

28 January 2016

**By email:** [yoursay@fairersaferhousing.vic.gov.au](mailto:yoursay@fairersaferhousing.vic.gov.au)

Residential Tenancies Act Review  
Consumer Affairs Victoria  
GPO Box 123  
MELBOURNE VIC 3001

Dear Sir/Madam

### **HAAG Submission - Residential Tenancies Act Review: Security of Tenure Issues Paper**

Housing for the Aged Action Group's (**HAAG**) submission to the Residential Tenancies Act Review dated 21 January 2016 identified a number of key areas of concern for older residents living in rental properties, Independent Living Units, residential parks and rental villages. We write to support HAAG's submission, and urge the Review to consider the reforms recommended by HAAG.

As the housing market changes and a greater proportion of older residents occupy rental properties, the need for longer term leases, longer termination notice periods, and a limitation on excessive rent increases will continue to grow. The current Review provides an ideal opportunity to future-proof Victoria's residential tenancy sector, by bringing out-dated legislation into line with current market realities.

In addition, Consumer Action has particular concerns over the lack of accessible and appropriate dispute resolution in the retirement housing sector. Retirement housing problems are often 'hidden' as older people may be unwilling or unable to make complaints or enforce their legal rights. The consumer base in retirement housing can be very vulnerable, and this is worth considering as the Review progresses.

In our view, there is a clear need for a dedicated external dispute resolution (ombudsman) scheme to resolve disputes between residents and retirement housing operators. Lack of adequate dispute resolution is a key issue for residents in all types of retirement housing. At present, if disputes are unable to be resolved internally, they must be taken to the Victorian Civil and Administrative Tribunal (**VCAT**). The VCAT process is court-like, adversarial and much more formal than an ombudsman process. This is an intimidating and inappropriate forum for the resolution of many retirement housing disputes. Furthermore, the retirement housing sector is regulated by a complicated mix of multiple, overlapping pieces of legislation – which can make dispute resolution incredibly difficult.

We welcome the review of the Residential Tenancies Act, and are confident that the Review will result in much-needed additional protections for older residents. In our view, a comprehensive

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review of other types of retirement housing is also needed to ensure that all developments which operate as retirement housing are regulated consistently, and that all older residents have adequate consumer protections.

Please contact Zac Gillam on 03 9670 5088 or at [zac@consumeraction.org.au](mailto:zac@consumeraction.org.au) if you would like to discuss these matters further.

Yours sincerely

**CONSUMER ACTION LAW CENTRE**



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