

From: contact@engage.vic.gov.au
Sent: Thursday, 5 December 2019 6:02 PM
To: rvreview@justice.vic.gov.au
Subject: New Form submission on Review of the Retirement Villages Act 1986



New Form submission on Review of the Retirement Villages Act 1986

Hi rvreview@justice.vic.gov.au

There has been a submission on [Review of the Retirement Villages Act 1986](#) through Engage Victoria

A copy of the submission is provided as below:

You can also make your submission by adding comments below. This form will not save, so you may like to prepare your comments in a document.

You may fill out as many or as few of the boxes as you like.

The retirement village sector

When commenting on the retirement village sector you could cover:

- the impact of social and economic trends
- your thoughts and experience of Victoria's retirement village industry as a whole.

For more information and specific questions, see Part 1 of the issues paper or the summary [Retirement village sector and regulatory and policy framework](#).

Your comments about the retirement village sector

A comment about the format of the Issues Paper:

Question numbers in the Question Glossary are different to the question numbers in the body of the document. And the numbers in the doc are different to the pdf file,. Numbers referred to below are as per the doc Glossary.

The regulatory and policy framework for retirement villages

You could cover:

- the effectiveness of the Act
- how retirement villages are defined
- how the retirement village industry is regulated.

For more information and specific questions, see Part 2 of the issues paper or the summary [Retirement village sector and regulatory and policy framework](#).

Your comments about the regulatory and policy framework for retirement villages

1. Should the payment of an ingoing contribution be the defining factor in determining whether the Retirement Villages Act 1986 (RV Act) applies to a retirement village? If not, what other considerations would be appropriate?

The application of a DMF should also be included.. Other types of accommodation should not be included.

4. What improvements could be made to the register of retirement villages?

This should include only those types in accordance with the Act

Entering a retirement village

You could cover:

- the process of entering a contract
- cooling-off periods
- the disclosures that operators are required to make
- the complexity of the contract
- financial models for living in a retirement village
- deferred management fees.

For more information and specific questions, see Part 3 of the issues paper or or the summary [Entering a retirement village](#).

Your comments about entering a retirement village

6. Are the current 21 day 'consideration' period and the 3 day 'cooling-off period' under the RV Act effective in achieving their aims? If not, what other or additional measures would be effective and fair?

For the purposes of the contract, this is adequate. But a delay in the implementation of the DMF is preferred.

7. When advertising the 'price' of a retirement village unit, should there be a requirement to include a reference to any deferred management fees and other departure fees and charges?

Yes, compulsory

15. Should retirement village operators be required to disclose ingoing prices for entering a retirement village both with and without deferred management fees? If so, what form should this take? If not, why not?

No. A detailed fact sheet is adequate

16. Should deferred management fees be calculated on a pro rata basis? If so, why? If not, why not?

Yes. To charge a year's fee for a shorter period is unfair.

Living in a retirement village

You could cover:

- the obligations of village operators
- how villages are governed and managed.

For more information and specific questions, see Part 4 of the issues paper or the summary [Living in a retirement village](#).

Your comments about living in a retirement village

26. Is the current role of the residents committee appropriate and are its powers adequate?

No. The residents committee should have control on the expenditure of ALL their funds.

The Act states there may be a residents committee. There is no requirement on the operator to allow a committee if they don't want one.

No requirement for the operator to report to residents (with or without a committee) other than annually. Should be at least quarterly.

There is confusion as to whether voting per unit or per person.

27. Should residents committees have a role in dispute resolution involving resident-to-resident disputes?

No. There may be conflict of interest, or personal embarrassment

42. Is the current regulatory framework for the delivery of privately funded care services sufficient to ensure that potentially vulnerable and frail residents receive safe and high quality standards of care?

Should comply with Aged Care Act. Resident should have option for outside care.

Leaving a retirement village

You could cover:

- the process of selling or re-leasing a unit
- obligations to reinstate or refurbish units
- ongoing charges after the resident leaves
- how capital gains are handled.

For more information and specific questions, see Part 5 of the issues paper or the summary [Leaving a retirement village](#).

Your comments about leaving a retirement village

44. Does the RV Act strike the right balance between the interests of residents and operators in the sale or re-leasing of a retirement village unit, including the appropriateness of the process whereby the prescribed terms are inserted into non-owner residence contracts?

No. In the Issues Paper, 5.1.1 it states that the village operator is to pay the RAD or DAP, and that the Statutory Buyback is 6 Months. This is not covered adequately in the Act.

Dispute resolution

You could cover internal and external dispute resolution processes.

For more information and specific questions, see Part 6 of the issues paper or the summary [Dispute resolution](#).

Your comments about dispute resolution

49. What do you think is the best means to achieve low-cost, timely and binding resolution of disputes in the retirement village sector?

There should be appointed an independent ombudsman.

The enforcement of rights and responsibilities

You could cover:

- how offences are enforced
- civil rights and remedies that residents may have access to.

For more information and specific questions, see Part 7 of the issues paper or the summary [Enforcement of the Act](#).

Your comments about the enforcement of rights and responsibilities

Any other comments

If you have any other comments, including about issues that have not been discussed in the issues paper, you can enter them into the box below.

Your comments

I have read and agree to the privacy statement

Yes

Provide your name or email address to help us identify your comments if you wish to access them, make a correction, or require technical support.

First Name

██████████

Last Name

██████████

Email address

██

How would you like us to handle your comments?

You may publish my comments anonymously (your name will be omitted)

What best describes your interest and involvement in retirement villages?

Current or former resident

Location of retirement village (if relevant)

Metropolitan Melbourne

Year of entry into retirement village (if relevant)

After 2014

To view all of the form's submissions, visit:

<https://engage.vic.gov.au/index.php/dashboard/reports/forms/viewDetail/2315>

Regards,

The Engage Victoria Team

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