

LEWIS, MS JANINE, Vice President (Village Liaison), ACT Retirement Village Residents Association

CAINE, MS ANNE, Secretary, ACT Retirement Village Residents Association

THE CHAIR: Welcome back to the public hearings of the Select Committee on Estimates 2023-2024. In the first of our afternoon sessions, we will hear from the ACT Retirement Village Residents Association. The proceedings are being broadcast live. The proceedings today are also being transcribed and they will be published on the Assembly website. If you do take a question on notice it would be useful if you emphatically say, "I will take that question on notice" because it will help the committee and witnesses to confirm later. Can I remind the witnesses of the protections and obligations afforded by parliamentary privilege which I am assuming you have read. Could you confirm for the record you understand the implications of the privilege statement and you agree to it.

Ms Lewis: I agree.

Ms Caine: I agree.

THE CHAIR: Would the ACT Retirement Village Residents Association like to start with an opening statement before we proceed to questions?

Ms Lewis: Yes, we would. Thank you.

THE CHAIR: Excellent. The floor is yours.

Ms Lewis: On behalf of the members of the ACT Retirement Village Residents Association, Anne Caine and I welcome the opportunity to meet with the committee today. We would like to introduce you to our organisation by saying that our organisation's aims are to advocate for, to inform, to advise and to represent retirement village residents.

Our current membership in our association is 165 and growing. We have re-established the association with some vigour and enthusiasm and currently have a committee of 10 volunteers. Financially, we are starting though from a very small base. Much of our administration needs to be established. To that end we, together with Council on the Ageing and Care Financial Services, have approached Minister Rattenbury for \$150,000 to be equally divided among us. All three agencies will be talking to him next week about that.

Our share, the \$50,000, is sought to establish basic administration functions such as office equivalent services, a telephone inquiries line, our information and technology and website, member communications such as a regular newsletter and a project officer to assist with research and analysis. We anticipate ongoing funding will be needed in the future to operate as a viable communicative and supportive association serving the interests of this growing sector, and we anticipate working with government, with the operators, with resident committees and with individual residents themselves.

Our recent focus has been on raising awareness of our presence to retirement village residents through a very successful forum. We are now hearing of the needs of individual residents and the demands of the sector. We hear stories of management resistance and delays in response to resident's requests and even bullying. Management personnel can be inexperienced or insensitive in dealing with seniors who have invested significantly in their village homes. In

promoting our forum, we became aware that not all managers supported our efforts to inform residents about the association, which we found surprising. All of these interactions and our response to them are time-consuming, hence our request for financial support to continue this valuable work.

We are also working hard to connect with sector groups such as various state RVRAs, the property council bodies representing the village owners, and local like-minded organisations such as Vintage Reds, and Council on the Ageing. I believe that is all we need to do to introduce ourselves.

Ms Caine: I will talk about a couple of our current priorities. We will be grateful for some funding to help us pursue those priorities. There is a significant lack of hard data on the actual size, composition and operations of the ACT retirement village sector that can be used by us to assist the retirement village residents, and also by others to inform the management of this growing sector, for example, by government in relation to village planning, sustainable housing policies and service delivery. Our attempts to get such information from Access Canberra have met with limited success because there is no requirement for a central information repository. Basic information is just not readily available or held by government. Limited information is available from industry, but that is held for their own purposes.

This situation does not, in our view, lead to efficient government planning or policy development or effective consultation with the sector. Missing data includes: the number of villages; the number of residents; the size and infrastructure in each of the villages; the co-location of residential aged care units; services provided, including commonwealth funded aged care services in these villages; and systemic problems, for example, elder abuse in the villages. We are willing to contribute to building an accurate retirement village information base by working in partnership with government and industry to collect and maintain a comprehensive database.

The collection of this valuable data could be significantly improved, we think, by amending the Retirement Villages Act to require government registration of retirement villages with appropriate requirements for the provision of critical information such as already occurs in New South Wales and Queensland. In conclusion on this point, no-one seems to have a current or comprehensive overview or understanding of this significantly and rapidly growing sector.

The second of our priorities is that we feel there is a strong need for an ACT ombudsman or a similar agency for the retirement village sector to assist to resolve intractable disputes involving retirement village residents and often the operators. We were pleased to have the unanimous support from the Legislative Assembly for our petition recently for an ombudsman. We thank all members, as well as the government agencies presently working on this, for their support. We also endorse a National Seniors ACT budget submission that also seeks the appointment of a retirement village ombudsman.

