

# TRANSCRIPT

## STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

### Inquiry into the retirement housing sector

Ballarat — 19 October 2016

#### Members

Mr Edward O'Donohue — Chair

Ms Nina Springle — Deputy Chair

Ms Margaret Fitzherbert

Mr Daniel Mulino

Ms Fiona Patten

Mrs Inga Peulich

Mr Adem Somyurek

Ms Jaelyn Symes

#### Participating Members

Ms Colleen Hartland

Mr Gordon Rich-Phillips

#### Staff

Acting secretary: Mr Patrick O'Brien

#### Witness

Ms Robyn Cooper.

**The CHAIR** — Welcome, Ms Cooper. While you are getting yourself organised, I will just caution that all evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. We have allowed approximately 20 minutes for our time today. I would invite you to make some opening remarks, noting we have received your submission, no. 199, and thereafter the committee will have questions. Thank you for being with us.

**Ms COOPER** — Hi, my name is Robyn Cooper. I live at unit 71, 29 Stawell Street, Ballarat, and I want a Hexit — that is, Hemsley exit. I do not like living there.

Three months before I moved to Ballarat, I buried my mother, helped sort out her will and sold my house. In all that pandemonium, my solicitor failed to give me the pitfalls-of-this-contract speech. I feel I am buried up to my neck in sticky mud and cannot get out. I gave Mr Gull \$310 000; I will be lucky to get back \$165 000, because he can take up to about 45 per cent.

I have got five options to get out: I die; win Tattsлото; go gaga and go into an asylum; rent; suicide. I do not have many options, but I am stuck there for life by the look of it. The whole Hemsley Park place to me is a bit like that gigantic, huge water feature out the front that is about 50 stories high. It has got a great big black urn at the top, and it has got these piddly little squirts of water in the bottom. It is all front and no substance.

Six months after I arrived, Mrs Gull had a wander around her domain and inadvertently was the catalyst for what followed. The first was a letter telling us to remove all individual pots, sculptures, gnomes and bits and pieces from the place because it did not suit her idea of what we should be doing. Well, apparently there was a lady who disagreed with that, and then we got that letter — the top letter — from the residents committee, which was wrong on so many levels. The underlinings are not mine, because I was awake at 3.30 the next morning and I wrote my answer and what I thought about it on my copy, so I do not have my copy. I was wondering, as a result of that, if any members of the residents committee had read the guidelines, which say they should help, not humiliate, the residents. I never did hear whether we were allowed to put the gnomes out the front again because we just heard no more about it, and I do not know whether the anonymous lady, whose name I heard while I was reading the letter in the mailroom, had to apologise or not. The whole thing was ridiculous.

I will move on from that to the back gate saga. I live close to the back gates. There is a map of the place where I live there. I have pointed to where my residence is, and I am not far from the back gates. The front gates are at Stawell Street, and there are two tiny little roads — one out and one in — with a bank of trees in the centre. There are about 53 of us who have to drive past the back gates to get all the way up front along windy roads with no footpaths, so it seemed ridiculous to me that the back gates were not open. So I sent a letter to the residents committee asking if there were any good reasons why this could not happen. I received no answers. The next month I rewrote — received no answer.

Then we got a letter from the managers saying we were not allowed to use them. They had been open at the beginning of last year to allow the tradies and the flat pack houses to go into the new place up in the top right-hand corner, which had not been built by that stage. They were open, so a few of us were using them. We were told not to. I sent another letter asking, 'Why not?'. They said, 'Because the council will fine us if we do'. So I went up to the council and asked, and they said, 'No, you won't be fined. The person who took out the permit will be fined'. So we kept using them. I kept writing more letters asking for explanations, and never, ever got answers.

And then they have got this great goddamn 5-foot square sign saying these are not for residents' use, these back gates; they are for tradies only. I still kept using it. Then I gave to the committee that letter that is second in the page, giving some damn good reasons why the gate should be opened all the time. As I said, there are 53 of us down that end, and why we should go up all the way up to the front gates I could not work out. Nobody ever told me. There are probably some excellent reasons, but we never did find out.

The funny part of this was that just after I had not received a reply to this last letter, which was the fourth or fifth in about the fifth month that I had been writing, the front gates went kaput. They refused to shut at night. Half of them would open and the other half would not. We would have to be using one lane for ins and outs. So I said, 'This is a sign from the back gate gods', went to Officeworks, made 150 copies of that and posted it to all the

residents. The result is the next page. I had got a lot of anonymous nasties, and they were — a lot of them — illiterate, and I thought, ‘Please don’t let these people be on the residents committee’.

Then I did get a letter requesting me to go to a meeting with the two managers and the president of the residents committee to discuss it all. There was no discussion; they just told me I was not allowed to post any of these letters ever again because it might start people posting porn. Now how that could happen I do not know because there are cameras in there. We have a mailroom. I have to walk about 700 miles to go to the mailroom from the back of the village instead of just having one at the corner of where I live, which I think is really stupid too.

