

From: contact@engage.vic.gov.au
Sent: Tuesday, 26 November 2019 6:16 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

The Owners appear to have the reputation of trying anything to maximize their bottom line and to achieve this ,they rely on the shallow pockets and lack of resolve of the typical Resident.

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

(a) Create a role of an Independent Building Inspector who prior to occupation is to certify the residence is free of defects, is of acceptable construction and designed to suit older members of the community, for example drawers rather than cupboards and access for impaired mobility. (b) Introduce penalties for deceptive and/or threatening marketing on the part of Owners when offering residences to prospective Residents.

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

(a) The wording of the Disclosure Statement including specimen contract documents, must not be amended/ changed by the Owner when drawing up the final contract for execution. (b) Matters verbally agreed to and in writing between the Owner and a prospective Resident during the pre-contract phase, must be documented in the contract and be binding on both parties.

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

Owners of Association Villages must be required to comply with village policies when offering residences to prospective Residents.

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

In a Reinstatement contract , the Owner should not be allowed to charge the exiting Resident Refurbishment / Upgrade costs , even if the contract has a VAS payment clause.

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

- (a) The establishment of an Ombudsman and support staff should be a priority. Such a Department should have adequate resources, have the power to enforce determinations, be expeditious in its determinations particularly during a period exclusive reservation to settlement of properties and finally be able to determine punitive damages to the party in breach of contract.
- (b) In the case of Association villages, introduce a distinction between LTM and CAPEX by definition and not by examples.

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)

Before 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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