

SUBMISSION REGARDING RETIREMENT VILLAGES ACT1986

I wish to submit the following with regard to the above and will provide answers to the questions posed in the Glossary of questions.

1. One of the determining factors certainly but along with appropriate age, family situation and even the residents ability to live within the rules, whether actual or implied, of the Village. By that I mean that to maintain the livability of the Village that all residents must behave in an appropriate manner that would fit the expectations of the whole not the individual.
2. I would suggest that all people living in a Retirement Village must be over the required age of 55 not the majority. It would, in my opinion, be defeating the purpose of living in a Retirement Village if this were not the case.
3. I assume that the purpose of the Act was to regulate a previously unregulated area but as the Retirement Village sector is now more normal than not for retirees, I believe a rethink of the entire Act needs urgently to be undertaken and hopefully that an Ombudsman or such like be appointed to cater for the many problems this sector is suffering from. It is unfortunate that our current state government doesn't (until now) feel the need to cater to this growing sector of the voting public.
4. I have no idea what the purpose of the current register is but without any prior knowledge apart from all the usual, i.e. owners, managers etc, I would think that a list of times the Village and its owners and managers have had legal action taken against them including VCAT appearances, would be very illuminating.
5. As above.
6. Most people who purchase in a Retirement Village have in all likelihood, purchased property before. They would be experienced in knowing what the cooling off periods are and would have no trouble understanding this. However it would be helpful if these were pointed out at time of viewing the property by any agent or person tasked with selling the property as it is always a case of 'information overload' when viewing multiple properties. Printed information would be of great assistance in this regard.
7. Absolutely. It is one of the largest ongoing expenses that people in Retirement Villages face and prospective Residents should be fully aware, not only of the current fees, but how they will increase over their tenure in the Village. Deferred Maintenance Fees can be easily put on the back burner when first buying into a Village, but the heirs and successors of the Resident should be aware of what will be deducted from any future sale of the property. Again, printed information would be of great value.

8. I believe it has, however the other side of the coin is that the Manager/s of Retirement Villages do not necessarily think that these documents are enforceable as has been proven recently in our Village whereby the Manager decided that one Residents Fact Sheet was not applicable because it didn't suit the purposes of another resident and changed the rules to suit. She then had to quickly change them back when legal action was taken.
9. All of the above. I think when a prospective purchaser is viewing a property that they are given all the facts in printed form so that they can discuss all the ramifications with their families or other interested parties, can obtain advice from less involved parties and make a clear and fully informed decision. The fact sheet comes into play when the next step is taken because it is comprehensive (or should be) and before contracts are exchanged.
10. Yes.
11. I have no knowledge of the contracts prior to 2014 but feel that the post 2014 were reasonably clear and a person with no real legal experience can understand them.
12. I realise that there is a need to separate the Contract from the Management Contract but as both cover a lot of the same ground, could there not be a point where the two converge. Most people, having ploughed through one, then have to do it all again with the other. My experience was that my solicitor had no interest in explaining any of it to me but rather just said to ask him if I didn't understand anything. That's fine but in my case I was hoping for something more and whether the contracts were in my best interests. I have discussed this with fellow residents and they all said the same thing.
13. As I said, where the two contracts converge, could there not be wording that conveys this in one contract, that it is implied in the other.
14. Transparency is key to purchasing satisfactorily and living with that decision so yes of course operators should fully disclose ingoing, ongoing and deferred maintenance fees. It is the basis of all commercial transactions.
15. Personally I think Deferred Maintenance Fees should be the subject of a complete overhaul. The caveat on our properties is designed to stop operators from missing out on the Deferred Maintenance Fees, but also unnecessarily confines the owners who may need to find funds in an emergency via the many reverse mortgage schemes. This can have huge quality of life impacts on people who are genuinely struggling with debt.
16. Most people have a good idea of what their departure fees will be, the only snag is that property values are so variable that it is only at the time of sale that Residents can get a clear idea of what they are. The contract states a percentage, but unless you know what your property is worth, no one could accurately predict what that will be. If there are clearly defined departure fees, surely these would be in the printed fact sheets.

