



ABN 16 674 035 894

Retirement Village Residents Association Inc

25th September 2018

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

The RVRA has noted with interest your intention to appoint a Royal Commission of Inquiry to inquire into the aged care sector and that you are interested in receiving comment from the community as to the terms of reference which would be appropriate for the Commission.

It is RVRA's submission that the proposed Commission of inquiry should encompass a number of issues that are of vital interest to residents of retirement villages, not only in New South Wales, but to residents located in all mainland states and the ACT.

As you will know, retirement villages throughout most of Australia are regulated by their respective state or territory governments. Consequently, there are some issues that are of concern to retirement village residents and their families which are not addressed optimally through state and territory legislation and the proposed Commission would seem an ideal platform for these to be examined from a nation-wide perspective.

There are serious doubts that the Australian Consumer Law provides adequate protections for elderly Australian who live in retirement villages, aged care facilities and other residential arrangements. RVRA's submission to you is that retirement village residents form a group of citizens which are a subset of the consumer population generally which requires special consideration.

It hardly needs stating that, by the natural process of ageing, older people become progressively debilitated physically, emotionally and mentally to the point that many, and a steadily growing number, are susceptible to a wide range of aggressive controlling behaviours, both overt and subtle which are not addressed adequately. The elderly find it far more difficult than the rest of the population to access remediation processes and this leaves them vulnerable to exploitation.

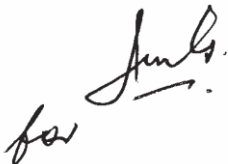
To redress this situation as far as is possible, RVRA asks that the following issues be brought within the purview of the Commission's inquiry:

1. Whether a single, standard form of retirement village residence contract should be mandated nationally to ensure that:
 - a. harsh and unconscionable contract terms are reduced as far as possible;
 - b. false and misleading conduct by operators in the marketing of retirement village residences are minimised; and
 - c. instances of third-line forcing in residence contracts are proscribed.RVRA can provide instances of these issues causing distress to elderly residents.
2. Examination of instances of elder abuse in retirement villages through intimidation, bullying and harassment by operator staff and co-owners in circumstances where state legislation is inadequate to protect them. RVRA can provide details of such instances.
3. Examination of the means by which retirement village residents can transition to residential aged care. Because retirement villages in NSW are regulated by state legislation, current residents can find, through no fault of their own, the terms upon which they depart a village can result in interminable delay in liquidating their capital investment, and this poses great difficulties for those wishing to enter residential aged care. This is because, without ready access to their funds and their consequent inability to lodge a refundable accommodation deposit, they are forced into the daily accommodation payment system at very high interest rates which is consequently to their considerable financial disadvantage.

RVRA has no doubt that similar problems exist throughout all states and the ACT which merit investigation at the national level. As a consequence, RVRA seeks inclusion of such matters within the terms of reference of the forthcoming Royal Commission of Inquiry into the aged care sector.

For any further information, RVRA's vice president, Jim Gibbons is available to assist – ph 0434 211 648 or jim.gibbons@rvra.org.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Gait', with a flourish underneath.

Tom Gait
President