Level 1 North Tower
459 Collins Street Melbourne VIC 3000
Tel 03 9613 6222 Fax 03 9614 0246
Toll free 1800 806 314
DX 210174 Melbourne

VICTORIAN ombudsman

1 July 2016

The Hon Edward O'Donohue MP
Chair
Legal and Social Issues Committee
Parliament House, Spring Street
EAST MELBOURNE   VIC   3002

Sent via email: LSIC@parliament.vic.gov.au

Dear Chair

Inquiry into the retirement housing sector

I refer to your inquiry into the retirement housing sector, and in particular your consideration of dispute resolution procedures across the sector, and the option to appoint a 'Retirement Housing Ombudsman'.

Relevant to your inquiry, you would be aware of my recent investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service[1]. Mentone Gardens was privately owned and operated, but registered with, and therefore regulated by, the then Department of Health.

My report highlights that the oversight arrangements for aged care providers is complicated and confusing. There are both State and Commonwealth regulatory regimes, with an Accommodation Bond Guarantee Scheme at the Commonwealth but not the State level, and no single agency with overall responsibility for the growing sector. My report also explores the legislative and policy framework for the department's oversight role in Victoria and the role of government in the aged care sector across Australia. I hope you find this report useful to your inquiry.

Complaint handling, dispute resolution and the role of the Ombudsman have been considered by a number of recent initiatives including the Department of Premier and Cabinet's community consultation discussion paper about the Ombudsman and the Department of Justice and Regulation's review of access to justice arrangements. My submissions to both are available online and may assist in your inquiry, particularly in relation to options for dispute resolution and the role of an Ombudsman[2].

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[1]   Available online at: https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports.
[2]   Available online at: http://www.dpc.vic.gov.au/index.php/news-publications/ibac-discussion-paper and https://myviews.justice.vic.gov.au/accesstojustice (submission 55).

Also relevant, in 2014 the Commonwealth Productivity Commission reported on access to justice arrangements and made a compelling case that the Ombudsman model is a highly effective yet underutilised approach to dispute resolution. Evidence in the Commission's report also demonstrates how the large number of entities dealing with complaints make it difficult for members of the public to find the correct service to assist them. As a result, many people do not receive the help they need while others are frustrated at being passed between services, often having to explain their complaint many times to different agencies.
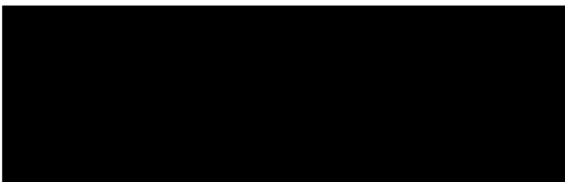
Victoria already has a large number of complaint handling bodies. While collaboration can and does occur, we do not have anything resembling a true overarching complaint handling system, as a result of which the resolution of complaints is not always as efficient as it ought to be.

A number of bodies already deal with some aspects of the aged care sector, at both State and Commonwealth level, including my own office and other Parliamentary Ombudsmen, the Aged Care Complaints Commissioner, the Australian Aged Care Quality Agency, the Aged Care Pricing Commissioner, the Age and Disability Discrimination Commissioner and the Victorian Equal Opportunity and Human Rights Commission.

Given the complexities in oversight/ regulation of the retirement housing sector already, and the number of bodies involved, any new options should focus on making the system easier to access and easier to navigate when things go wrong.

I hope that you find the information in my investigation report and other submissions useful in your inquiry. If you have any queries please contact my Executive Officer, Mr Andrew Adams on (03) 9613 6202 or andrew.adams@ombudsman.vic.gov.au. I would also be happy to arrange a meeting if that would be helpful.

Yours sincerely

Deborah Glass
Ombudsman