

Inquiry into the Retirement Housing Sector
Legislative Council Standing Committee on Legal and Social Issues
Submission from Fair Go for Pensioners Inc. (FGFP)
Prepared by the FGFP Victorian Steering Committee June 2016

Fair Go for Pensioners Coalition Inc Victoria (FGFP) is an independent non-profit coalition of community-based organisations and individuals advocating for social justice for pensioners and other low income groups such as single parents and their children, renters of all housing types and the unemployed marginalised by financial hardship and poverty.

Our advocacy work, based on the FGFP Statement of Claims, involves delegations to federal and state governments and community peak bodies, rallies, petitions, submissions to influence State budgets, proposals for improved services, media campaigns, community organising and community awareness raising sessions.

FGFP provides the following response to the Inquiry into the Retirement Housing Sector. This is based on limited research and the personal experience of our members and contacts.

Existing legislation that relates to retirement housing:

The Terms of Reference clearly reflect one of the dilemmas of the retirement housing sector currently in that examples of various types of retirement housing are provided, and these examples are currently covered by various pieces of legislation.

FGFP believes that regulation of the retirement housing sector would benefit from legislation that reflects the diversity of housing types marketed specifically to retirees in Victoria. Whether the older person pays a cost to go into the retirement village plus a maintenance/service fee, or pays a weekly rent in a rental village, which also provides services, both these types of housing are promoted as being for people aged 55 and over, and yet are covered by different pieces of legislation.

An Act covering *retirement housing*, not just those retirement villages that have an ingoing fee, would provide stronger consumer protection through consistency across the sector, not only when on the path to a move to, or within the retirement housing sector, but also for residents trying to make sense of dispute resolution procedures.

FGFP also supports the standardisation of fees and contracts within retirement housing legislation.

Four examples (retirement villages, caravan parks, residential parks and independent living units) are identified in the terms of reference for this enquiry while significant numbers of older Victorians live in other types of housing not formally identified as retirement housing. These include public housing; especially those sites identified as for people aged over 55, private rental and private ownership.

The needs of these older Victorians and the types of services and support they may need as they age may differ from those needed by residents of the retirement housing identified in the terms of reference but are no less important in the design of broad based programs of support for all Victoria's older residents.

Recommendations;

1. *It is FGFP's opinion that the first step in any examination of, and planning for, future needs in this sector must include research into current and future demand for specific types of retirement housing, focussing on reducing homelessness and waiting lists for secure affordable housing.*
2. *Future legislation must contain simple, easily accessible and affordable complaint and dispute resolution provisions common to all parts of the sector.*
3. *A system, similar to the Hospital Visitor system, should also be considered so residents have an opportunity to discuss issues or concerns informally with a known independent observer.*

FGFP is aware that legislation covering parts of the retirement housing sector has dispute resolution procedures stated, but these can be confusing, stressful, and costly. Residents are often deterred from pursuing potential resolution of a complaint by the thought of reporting the complaint to management, a management that may be the cause of the complaint. Complaints by one resident can cause friction within the community and this may also deter residents from making a complaint

If a dispute is not resolved internally or by a third party then the only alternative may be applying to VCAT with subsequent costs & complexity. This can also cause friction within a community.

Recommendations:

1. *Dispute resolution process need to be simplified and access to advice, support, and, where necessary, support in mediation, negotiation and conciliation processes be easily identifiable and accessible at no cost.*
2. *Monitoring all conciliated or mediated agreements is essential to ensure compliance with agreements or orders.*

The option to appoint a Retirement Housing Ombudsman:

FGFP strongly supports an ombudsman service co-funded by the Victorian Government and retirement housing industry; residents would then have access to an independent service that could resolve disputes quickly and without cost to the resident.

FGFP believes that a Retirement Housing Ombudsman is needed to:

- conduct regular reviews of legislation and regulation of the sector;
- report to government on issues arising from these regular reviews;
- consult widely on issues surrounding the operation and further development of the sector;
- provide a coordinated response to all issues arising across the retirement housing sector;
- ensure that residents can easily access a free and fair dispute resolution service;
- ensure that appropriate levels of funding and staffing of advice and support services are provided across Victoria; and
- oversee the growth and development of the sector and produce regular public reports

Recommendation:

1. *FGFP recommends that the Victorian government immediately establishes the Office of the Retirement Housing Ombudsman.*