

Frequently Asked Questions (FAQs)

Review of the *Retirement Villages Act 1986*

Retirement Villages Review Scope

Why is the Review happening?

In September 2017, in response to the Parliamentary Inquiry into the Retirement Housing Sector, the Victorian Government committed to undertake a review of the *Retirement Villages Act 1986* (the RV Act) to consider how it can better protect consumers while also allowing growth and innovation in the sector.

The Victorian Government is aware of some stakeholder views that the RV Act has not kept pace with changes in the sector. While the RV Act has been amended over time to respond to issues in the market, it has not been the subject of a comprehensive review since 2004.

The then Minister for Consumer Affairs, Gaming and Liquor Regulation asked the Department of Justice and Community Safety (DJCS) to undertake the Review and report to the Government on potential reforms to the RV Act.

What will the Review do?

The Terms of Reference for the Review are to:

1. Examine the effectiveness of the RV Act in providing consumer protection.
2. Assess whether the regulatory framework has the flexibility to facilitate growth and evolution in the sector.
3. Consider the impact of increasingly aged and frail residents living in retirement villages, and the delivery of Commonwealth-funded aged care services and privately funded home care services into retirement villages.
4. Assess the impact of recent regulatory reforms to the RV Act.
5. Consider recent reports, recommendations and reforms arising from reviews undertaken in other jurisdictions.
6. Report on recommendations made by the Parliamentary Inquiry into the regulation of the retirement housing sector that the Government committed to investigate further.
7. Develop options and recommendations:
 - a. to address findings from the examination of matters referred to in paragraphs 1-6 above
 - b. to implement those recommendations of the Inquiry that the Government either supported, supported in principle, or supported in part in its response, and
 - c. to implement regulatory reforms identified in Consumer Affairs Victoria's review of internal dispute resolution procedures undertaken in 2017.

Who is involved in the Review?

DJCS is leading the Review with assistance from a Stakeholder Reference Group (SRG) consisting of key resident and industry representative groups. DJCS has also commissioned independent research into the perceptions and experiences of retirement village residents, managers and owner-operators, and an independent assessment of potential dispute resolution options to inform the development of the Options Paper.

How can I get updates about the progress of the Review?

You can register to receive email updates by visiting the Engage Victoria website and clicking the "follow" button at the top of the page: <https://engage.vic.gov.au/retirementvillagesact>

If you register to receive email updates, we will not share your contact details with anyone else. You can choose not to receive any other information from us, and you can unsubscribe at any time.

How do I participate in the Review if I do not have access to a computer?

In the first instance, we invite retirement village staff and management to assist residents by printing copies of the Options Paper so that they can make a submission.

If village staff are unable to assist with printing the Options Paper or survey, residents are encouraged to visit their local library to access the Options Paper online or to print a copy.

Responses to the Options Paper can be submitted until **11.59 pm on Friday 14 May 2021**:

- via the Engage Victoria website <https://engage.vic.gov.au/retirementvillagesact>
- via email at rvreview@justice.vic.gov.au
- by post to:

Retirement Villages Act Review

Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3001

DJCS has also prepared a PDF version of the survey form for printing and distribution. This is available via the Engage Victoria website <https://engage.vic.gov.au/retirementvillagesact>

You can also request a hard copy of the survey form or the Options Paper by contacting the Review Team via email at rvreview@justice.vic.gov.au or calling Consumer Affairs Victoria on 1300 55 81 81.

What about other retirement living or seniors living options?

