

To the ACT RVRA  
From Access Canberra

It was great to have the opportunity to be on the Panel at the ACT RVRA Forum yesterday.

There were a number of questions from the audience that I was unable to answer. I thought I would provide the questions and answers in writing.

**1 Several residents have CCTV under the eaves of the property and in the corridors, I don't believe there is any need for that, just wondered if that's legal?**

Whilst there are no provisions under the Act that specifies the use of CCTV cameras, the Act states:

*S99 Operator to respect rights of residents*

- a. *must not interfere, or cause or allow any interference, with the reasonable peace, comfort or privacy of a resident;*

*S90 Operator to provide secure premises*

*(1) The operator of a retirement village must ensure that the village generally is reasonably secure.*

*(a) all residential premises in the village have enough locks or other security devices necessary to make the premises reasonably secure*

The Office of the Australian Information Commissioner has some advice about security cameras operating on private property. Here is the link to their website:

<https://www.oaic.gov.au/privacy/your-privacy-rights/surveillance-and-monitoring/security-cameras>.

If the resident is concerned with the use of CCTV in the village they should first raise this with the operator. If that is unsuccessful they should follow the dispute resolution advice on page 21 of the Retirement Village Handbook.

<https://files.accesscanberra.act.gov.au/legacy/2708/Retirement%20villages%20handbook.pdf>

**2 Is it correct that the Resident Committee should be independent of the management?**

Yes that's correct as only retirement village residents can be committee members. However that Act also states that the operator must provide administrative assistance to residents if requested. The relevant section of the Act states:

*Section 103 Residents committees and organisations*

*(4) Only a resident of a retirement village may be a member of the residents committee for the village.*

*(7) The operator of a retirement village commits an offence if the operator—*

- (a) discourages or prevents the establishment of a residents committee; or*
- (b) obstructs a residents committee in the exercise of its functions; or*
- (c) attempts to prevent residents from joining an organisation for residents of retirement villages*

*(9) The operator must provide reasonable administrative assistance to the residents committee on request by the committee, but only if an estimate of the cost of providing the assistance has been included in the approved annual budget for the financial year in which the assistance is requested.*

### **3 Does anyone collect data on Retirement Villages in ACT Government?**

No, however the Property Council of Australia runs a Retirement Living census. The results of their census can be found on the their website <https://www.propertycouncil.com.au/advocacy/our-divisions/retirement-living-council/property-council-retirement-census>

### **4 What happens if the retirement village operator goes into liquidation?**

The Director-General of the ACT Government can appoint an administrator if the operator of the retirement village goes into liquidation. The relevant section of the Act states:

*125 Application for order appointing administrator*

*(1) The director-general may apply to the Supreme Court for an order appointing a stated person as an administrator in relation to the operator of a retirement village—*

*(a) to exercise all the functions of the operator; or*

*(b) to exercise stated functions of the operator; or*

*(c) to exercise all the functions other than stated functions of the operator.*

*(2) The director-general may apply for an order only if—*

*(a) the director-general reasonably believes that the wellbeing or financial security of the residents of the retirement village has been, or is likely to be, seriously affected by the continued operation of the retirement village by the operator;*

**Kind regards**

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