

## Review of Retirement villages Act 1986

### Authors Background

For the last 8 years my wife and I have been residents of [REDACTED] Village a Loan Licence Retirement Village. Arising out of my experience over that period as a resident and as a former committee member I am submitting the following comments on Questions asked regarding the Review :

#### Part 3 Question 11

Although new Fact sheets now required may have helped understanding the new format of the Contract in our Village is probably harder to follow than the old one.

#### Part 4 Question 17

I do not believe there is any great cost benefit in Accreditation Schemes and Codes of Conduct created by Bodies such as the Property Council who represent Village Owners. They are mainly a marketing Tool for the Owners and do not seem to have worked in the Age Care Industry.

I am concerned at the inclusion in our Contract that the Residents Association **at the Residents cost** must obtain and maintain Accreditation on behalf of the Owner.  
**Surely it should be an owner cost.**

#### Question 18

I believe [REDACTED] commenting recently on proposed Codes on Conduct in the Banking Sector after the Royal Commission suggested a one line Code viz.

- **"The code of conduct says this ... We now undertake to ASIC and to APRA that we will implement all the recommendations of the Kenneth Hayne report and we will hence forth conduct our affairs in accordance to those recommendations"**

Perhaps the Retirement Village Operators could agree to a similar code along the lines that :

We undertake to all our residents that we will agree to implement all of the recommendation of the 2017 Government enquiry (particularly the appointment of an Ombudsman) and will hence forth conduct our affairs in accordance with those recommendations.

#### Question 20

Owners to agree to act as set out in **18** above

#### Question 35

In our Village Residents pay a monthly fee to the Association to maintain the Club House, all facilities ,the exterior of their Units and infrastructure within the Village including Roads, Pipes,Drains,Wiring and all common areas etc.

The Owner /Builder of the Village has carried out the building works in conjunction with a Construction Company who has the same Directors.

The standard of some of the building work has been questionable and works such as roads, kerbs, Water mains etc. are not always built to Council and Water Authority standards the Association and Residents have at times had trouble having work rectified even though it is still under the Building Warranties.

There needs to be something in the Act to protect Residents from having to pay from their funds to Maintain and replace sub standard capital works done by the Owner/Builder.

There also needs to be a better clarification/definition of what are capital items in the Village and Units and who is responsibility to maintain and replace them.

I believe the NSW Act may cover this type of problem.

#### **Part 6 Question 47**

**NO** I have gone through the existing external disputes process then the DSCV and VCAT and found that although DSCV do a good job they have no power to make a binding decision.

VCAT is a lengthy process and is beyond the average Residents ability or desire to undertake themselves however it is the only way to get a binding decision at present.

I understand the NSW Act also prevents decisions of the tribunal being appealed to the Supreme Court in some cases.

#### **Question 48**

**NO** As the DCSV cannot give a binding decision it will in many cases only prolong the resolution.

#### **Question 49**

Undoubtedly the appointment of an **Ombudsman** who can make a quick binding decision.

Residents enter Retirement Villages to enjoy retirement not to have to go to VCAT to resolve a dispute.

Graeme Anderson

3 December 2019