

Rec 15/6/16

RHS SUBMISSION 266

The Secretary,
Legal and Social Issues Committee,
Parliament House, Spring Street,
East Melbourne, Vic. 3002.

29th May 2016

Dear Sir/Madam,

Re: Inquiry into the Retirement Housing Sector.

It would appear that there are many variables in the Management controls, fee structures both by the Owners & Shire Councils, for the Retirement/ Lifestyle Villages, in the State of Victoria.

Currently it seems that a Tennant/Lessee has no independent authority to appeal too, unlike the Telecommunications, Energy, Transport or other statutory authorities in Victoria. As such the only way an unresolved dispute or discrepancy can be resolved is to take the matter to VCAT or some other Legal Practitioner at the risk of considerable cost, which a lot of pensioners cannot afford.

Therefore there are, I consider, three important issues that need addressing.

1. A standard form of Agreement to be legally drafted to be used by all Owners of Retirement/Lifestyle Villages. The terms of Lease, in particular should be similar to these set down by the Consumer Affairs of Victoria.
2. An Ombudsman should be appointed by the Victorian Government. Therefore giving both the Owner & the Tenant/Lessee a dedicated Official to handle any disputes or anomaly that may occur.
3. All Managers and Assistants appointed by the owner should have formal qualifications from a Registered Training Organization or similar.

Furthermore, in our particular case, and this could apply in other areas of Victoria too. The Local Shire Council (Mornington) appears to be getting two bites of the cherry when it comes to Rates. They are charging the Owner as well as the Tennant. The only service provided by the Council for the Tennant is the garbage collection. The street lighting, roads, drains etc. are all provided by the Owner initially. Maintenance is then carried out by the Management Committee from the services Levee paid by the Lessee/Tennant. The Council carries out no maintenance within the confines of the Village. Therefore should not the Council only be charging a fee for garbage collection?

There are many issues that arise on a personal nature between Lessee/ Tenants and Owners.eg Where an appliance or hot water unit needs replacing or repair the Lessee/Tenant has to bear the cost. Most issues are resolved by Management & the individual. However on occasions these cannot be resolved amicably. Therefore in these instances an independent arbitrator, e.g. Ombudsman would deem to be the ready made answer. I believe this a very important and urgent matter that must be addressed ASAP.

I submit the above comments to you for your consideration at an upcoming meeting.

Yours Faithfully,

Adrian L. Holton-Picard.

Rod Cheslett