We look forward to working with government agencies to fully address the present gaps in resident protection that arise from the power imbalance between residents and owners and management. We need an approachable ombudsman with binding decision-making and enforcement powers. All stakeholders would benefit from an effective dispute resolution mechanism in this environment. Without such a body, residents will continue to be at risk and have only ACAT from which to obtain an enforceable decision. That avenue is a protracted,

adversarial and costly process and is very intimidating for most people but especially seniors. We applaud the Legislative Assembly's recent move to establish a rental ombudsman and the government's commitment to thoroughly investigating existing rental ombudsman models across Australia. Clearly there are synergies with a retirement village ombudsman.

In summary, the ACT Retirement Village Residents Association is requesting financial assistance. We request this, firstly, to establish ourselves as an active and effective body representing residents in ACT retirement villages, which will allow us to develop effective communication with residents, management, developers and other stakeholders—for example, by setting up an inquiries and information service, like some of the other retirement village resident's associations in other jurisdictions have. Secondly, we request financial assistance to allow us to liaise with similar bodies in other jurisdictions to understand and communicate best practice in furthering our development. And we request it, thirdly, to enable us to contribute to an accurate and comprehensive database of information on the size, growth and needs of the ACT retirement village sector, and also to allow us to fully participate in the move to create a retirement village ombudsman or similar body with appropriate binding decision-making and enforcement powers: a body that is well placed and well resourced to quickly respond to all levels and complexities of unresolved resident complaints.

Thank you for your attention.

THE CHAIR: Thank you, that was wonderful. I will go to the ombudsman issue, which of course came to the Assembly through Mr Pettersson, I believe.

MR PETTERSSON: I did assist.

THE CHAIR: Given the Assembly passed that resolution, how genuinely optimistic are you that we will end up, at some stage soon, with a retirement village ombudsman? What would see you as being the next step in that process and what is your vision of how that individual is going to operate?

Ms Caine: Our current president had this idea. I am not sure where it came from, because I have only been on board for the last few months, but he had experienced some very serious problems in his village. He then took the problem to the Human Rights Commission - but nobody could agree—that is, the property owner would not agree. So we ended up taking it to ACAT, which he did not want to do, but within 48 hours of taking it to ACAT' suddenly things started happening. So, upon taking it into an environment where there were enforcement powers, things started happening, after three years of not getting anything done. So we thought, "Right, we need a body with enforcement powers."

At the same time as he was having that problem, some other jurisdictions like Victoria were looking at an ombudsman, as were several research bodies and other bodies, like the National Seniors Association and the Australian Housing and Urban Research Institute. So there are a couple of people who are saying, "This is what we need for this sector." This is going on quite frequently and so John, who is our president, came along and said that his experience with ACAT means this is something that we need.

However, since then we have also had a meeting with Karen Toohey, the Human Rights Commissioner. We said: "Look, we have these problems which we are starting to hear now

that we have become an association, and some of them are quite intractable. Can you help?" She said, "Well, two things. Number one, I do not think people really understand what I can do. You know, there is an information problem. People just do not know that I exist. But secondly,"—and then John said, "Yes, but we came to you, and you could not solve this." She said, "I understand."

So then we sort of enlisted her to try and, first of all, publicise her services or her offerings or what she does. I do not think she can overcome the problem that she does not have binding decision-making power or enforcement powers, but it is a possibility. If we do not set up a whole new ombudsman maybe - and that is why we have in our notes, "or another body" - you can enhance their powers to give us this same end result. But that is happening in an environment where several other entities are saying, "What about an ombudsman?" You yourself are saying you have a rental ombudsman, and there are similar sorts of issues there; you have people who have a power imbalance, property owners and tenants. Maybe it could be the rental and retirement village ombudsman. I do not know.

THE CHAIR: It is the first time I have heard it, but it is not such a silly idea.

MR PETTERSSON: Good idea.

MS CLAY: Thank you for those opening statements. That was really helpful. I was really interested in the idea of requiring retirement villages to register where they are so that we have better planning. We are going through this major planning review at the moment' and I confess I have been through the district strategies, but I have not done it with a filter of, "Where are our retirement villages and are they where we need them to be?" Do we not have that information in government?

Ms Lewis: No, we asked Access Canberra and said, "Could you give us a list of all of the retirement villages and what they look like and how many people?" And they said, "Sorry, we do not have that."

MS CLAY: Good grief.