17. I suppose, the benefits would vary according to the type and size of the Village. In our situation the only thing that would clearly benefit us would be an Ombudsman. Ours is a small village, and almost completely ignored by our 'manager' excepting when she needs to collect fees. However it would be beneficial to see the panic on her face if she were to have to undergo accreditation. I have worked in the Aged Care Sector and the facility was always getting spot checks. I think this would work well in the larger and more, shall we say, professionally run Villages.
18. N/a.
19. In our situation, our manager wouldn't countenance a voluntary accreditation scheme. Too risky.
20. An Ombudsman. Please !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
21. Yes! They must have high moral standards, a willingness to do the job they are paid to do, an interest in the Residents and their concerns, a desire to tell the truth, a sense of obligation. I believe that the manager of a Retirement Village should be committed to doing the work they are paid to do. It is lacking in our Village. A Manager should have some sort of provable qualifications in management, be able to prove that they are ethically sound and that they not only have the ability but the desire to co-operate and work with all Village residents and not just the few who are her special favourites.
22. Most employees are given ongoing workplace training because it is felt that they can then do their work more effectively and I believe that refreshing the ideals and principles needed to actively manage a Retirement Village would be a very good thing. It is motivational and creates a more cohesive relationship between Manager and Residents. Another avenue is to provide Villages, in the absence of meaningful management services, a professional management company. They are generally highly motivated and less expensive than the current situation.
23. Each Village will have its own special requirements. Ours would be to start from the bottom and work upwards, in time we may actually achieve a viable manager.
24. Only in insisting that they have provable qualifications and that they demonstrate their abilities. When hiring a manager, a 3 month qualifying period should be in place as is the case in most employment contracts.
25. I asked the Chairman of our Residents Committee to define the role of the residents committee. He didn't have a clue but said that it was to provide assistance to the manager. When it was pointed out that the residents committee was to represent the interest of the residents, he informed me that it wasn't the case. So I would say that it isn't appropriate and that their powers are more than adequate and should be somewhat abated.

26. Again from my experience, I think that no Residents Committee member should have the power to interfere in any disputes because of bias and a desire to be an important fish in a very small pond.
27. Again from my experience, the bias that our current Residents Committee have would see some paying more and others not anything at all. Our Residents Committee is totally corrupt and cannot be trusted. So to give them more power would be a very stupid thing to do.
28. Absolutely, again the innate bias our committee has towards the manager would mean that if she could be bothered she would attend all resident meetings and overrule all opposition. This has happened in the past.
29. It has been. However, the manager is very slack in calling AGMs and one year we had an AGM that was 18 months overdue and then the next one was call a mere 6 weeks later so we had no AGM for 2016 and then had 2017 and 2018 within weeks of each other. The efficiency of our manager is breathtaking, especially when you consider that she called an AGM and then forgot all about it and to had ring a resident to find out when it was on only to be told that it was that day. The meeting was cancelled at short notice and rescheduled. You will be delighted to hear that she did remember to show up to that one.
30. Personally I think all residents should be given copies of all financial dealings for the previous financial year. Our residents are very interested in these documents.
31. I would like a manager to account for their time. That is that they should keep time records of their dealings with and on behalf of the Village. I would like to see actual billable hours worked.
32. N/a
33. N/a
34. N/a
35. N/a
36. I believe so.
37. In our situation we have 2 accounts. One is for everyday expenses and maintenance items, the other is for long term or capital maintenance items. It is called the Sinking Fund (not sure why)and every now and then someone decides that it isn't to be called that, yet the name persists. After a struggle with the manager, she has now provided the Village with copies of the statements which I believe is the right of all residents to have access to this information and also copies of accounts that have been paid out of the everyday account. It hasn't been so easy to get the manager to pay into the 'sinking fund' the moneys that are

due as she likes to keep some of it in her personal account. She then pays the money over on the first day of the financial year. We have been actively discouraging this to varied success. Apart from this the system works well and I would say that that is the very least to expect.

38. N/a

39. N/a

40. N/a

41. N/a

42. N/a

43. N/a

44. N/a

45. N/a

46. I absolutely agree. The current situation whereby residents committees can intervene, generally with an agenda contrary to resolution can only lead to great dissatisfaction between residents, residents committee and management. As previously mentioned, we have had enormous difficulty in getting our manager to 'do the right thing' and have had to take the matter to VCAT. This resulted in an undertaking from her which she has largely ignored and which has led to the situations whereby the community is somewhat fractured and is causing great ill will. The residents committee is always acting on behalf of the manager and covertly so no one knows what will happen next. A very unsatisfactory situation.

47. Until I read this I had no idea that there were other avenues for conflict resolution other than VCAT. It would have been very worthwhile to have explored this option after CAV weren't interested or unable to help with our problematic manager.

48. Yes, I think this is a good first step.

49. As our current state government doesn't seem interested in providing this sector with a much need Ombudsman, I suggest that we vote Liberal next time.

50. N/a

51. Yes. This sector doesn't seem to be covered by any effective means of being heard and our previous dealings with CAV were unsatisfactory.

