Version No. 082

**Retirement Villages Act 1986**

**No. 126 of 1986**

Version incorporating amendments as at
28 October 2018

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**Version No.** **082**

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Part 6—Resident participation

 33 Annual meeting

In each year the manager of a retirement village must convene an annual meeting of the residents of the retirement village.

1. 50 penalty units.

 34 Proceedings at annual meetings

 (1) The owner of retirement village land must prepare and present to the annual meeting a statement in writing, signed by the owner and setting out the following—

 (a) whether all refundable in-going contributions which fell to be refunded to residents of the village during the prescribed period have been refunded, and if any have not, the amount which has not been refunded, details of the delay and the reasons for the delay;

 (b) whether the owner is aware of any material matter which may prevent the owner from meeting debts as and when they will fall due in the period of 12 months from the end of the prescribed period, and if the owner is aware of any such matter, details of the matter.

1. 100 penalty units.

S. 34(2) amended by No. 85/1998 s. 24(Sch. item 52.19).

 (2) In subsection (1), a reference to retirement village land does not include a reference to retirement village land which is land in respect of which the residence rights are—

S. 34(2)(a) amended by No. 53/1988 s. 45(Sch. 3 item 64) (as amended by No. 47/1989 s. 23(2)), substituted by No. 85/1998 s. 24(Sch. item 52.19).

 (a) estates in fee simple held as registered proprietors under the **Transfer of Land Act 1958**; or

S. 34(2)(b) substituted by No. 85/1998 s. 24(Sch. item 52.19).

 (b) in any other case, legal estates in fee simple.

 (3) The manager must prepare and present to the annual meeting a financial statement showing in respect of the prescribed period—

 (a) the source of income received by way of charges for the provision of goods and services by the manager; and

 (b) details of expenditure on the provision of goods and services for the village by the manager, including the amounts spent and the items to which the expenditure related—

and details of what provision (if any) has been made for future extra ordinary or major works in the village and showing, in respect of the period of 12 months beginning immediately after the prescribed period ends—

 (c) details of anticipated expenditure on goods and services for the village; and

 (d) details of any proposed increases in maintenance charges to be paid by residents; and

 (e) details of any special levies which it is proposed to ask residents to pay.

1. 100 penalty units.

S. 34(4) amended by No. 44/2001 s. 3(Sch. item 99).

 (4) A statement prepared under subsection (3) must be audited by a registered company auditor within the meaning of the Corporations Act unless at the annual meeting held in the year immediately before the year in which the statement is to be presented, the residents present at the meeting decide by special resolution to dispense with the auditing requirements.

S. 34(5) amended by Nos 53/1988 s. 45(Sch. 3 item 65) (as amended by No. 47/1989 s. 23(2)), 69/2006 s. 224 (Sch. 3 item 7.2).

 (5) This section is in addition to the provisions of the **Owners Corporations Act 2006**.

S. 35 repealed by No. 4/2005 s. 11.

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 36 Residents committee

S. 36(1) amended by No. 69/2006 s. 224(Sch. 3 item 7.3(a)).

 ~~(1) In the case of a retirement village where there is no owners corporation the residents may elect a residents committee to represent the interests of the residents of the village.~~

 (1) The residents of a retirement village may elect a residents committee to represent the interests of the residents of the village.

 (2) Each member of a residents committee holds office for one year from the date of election but is eligible for re-appointment.

S. 36(3) amended by No. 23/2016 s. 28(1).

 (3) A member of a residents committee may at any time be removed from office by special resolution passed by a meeting of the residents.

 (4) The residents committee's procedure is in its discretion.

 (5) The residents committee may form sub‑committees and determine their
procedure.

S. 36(6) amended by No. 23/2016 s. 28(2).

 (6) The residents committee may call a meeting of the residents.

S. 36(7) amended by No. 4/2005 s. 12(1).

 (7) The residents committee or a sub-committee formed for the purpose may act as a mediator in any dispute between residents.

S. 36(7A) inserted by No. 4/2005 s. 12(2).

 (7A) The residents committee must not act as a mediator in any dispute between residents when the dispute is being dealt with by the manager under Division 3 of Part 6A.

S. 36(8) amended by No. 69/2006 s. 224(Sch. 3 item 7.3(b)).

 ~~(8) If in respect of a retirement village there is an owners corporation, the owners corporation has the powers of a residents committee under this section, in addition to its other powers~~.

S. 36A inserted by No. 4/2005 s. 13.

 36A Resident's right to act through representative

Despite any resolution or decision at an annual meeting or at a meeting of the residents committee that is to the contrary, a resident may appoint another person to act in the place of that person at any annual meeting or meeting of the residents committee.

 37 By-laws

S. 37(1) substituted by No. 53/1988 s. 45(Sch. 3 item 66) (as amended by No. 47/1989 s. 23(2)), amended by No. 69/2006 s. 224(Sch. 3 item 7.4).

 (1) This section does not apply to rules to which the **Owners Corporations Act 2006** or the regulations made under that Act apply.

 (2) This section applies despite anything to the contrary in a residence contract or in by-laws relating to a retirement village.

 (3) The powers conferred by this section are in addition to any other powers to alter or revoke by‑laws.

S. 37(4) amended by No. 23/2016 s. 29.

 (4) By-laws which apply to a retirement village and were made before the commencement of this section may be altered or revoked on or after the commencement of this section by special resolution of the residents living at the retirement village passed at the meeting of the residents.

 (5) The making revocation or alteration on or after the commencement of this section of a by-law which applies to a retirement village is not to take effect unless or until it is approved by a special resolution of the residents living at the village.

 (6) Subsections (4) and (5) and the definition of ***special resolution*** in section 3 apply to a by-law which relates only to a class of residents as if those provisions referred to residents of that class of residents and not to residents.