There are a range of different housing options for older people. The Review is only considering housing that meets the definition of a retirement village under the RV Act, that is, a community where:

- the majority are retired persons who are provided with accommodation and services other than services that are provided in a residential care facility; and
- at least one of whom, before or upon becoming a member of the community, pays or is required to pay an in-going contribution

Lifestyle villages and residential parks are not being considered as part of the Review. People living in residential parks are covered under the caravan parks and moveable dwellings provisions of the Victorian *Residential Tenancies Act 1997* (RT Act). For further information on lifestyle villages and residential parks, please visit: <https://www.consumer.vic.gov.au/housing/residential-parks>

Senior Victorians may also live in private rental accommodation. The Government has introduced significant reforms with the review of the RT Act that commenced on 29 March 2021. For further information on the reforms please visit: <https://engage.vic.gov.au/fairersaferhousing>

Supported residential services (SRS) are privately operated businesses that provide accommodation and support for Victorians who need help with everyday activities. The Department of Families, Fairness and Housing administers the *Supported Residential Services (Private Proprietors) Act 2010*, and monitors SRS compliance with this Act and its regulations. For further information please visit: <https://www2.health.vic.gov.au/ageing-and-aged-care/supported-residential-services>

An aged care home and residential aged care is for older people who can no longer live at home and need ongoing help with everyday tasks or health care. Aged care services are regulated and funded by the Commonwealth Government. For further information on aged care regulation, please visit: <https://www.health.gov.au/health-topics/aged-care>



Retirement Villages Review Options Paper

Where can I find key issues in the Options Paper?

The Options Paper is based around five key questions:

1. What does the RV Act need to include to support well-functioning retirement villages?
2. What information should be provided to prospective and current residents and when?
3. How can protections for exiting retirement village residents be strengthened?
4. Are the current internal and external dispute resolution processes adequate?
5. What is the best governance framework to support well-functioning retirement villages?

A set of options have been developed under each of these key questions to help guide feedback in response to the Options Paper. For example, options have been presented on the form and complexity of contracts, and payment options.

Each option includes a high-level summary of the issue and option/s to address the issue. Also provided for each option is a detailed analysis of the issue, a summary of stakeholder feedback and additional details.

You can choose to provide feedback on some, or all of the questions and options. You don't have to answer every question – you can just respond to the issues that you think are important.

How are non-retired persons living in a retirement village described?

The current definition of a retirement village in the RV Act enables persons who do not meet the definition of a retired person (or a non-retired person) to reside in a retirement village, as long as the majority of residents are retired persons (as defined in the RV Act).

What if more time is needed to make a submission?

Submissions close on **Friday 14 May at 11.59pm**. You should do your best to get your submission in by this deadline, as DJCS may not be able to consider late submissions.

Can I submit more than one response or make more than one submission?

If you have already made a submission to the Issues Paper during stage one consultation in 2019, you can still make a submission in response to the Options Paper.

You may provide as many responses or make as many submissions as you need to cover off on the issues that are important to you. You can provide your responses or submissions at any time throughout the consultation period.

Retirement Villages Review Next Steps

What are the next steps for the Review?

The Government looks forward to hearing the views of retirement village residents, their families, and other interested stakeholders in response to the Options Paper, including potential reforms to external dispute resolution processes.

Stakeholder feedback on the Options Paper will assist DJCS in developing recommendations to the Victorian Government on what reforms to the RV Act are required. This may include amendments to the RV Act, the regulations that accompany the RV Act, or broader information and education initiatives.

The recommendations will form a legislative reform package. It is anticipated that a Bill will be introduced during the current term of Parliament.



Will there be further opportunities for consultation after the Options Paper process?

DJCS will consider opportunities for further consultation as the Review progresses.

Will the new Bill be retrospective?

The Victorian Government has not settled on a preferred reform approach. Feedback on the Options Paper will inform the Government's decisions in determining the final suite of reforms to the regulation of retirement villages in Victoria.

Generally, laws and regulations are not made to be retrospective. The Scrutiny of Acts and Regulations Committee reviews all Bills and requires specific explanation and justification of any Bill that contain a retrospective commencement date, including whether any person may be adversely affected.

DJCS will review any feedback you provide on issues or reform options that could be addressed retrospectively in your response or submission. It is a matter for the Government whether particular reform options.