

I have a problem with CAV conducting a review of the RV ACT when CAV has been a major part of the problem in the past:

1. CAV displayed an unwillingness to assist residents with significant and obvious cases against Owners/operators of villages. This is in spite of the powers conferred on CAV by the Act.
2. CAV displayed an unwillingness to use its powers to discipline and fine owners/operators even when substantial offending was proved to have taken place.
3. I found the CAV Conciliation was a useless activity. During our Conciliation process the owner of the village I was living in acknowledged 6 major failings as regards the Act which had resulted in significant financial loss to the residents. The owner made commitments to rectify these matters but they did nothing. When I took the matter back to CAV all I received was advice to take the matter to VCAT. CAV did not take any action against the village operator even though CAV was aware of serious breaches of the ACT.

The sole purpose of the Act should be to protect residents and CAV must take its role seriously in the protection of residents. The enabling of the industry should not be a part of the Act and certainly not part of CAV activities as it has been in the past. CAV showed every sign of being “captured” by the industry it was meant to be regulating.

CAV has shown in the past that it is not able to handle the conflict of interest which arises when they are trying to promote the industry and at the same time protect residents. This conflict of interest was evident in the past when CAV was unwilling to use its powers to take action against offending owners/operators.

I participated in two processes which were initiated by CAV to review aspects of the Retirement Villages ACT. CAV allowed both of these processes to be dominated by lawyers and accountants in the employ of the owners/managers of villages. Residents were made to feel as a token presence.

There has to be an accessible and timely method of dispute resolution separate from CAV and VCAT. When my wife and I took the advice of CAV to go to VCAT we found the action costly and extremely slow. We were worn out after 2 years and had to settle for an amount far less than the financial disadvantage we had suffered. We also did not have the financial resources to continue to do battle with a wealthy owner/operator.

There should be no exemptions from the Act. Church run retirement villages have been a significant source of financial abuse of residents.

Mistreatment of resident should be seen as “elder abuse” and in the same category of crime as “child abuse”. There should be the possibility of prison terms for the CEOs, Board Members, lawyers, accountants and managers employed by the guilty organisations that perpetrate financial and emotional abuse on residents.