Ms Caine: They are very complex; you go into a retirement village and, depending on which one you go in, you get a different agreement or contract from the owner. Sometimes they are sort of leasehold or sublease from the property owner, sometimes they are licences, sometimes I do not know what they are. So this problem has come up because some of the people in villages want to set up solar panels on their units but in order to do that' there are really complex issues about who owns this unit, what is the ownership structure, who will own the solar panels and who is going to inherit them when the person passes away.

So it is a really complex issue, added to the fact that, as Janine said, we have trouble with some people, some owners or managers, getting information about them. There was a recent example that I had when we were advertising a forum, and this was actually the Marian. I went to them and I said, "Look, I have this brochure to advertise the forum." The Manager said, "Our residents do not want that kind of information." "Can I just leave you the brochure then?" "Well, we will put a few copies in our common room." So there was, like, "We do not want anybody, any of our residents to know about what you are doing."

Wethought you could get the property owners, whether now or retrospectively, to provide the

information—what are the ownership structures, how many units are there, how do they operate? Also, for the Sustainable Housing Scheme, how can owners in retirement villages access that scheme?

MS CLAY: They are a whole lot of really practical suggestions. Thank you very much. We are seeing the planning minister later this week. I have seen two of those contracts and they are devilish. I am actually guardian for somebody so I have sort of been through it. Yes, it is not straightforward and they are not the same.

Ms Caine: Well, I am actually a lawyer and when I saw this contract I went, “Oh my god, so where can I get a lawyer from?”

MS CLAY: Yes, I am from a family of lawyers, and we found these contracts hard.

Ms Caine: Yes, they are impenetrable, yes.

MR PETTERSSON: Circling back to the request for funding, I was hoping you could expand on some of the costs and experiences you have had trying to get the association up and running. If you do secure this funding, what would it be used for?

Ms Lewis: We really have only been enthusiastically re-established for a few months, and so things are happening through hardworking volunteers. We have had some discussions with Council on the Ageing who said they are happy to work with us to provide facilities, for example. Also, if we were fortunate enough to get enough to employ someone part-time, that they would be happy to do all the employment action behind the scenes so that we would not have to do that sort of thing. We are talking to other RVRAs around the place who have much more money and many more people that they represent, and they are able to do a lot more with a small office. So, we are working to see if we can work towards that sort of thing.

Ms Caine: I spoke to one of the vice presidents of the New South Wales Retirement Village Residents Association and said, “How do you operate and where do you get funding from and what do you do with the funding?” They have a lot more members and they have higher membership fees so they were able to set up an office with four, five staff. But she said the critical thing they do with their staff which they employ is they have an inquiries line. So they go out and publicise, “We are the resident’s association; come to us with your problems,” and residents do, of course. When you have a forum, people come with their problems. So they have an inquiries line and they have someone staffing that all the time. At the end of the month they collect all this information so they have a really good understanding of what is going on in the villages and where. I cannot remember where they said they provide that information to, but certainly to critical people like government, Fair Trading. So it is staffing an inquiries line.

They also said they produce a newsletter. I suppose that is a hardcopy newsletter like the ACT government do, which I read religiously every time it comes into my mailbox. At the moment a lot of the residents do not have computers, they do not have emails and they do not have mobile phones. So, at the moment there is a need to have something in hardcopy to let people know what is going on, as well as someone to produce it and someone to distribute it. Certainly maybe in 10 or 15 years time, when the current generation is coming through, all with lots of computer skills, that may not be such an issue. But they have a newsletter four times a year, which costs a lot.

The other thing that they do with their money—and sometimes this is a one-off grant—is special projects. They recently did a survey of elder abuse in retirement villages, and they got, I think, \$50,000 to do that. The survey was very revealing and they now know that there are some serious problems and they are moving to look at that. So there are three things that they do with their funding. But as Janine said, we are really struggling with setting up basic administrative functions and just dealing with the inquiries and it would be helpful to have at least one staff member.

MR PETTERSSON: Thank you, very comprehensive.

THE CHAIR: I think we are at the end of the time on that session. You ladies have done exceptionally well in projecting the position of your organisation and thank you very much for appearing in this session.

Ms Caine: Our pleasure.

THE CHAIR: Nothing was taken on notice, which is good because then you do not have to deal with that. So thanks for coming.

Ms Caine: Thanks very much for allowing us to come and talk to you.

Ms Lewis: Yes, thank you indeed.

Ms Caine: We look forward to having a healthy Retirement Village Residents Association operating to help our ever-growing population of retirement village residents, who are also voters, of course.

THE CHAIR: They are indeed, they are indeed. We are always mindful, do not worry about that.