So they smacked me over the hands in the principal’s office, and then I wrote the final letter. I thought, ‘Well, this geriatric soap opera’s got to finish’, and that was the end of it. Questions?

**The CHAIR** — I do not have any questions. Thank you, Ms Cooper, for your evidence today.

**Ms SPRINGLE** — You were talking about the residents committee. Who sits on that committee?

**Ms COOPER** — I beg your pardon?

**Ms SPRINGLE** — The residents committee. This is the people that you are writing to, is that correct?

**Ms COOPER** — Yes.

**Ms SPRINGLE** — And who sits on that committee — other people that live in the village?

**Ms COOPER** — Yes, some of Gull’s boys and the managers also go to the residents committee meetings.

**Ms SPRINGLE** — The manager and residents, is that right?

**Ms COOPER** — No residents.

**Ms SPRINGLE** — No residents.

**Ms COOPER** — No, the residents committee.

**Ms SPRINGLE** — Is made up of whom? The committee is made up of whom? People that live in the village?

**Ms COOPER** — Yes.

**Ms SPRINGLE** — Okay. We have photocopies here of fairly nasty notes. Are these from whom?

**Ms COOPER** — They were just from other residents. I had others. They were just a sample.

**Ms SPRINGLE** — I am just trying to get my head around, you have obviously got some complaints about what is going on in the village. You have put complaints into management or the residents committee.

**Ms COOPER** — The residents committee. The managers and the owners.

**Ms SPRINGLE** — And they have come back with a couple of different responses. One is ignoring you, and the other one is abuse. Is that correct?

**Ms COOPER** — They just do not answer, instead of saying, ‘We can’t do that because, because, because’. I have even taught with the president, and he did not even come and say, ‘These are the reasons; just leave it alone and go away’.

**Ms SPRINGLE** — And to the best of your knowledge when other people complain, do they get the same treatment?

**Ms COOPER** — I would not have a clue, because I have just stopped living in there. It is just a place to sleep now. I just hate it. I would get out next week if I could afford it, but the Gulls are going to take too much of my money.

**Ms SPRINGLE** — So these notes, in your opinion, have come from people who live in the village that know about your letters.

**Ms COOPER** — Yes. They wrote on the back of my letter saying some good reasons why there should be the back gate open.

**Ms SPRINGLE** — I have no more questions. Thank you.

**Ms PATTEN** — Thank you. I am now somewhat intrigued by the ‘big ass water feature’. I have got pictures in my imagination of it now. How can we make this situation better? It would seem that you tried to go through the right — —

**Ms COOPER** — Get a good lawyer to go right through this and mark half of it illegal.

**Ms PATTEN** — That is the point. You had a lawyer who went through your contract. You had a lawyer look through your contract?

**Ms COOPER** — Yes, but as I said, he did not give me the what’s-wrong-with-it speech.

**Ms PATTEN** — No. He said it all seemed fine to him or her.

**Ms COOPER** — No. We just did not get around to it. As I said, there is so much going on in my life at the moment. He taught my daughter when she was in form 3, and we often got onto that subject instead of this. It just did not happen. It was just accidental.

**Ms PATTEN** — So (a) we need to improve the contracts. I think (b) we also need to get lawyers that can give you frank and fearless advice on your contracts, because that seems to be problematic. Is there any other recommendations you would make to us about the issues that you are having? It seems that the process you have gone through is not satisfactory. Obviously going through the residents committee did not achieve a response in the first place, so what would you recommend? If we could wave a magic wand in this, what would you recommend that we do? Sometimes I can actually, I will just assure you, but what would you recommend that we do? Do we introduce a really structured dispute process, or — I don’t know?

**Ms COOPER** — That too, yes, but this is the most important thing. I assume that other people — I have not listened to them — have talked about the crap fittings in the villages and never getting them fixed. Mr and Mrs Lie and Deny you call the managers, because the first thing is they say, ‘No. We’re not going to fix it. You have to do it yourself’. You end up having to ask and ask and ask and then get a separate somebody in to say, ‘Yes. It is bloody wrong’, and get them to fix it and then hope that Gull will pay for it.

**Ms PATTEN** — Okay. So that is — —

**Ms COOPER** — There is nothing right about any of it.

**Ms PATTEN** — We have got standardised contracts to a degree now, since 2014. Obviously this is post you moving in. Are you aware of the newer residents, what their contracts look like?

**Ms COOPER** — No. Apparently it is even looser than these.

**Ms PATTEN** — Okay. I am sorry about this, but thank you. I do not have any further questions.

**The CHAIR** — Thank you, Ms Cooper, for your evidence today. A draft transcript will be with you in the next week or so.

**Ms COOPER** — Thank you very much.

**Witness withdrew.**