

Retirement Villages Act Review,
Consumer Affairs Victoria,
GPO Box 123,
Melbourne Vic. 3001

[REDACTED]
Bryan Twyford,
[REDACTED]
[REDACTED]
[REDACTED]

25-11-2019

Dear Sir/Madam,

Re. Long Term Maintenance Funds "Owners Corporation Act".

Attached is a copy of my letter to our local MP and a copy of our submission to the original enquiry. All we are asking is to include the words "leasehold & license" in the act which then leaves no doubt as how villages operate. As it stands now owners of villages are not mandated to follow the existing Act to the letter of the law. The majority do of course but by including leasehold & license in the Act leaves no doubt.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Bryan Twyford,
[REDACTED]
[REDACTED]
[REDACTED]

21-10-2015

Dear Sir,

Re. Long Term Maintenance Funds (Sinking Funds) "Owners Corporation Act".

I am writing to you on behalf of the [REDACTED] Residents Committee. I recently spoke to staff at your office seeking clarification of the legal position of Long Term Maintenance Funds held on behalf of residents of Retirement Villages in this State. They were very helpful, passing onto me the information I required to confirm my research.

In 2014 the Government of the day made substantial alterations to the existing legislation pertaining to the Long Term Maintenance Fund section of the "Retirement Village Act". This section was removed from the existing "Retirement Village Act" and you are referred to the Long Term Maintenance Fund section of the "Owners Corporation Act". Unfortunately, the "Owners Corporation Act" covers strata titles but makes no mention of leasehold or licence. The vast majority of villages built over the last 15 years or so are, either leasehold or licence. Under the legislation now in place they are no longer protected by the Act.

Although Long Term Maintenance Funds are now voluntary, they are necessary to cover maintenance or a costly repair job. A good fund also adds value to the village and is a good selling point in due course.

We are aware that Consumer Affairs Victoria has set out "guidelines" that they expect the owners of Retirement Villages to follow. Some of these guidelines are set out in our individual leases but they still include the use of "our" funds on capital items, which has already caused concern at other retirement villages. The vast majority of residents of Retirement Villages like the rest of the community have little knowledge of the law pertaining to Retirement Villages and probably less of the financial implications. This makes them vulnerable to developers or owners who may now take advantage of the substantial funds held on behalf of the residents in Long Term Maintenance Funds.

On behalf of this village we are requesting that you initiate a review of the act to ensure all Long Term Maintenance Funds are covered. As a matter of interest we have noted that residents in other Retirement Villages are becoming aware of the inadequacies of the current Act.

Thanking you and your staff for the assistance to date, Yours Sincerely,

[REDACTED]
Secretary, [REDACTED] Residents Committee.

Member of Finance Committee.

[Redacted]

Bryan Twyford, [Redacted]
[Redacted]
[Redacted]
[Redacted]

21-2-2016

Dear Sir,

Re. Proposed Parliamentary Enquiry into Retirement Villages

On behalf of the residents of the [Redacted] Retirement Village, we, the members of the Residents Representative Committee, are strongly in favour of an enquiry into Retirement Villages. One area of concern was the removal of legislation pertaining to Long Term Maintenance Funds. We wrote to [Redacted] MP concerning this in October 2015. It is now in the hands of the Minister for Consumer Affairs, [Redacted], although to date this has not been acknowledged by her Department.

In 2014 the Government of the day made substantial alterations to the existing legislation pertaining to the Long Term Maintenance Fund section of the "Retirement Village Act". This section was removed from the existing "Retirement Village Act" and you are referred to the Long Term Maintenance Fund section of the "Owners Corporation Act". Unfortunately, the "Owners Corporation Act" covers strata titles but makes no mention of leasehold or licence. The vast majority of villages built over the last 15 years or so are, either leasehold or licence. Under the legislation now in place they are no longer protected by the Act.

Although Long Term Maintenance Funds are now voluntary, they are necessary to cover maintenance or a costly repair job. We are aware that Consumer Affairs Victoria has set out "guidelines" that they expect the owners of Retirement Villages to follow. Some of these guidelines are set out in our individual leases but they still include the use of "our" funds on capital items. This makes residents with little knowledge of the law vulnerable to developers or owners who may now take advantage of the substantial funds held on behalf of the residents in Long Term Maintenance Funds.

This is just one area of concern to retirees in Retirement Villages. As your constituents we are requesting you support this enquiry when it comes before Parliament.
Thanking you, Yours Sincerely,

Residents Representative Committee on behalf of the residents of the [Redacted] Retirement Village.

Chairman: [Redacted] :

Secretary: [Redacted] :

[Redacted] :

[Redacted] :

[Redacted] :

[Redacted] :

[Redacted] :

[Redacted] :

Copy to [Redacted] MP: Minister for Consumer Affairs:

Copy to [Redacted] MP: