



Australian Capital Territory

Retirement Villages Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-27

The Australian Capital Territory Executive makes the following regulation under the *Retirement Villages Act 2012*.

Dated 6 September 2016.

SHANE RATTENBURY
Minister

CHRIS BOURKE
Minister



Australian Capital Territory

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made under the

[Retirement Villages Act 2012](#)

Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 Section 31	1
5 Section 32	1
6 Section 32 (c) (x)	2
7 Section 37	2
8 Section 41	3
9 Section 57 heading	4

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

10	Schedule 3, items 19 and 20	Page 4
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1 Name of regulation

This regulation is the *Retirement Villages Amendment Regulation 2016 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Retirement Villages Amendment Act 2016*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see *Legislation Act*, s 75 (1)).

3 Legislation amended

This regulation amends the *Retirement Villages Regulation 2013*.

4 Section 31

omit

5 Section 32

omit everything before paragraph (c) (ii), substitute

32 Notice of amendment—recurrent charges amended otherwise than by fixed formula—Act, s 150 (3) (e)

A notice of amendment of recurrent charges given under the *Act*, section 150 (Recurrent charges amended otherwise than by fixed formula) must include the following:

- (a) the name of the resident and address of the residential premises affected;
- (b) the following statement as the first line of the notice in at least Arial bold font not less than 14 point:

‘This is a notice of an amendment of recurrent charges (otherwise than in accordance with a fixed formula).’;

- (c) the following statements:
 - (i) you are not required to pay any increase in your recurrent charges unless this notice complies with the requirements of the [Act](#), section 150 (Recurrent charges amended otherwise than by fixed formula);

6 Section 32 (c) (x)

substitute

- (x) you may apply to the ACAT for an order directing the refund of overpaid recurrent charges on any grounds, including the ground that an increase in the charges came into effect otherwise than in accordance with the [Act](#), division 7.3 (Recurrent charges) (which includes section 150);

7 Section 37

substitute

37 Notice accompanying proposed annual budget—Act, s 159 (5) (d)

The notice accompanying a proposed annual budget must include the following statements:

- (a) the operator must provide the information in relation to the proposed expenditure that the residents committee or, if there is no residents committee, a resident reasonably requests;
- (b) the operator must not spend money received by way of recurrent charges otherwise than in accordance with the approved annual budget, except in a way that would be only—
 - (i) a minor amendment of the approved annual budget; or
 - (ii) an amendment between items in the approved annual budget if the amendment does not reduce the level of services provided and does not cause total expenditure to be exceeded;

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- (c) it is a requirement of the [Act](#), section 159 (Proposed annual budget) that the operator of the village give each resident a copy of the proposed annual budget for the financial year for the village—
 - (i) on a day, at least 30 days before the beginning of the financial year to which the budget relates, agreed to by the operator and the residents; or
 - (ii) if no day is agreed—at least 60 days before the beginning of the financial year to which the budget relates;
 - (d) it is a requirement of the [Act](#), section 162 (Residents' consent to spending) that the residents—
 - (i) tell the operator whether they consent or do not consent to the proposed budget; and
 - (ii) if the residents do not consent to the proposed budget—state which item in the proposed budget they object to;
 - (e) if the operator is not told whether the residents consent or do not consent to the proposed budget, the residents are taken to have refused consent;
 - (f) consent by residents to an amendment of recurrent charges under the village contract is not consent to spending stated in the proposed budget.

8 Section 41

omit

(Disputes between operator and resident)

substitute

(Disputes between operator and resident—application to ACAT)

9 Section 57 heading

substitute

57 Prescribed rate of interest—Act, s 238 (7) (b)

10 Schedule 3, items 19 and 20

substitute

19	238 (5)	not earlier than 1 month before end of period mentioned in section 238 (2) (h) and not later than 14 days after end of that period
20	240 (3) (a)	up to 14 days after due date for payment

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 8 September 2016.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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