6B:

    (a) delete "[see also item 12]" and insert:

       [see also item 12]

    (b)   delete "*[not applicable to all retirement villages [7]]*" and insert:

(not applicable to all retirement villages [7])

(11)   In Schedule 1 Form 1 item 7 delete "**7   Exit fees [12] and other exit related matters**" and insert:

    7.   Exit fees [12] and other exit related matters

(12)   In Schedule 1 Form 1 item 7D:

    (a)   delete "contribute to an exit fee contribution to a reserve/sinking fund when permanently vacating?" and insert:

    who are permanently vacating pay an exit fee that includes a contribution to a reserve/sinking fund?

    (b)   after "*Retirement Villages Act*" insert:

    1992

    (c)   delete "*Strata Titles Act:*" and insert:

    Strata Titles Act 1985:

(13)   In Schedule 1 Form 1 item 9A delete "item 7A-7D)" and insert:

items 7A-7D)

(14)   In Schedule 1 Form 1 item 12B delete "If yes, provide details of the types of insurance residents are responsible for arranging:" and insert:

If yes, provide details of the types of insurance residents are responsible for arranging:

(15)   In Schedule 1 Form 1 item 14A:

(a)   delete "residents in the village" and insert:

residents in the village.

(b)   delete "If communal services are not provided, make a statement to the effect that the administering body does not provide or make available any communal services in the village." and insert:

If communal services are not provided, make a statement to the effect that the administering body does not provide or make available any communal services in the village.

(16)   In Schedule 1 Form 1 item 14B:

(a)   delete "basis" and insert:

basis.

(b)   delete "If personal services are not provided, make a statement to the effect that the administering body does not provide or make available any personal services in the village." and insert:

If personal services are not provided, make a statement to the effect that the administering body does not provide or make available any personal services in the village.

(17) In Schedule 1 Form 1 item 16C:

    (a) delete "monitored between:" and insert:

        monitored:

    (b) delete:

☐ ……..... am and ……..... pm
[number] .... days per week

    and insert:

☐ between ……..... am and ……..... pm
[number] .... days per week

(18) In Schedule 1 Form 1 item 18A delete "Provide the name of the retirement village accreditation scheme and key details including the year in which the village was last assessed against the accreditation criteria and accredited:" and insert:

Provide the name of the retirement village accreditation scheme and key details including the year in which the village was last assessed against the accreditation criteria and accredited:

(19)   In Schedule 1 Form 1 delete item 21B and insert:

B	Is the waiting list fee refundable on entry to the village?	☐ Yes ☐ No
	Is the waiting list fee refundable if the resident decides not to move into the village?	☐ Yes ☐ No

(20)   In Schedule 1 Form 1:

(a)   in Note 2 delete "an ongoing contribution paid" and insert:

a payment

(b)   in Note 7 delete "not for profit" and insert:

not-for-profit

(c)   in Note 13 delete "Act" and insert:

Retirement Villages Act 1992

(d)   in Note 15 after "*Regulations 2015*" insert:

Schedule 1

(e)   in Note 17 after "*Regulations (No. 2) 2014*" insert:

Schedule 1

  (f) in Note 17 after "*Regulations 2015*" insert:

   Schedule 1

  (g) in Note 19 after "*Regulations 2015*" insert:

   Schedule 1

  (h) in Notes 22 and 23 delete "footnote" and insert:

   note

8. Schedule 1 Form 1A amended

(1) Delete the reference after the heading to Schedule 1 Form 1A and insert:

  [r. 4(1)(b)]

(2) In Schedule 1 Form 1A delete "**Information statement for prospective resident — short-term residence contract**" and insert:

  Disclosure statement for prospective residents — short term residence contract (as defined in regulation 4A)

(3) In Schedule 1 Form 1A delete "**THE OWNER MUST ANSWER EACH OF THE FOLLOWING QUESTIONS IN WRITING BELOW EACH QUESTION —**" and insert:

  THE OWNER, OR A PERSON AUTHORISED TO ACT ON BEHALF OF THE OWNER, MUST COMPLETE ALL SECTIONS OF THIS DISCLOSURE STATEMENT IN WRITING.

(4)   In Schedule 1 Form 1A delete "The owner, or a person authorised to act on behalf of the owner, must complete all sections of this disclosure statement in writing.".

(5)   In Schedule 1 Form 1A item 1D:

    (a)   delete "stages." and insert:

        stages:

    (b)   delete "*[year].*" and insert:

        [year]

(6)   In Schedule 1 Form 1A item 2 delete "**Owner administering body/management of the retirement village**" and insert:

        Owner/administering body/management of the retirement village

(7)   In Schedule 1 Form 1A item 2A:

    (a)   delete "**Owner:** Details of " and insert:

        Owner: details of

    (b)   delete "(individual/company/ organisation):" and insert:

        (individual, company or organisation).

(8)   In Schedule 1 Form 1A item 2B:

    (a)   delete "**Administering body:** If the" and insert:

        Administering body: if the

(b) delete "individual/company/ organisation." and insert:

individual, company or organisation.

