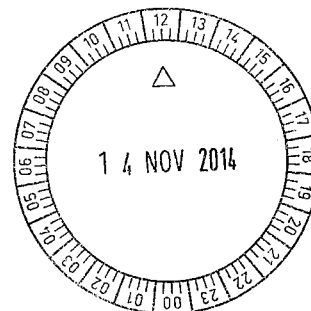




## ATTORNEY GENERAL; MINISTER FOR COMMERCE

Your Ref: Petition No 60

Our Ref: 44-13316



Hon Simon O'Brien MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000

Dear Mr O'Brien

### PETITION NUMBER 60 – OCEAN GARDENS RETIREMENT VILLAGE

I refer to your letter dated 16 October 2014, regarding the above Petition.

The Petition raises concerns about the current proposal to build new apartments in the Ocean Gardens Retirement Village. I am advised that an investigation by the Consumer Protection Division of the Department of Commerce (the Department) earlier this year into the residents' concerns concluded that adequate consultation had occurred between Ocean Gardens Inc., the Residents Association and the residents generally.

The investigation found no evidence of misrepresentation, poor financial management or breaches of residents' contracts. The Department suggested that the Board continue to work with the Residents Association to manage their concerns but no further action was proposed by the investigating officers.

In a submission to the Petition, the Hon Kate Doust MLC, has requested the Standing Committee inquire into whether the current Ocean Gardens' Board reflects the spirit of the *Ocean Gardens (Inc.) Act 2004* (the OG Act).

Concerns suggest that the current structure of the Board of Ocean Gardens Inc. does not reflect the spirit of the OG Act citing the individuals on the Board and the lack of resident representation. However, the intent of the Ocean Gardens Bill in 2003 was to ensure that the Rules of Ocean Gardens Inc. provided for the controlling membership to be nominees from the Town of Cambridge.

The Rules of Ocean Gardens Inc. grant the Town of Cambridge the power to decide who becomes a Director. In addition, two councillors currently hold the positions of Chairperson and Vice-chairperson on the Board of Ocean Gardens.

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It appears that the Board of Ocean Gardens Inc. is properly constituted, has engaged in levels of consultation with its residents and has taken a decision to manage the development of the village. In these circumstances, I do not believe that it is appropriate to intervene in this matter.

Thank you for the opportunity to provide you with my comments.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Mischin". The signature is fluid and cursive, with a large initial "M" and "M" for the last name.

Hon. Michael Mischin MLC  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

13 NOV 2014