(9) In Schedule 1 Form 1A item 3A delete "[specify type]" and insert:

[specify type]

(10) In Schedule 1 Form 1A item 3B delete:

With [tick the box that applies, if any] [1]:

☐ an option to renew or vary the residence contract on the same terms

☐ an option to move to a periodic tenancy on the same terms at the end of the fixed period

☐ an option to move to a new fixed term tenancy on the same terms at the end of the term

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and insert:

With an option at the end of the term to [tick the box that applies, if any] [1]:

☐   renew the residence contract for an additional term on the same terms, except as to recurrent charges which may be varied at the end of the term

☐   move to a periodic tenancy on the same terms, except as to recurrent charges which may be varied at the end of the term

☐   enter a new fixed term residence contract on the same terms, except as to recurrent charges which may be varied at the end of the term

  (11)   In Schedule 1 Form 1A item 4A:

      (a)   delete "*arrangements:*" and insert:

          arrangements?

      (b)   delete "*If yes, provide a brief explanation how much visitors parking is available:*" and insert:

          If yes, briefly explain how much parking is available for visitors:

    (c)   delete "Are there any other arrangements in place for the parking of vehicles, caravans or boats?" and insert:

    Are there any other arrangements in place for the parking of vehicles, trailers, boats or caravans?

   (12)   In Schedule 1 Form 1A delete item 5A and insert:

| A | To live in the village, the prospective resident will be required to pay:

 Tick whether the charges apply to:
 ☐ single occupant
 ☐ couple
 ☐ not dependent on single or couple occupancy

 Ongoing amounts payable to the operator during occupation may vary each financial year depending on operating expenses. | *Tick those charges that apply:*
 ☐ Recurrent charges [3] per
     [week/fortnight/month] $..............
 ☐ Reserve fund [4] charge per
     [week/fortnight/month] $..............
 ☐ Any other charges [5]
     [specify other charges]
 .... $..............
 .... $..............
 .... $..............
 Total amount payable per
 [week/fortnight/month] $.............. |

(13)   In Schedule 1 Form 1A item 5B delete "[see also item 12]" and insert:

[see also item 8]

(14)   In Schedule 1 Form 1A item 5C delete "*repair:*" and insert:

repairs:

(15)   In Schedule 1 Form 1A item 7B before "*resident permanently*" insert:

the

(16)   In Schedule 1 Form 1A item 8A delete "resident?" and insert:

residents?

(17)   In Schedule 1 Form 1A item 10A delete "village:" and insert:

village.

(18)   In Schedule 1 Form 1A item 10B delete "basis:" and insert:

basis.

(19) In Schedule 1 Form 1A item 12B delete "If yes, provide details of the emergency call system, including the name of the current provider." and insert:

If yes, the current cost to residents of the emergency call system is recovered from residents via:

(20) In Schedule 1 Form 1A item 12C:

(a) delete "monitored between:" and insert:

monitored:

(b) delete:

☐ ……..... am and ……..... pm
[number] .... days per week

and insert:

☐ between……..... am and ……..... pm
[number] .... days per week

(21) In Schedule 1 Form 1A after item 13A insert:

B	*If any of the boxes in 'A' are ticked, provide at **Annexure F** a table of the relevant contract clauses or residence rules clauses that apply to any such restrictions or conditions of use of residential premises and personal and communal amenities.*

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(22)   In Schedule 1 Form 1A delete item 17B and insert:

B	Is the waiting list fee refundable on entry to the village?	☐ Yes ☐ No
	Is the waiting list fee refundable if the resident decides not to move into the village?	☐ Yes ☐ No

(23)   In Schedule 1 Form 1A item 18A delete "development?" (each occurrence) and insert:

development of the village?

(24)   In Schedule 1 Form 1A delete item 18D.

(25)   In Schedule 1 Form 1A:

    (a)   in Note 10 after "*Regulations (No. 2) 2014*" insert:

        Schedule 1

    (b)   in Note 10 after "*Regulations 2015*" insert:

        Schedule 1

    (c)   in Notes 15 and 16 delete "footnote 9." (each occurrence) and insert:

        note 13.

(26) In Schedule 1 Form 1A under the heading **Annexures** in the item relating to **Annexure B** delete "Table of estimated refund entitlement based on resident permanently vacating after one year." and insert:

Table of a resident's estimated refund entitlement based on the resident permanently vacating after one year.

(27) In Schedule 1 Form 1A in Annexure B delete:

Initial amount paid by prospective resident is: $............................	*At the end of one year*
Deductions by the administering body	*At the end of one year*

and insert:

Initial amount paid by prospective resident is: $............................ **Deductions by the administering body**	*At the end of one year*

9. Schedule 1 Form 2 amended

(1) In Schedule 1 Form 2 delete item 2(a) and insert:

(a) the disclosure statement set out in Form 1 or Form 1A in Schedule 1 to the *Retirement Villages Regulations 1992* completed and signed by the owner, or a person authorised to act on behalf of the owner; and

(2) In Schedule 1 Form 2 in item 3 delete "information statement."
and insert:

disclosure statement.

(3) In Schedule 1 Form 2 in item 3(a) delete "information statement"
and insert:

disclosure statement

(4) In Schedule 1 Form 2 item 2 after each of paragraphs (b) and (d)
insert:

and

10. Various references to "community amenities" amended

In the provisions listed in the Table:

(a) delete "community amenities" and insert:

communal amenities

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       (b)   delete "*community amenities*" and insert:

             communal amenities

Table

Sch. 1 Form 1 it. 17A	Sch. 1 Form 1 it. 17B
Sch. 1 Form 1 under the heading **Annexures** in the item relating to **Annexure F**	Sch. 1 Form 1A it. 13A
Sch. 1 Form 1A under the heading **Annexures** in the item relating to **Annexure F**	

N. HAGLEY, Clerk of the Executive Council.

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