



Ref: 03/2016

The Secretary
Legal and Social Issues Committee
Parliament House, Spring Street,
East Melbourne, Vic 3002
Email: LSIC@parliament.vic.gov.au
Ph. 8682 2862

Date: 28 May 2015

**Re: Victorian Parliamentary Inquiry into Retirement Housing
Submission by PACE**

The focus of this submission by the Peninsula Advisory Committee for Elders (PACE) is on protection of the rights of older people who live in Residential Parks in the Mornington Peninsula Region of Victoria. A growing number of people choose to maintain their independence as they age by ageing-in-place. In this submission Residential Parks are defined as caravan parks or purpose-built villages where people own their moveable dwelling and rent the site on which it stands. The transition from temporary caravan parks into permanent residential accommodation has occurred quickly in recent years but the governance structure surrounding this type of accommodation has not progressed at the same rate.¹

The Mornington Peninsula has a high proportion of elderly residents. In June 2011 people aged 65 years and over in the Rosebud - McCrae area made up 32% of the population compared to the State mean of 14%.² The predicted increase in persons living on the Mornington Peninsula between 2011 and 2026 is largest in ages 75 to 79, which is forecast to increase by 3,484. The largest 5-year age group in 2026 is forecast to be 65 to 69 years, with a total of 11,500 persons.³

It is estimated that the Mornington Peninsula has 39 Caravan & Residential Parks and Villages⁴. It is not known how many people live permanently in this type of accommodation despite the fact that compulsory registration of Parks with the Shire is required. However, it is estimated that across the Mornington Peninsula there is currently in excess of 1,000 owner/renters, but the numbers vary greatly with some parks consisting entirely of

¹ Ahmadpoura, N. & Keirnana, A. (2016). Design for Ageing-in-Place: Evidence from Australia. 50th Anniversary Conference, Design Research Society, Brighton, UK

² <http://www.abs.gov.au/ausstats/abs@.nsf/Products/3235.0~2011~Main%2BFeatures~Victoria#PARALINK2>

³ <http://forecast.id.com.au/mornington-peninsula/population-age-structure> (accessed 25/05/2016)

⁴ Ken Dyson, Housing Officer, Mornington Peninsula Shire

permanent residents and others having low numbers. The majority of people living in this type of accommodation are older people who are semi-retired or retired and who cannot afford to live in the more expensive retirement villages. As people elect to age-in-place and the proportion of older people increases, the demand for this type of low-cost accommodation will further increase. These people “need strong legal protections in housing provision to enjoy tenure security and quality of life during retirement.”⁵

The existing legislation governing the operation of Residential Parks fails to adequately address the following issues:

1. Security of Tenure – there is wide variation in length of tenure across the Mornington Peninsula from 99 years to 5 years or less. Operators are free to decide the level of security they will provide because the legal protection of long-term tenancies is questionable.
2. Change of Residential Park ownership and its effects on security of tenure and the operation of the Park e.g. in 2014 a change of ownership of the Dromana Holiday & Lifestyle Village resulted in an unexpected 60% increase in service fees.
3. There is a lack of consistency in Residential Park governance and management with some owners/managers being poorly equipped to deal with dispute resolution procedures, fire and safety requirements, special requirements of older and disabled residents, participation of residents in decision making.
4. Contractual problems relating to purchase, exit and re-sale conditions – inadequate disclosure statements at time of purchase, high exit fees and restrictions on the right to sell on-site.
5. Local Government planning issues such as the unsuitability of Park location and poor access to public transport and other services.
6. Level of service fees and payment of local Council rates – a differential rating system is needed to ensure value-for-money to residents in Parks.

RECOMMENDATIONS:

1. It is recommended that a survey of people living in Residential Parks and Villages be carried out to provide accurate data on demographics, lease types, rules and Park amenities.
2. It is recommended that new legislation be introduced to standardize leasing arrangements and site agreements so that there is stronger protection for residents.

⁵ Gordon, S. (2015) Retirement housing background paper, Melbourne: Housing for the Aged Action Group

3. It is recommended that the new legislation include mandatory training requirements and rules of conduct for operators including police checks and working with children checks, the monitoring of compliance with the regulations, and penalties for breaches.
4. It is recommended that residential contracts have full disclosure of site fees, fee increases, maintenance conditions, utility charges, and obligations of residents and owners/managers including dispute resolution procedures.
5. It is recommended that the State Government establish a Retirement Housing Ombudsman to administer complaints against residents in Residential Parks and against owners/managers.
6. It is recommended that the local government review local rate charges to Residential Parks to prevent double dipping, and when permits are issued, consider the suitability of location of Residential Parks to ensure access to public transport and other services.
7. Consideration should be given to bench marking proposed legislation in Victoria against recent changes to NSW legislation on residential parks that came into effect on 1 November 2015.

Sincerely



Mrs Jeanette Lane

Chair of PACE

C.C.

Cr. Antonella Celi (Chair of AAA Housing Committee, Mornington Peninsula Shire)
Mr Ken Dyson (Housing Officer, Mornington Peninsula Shire)
Mr Bob Dalmau (Chair of Peninsula Residential Parks and Villages Group PRPVG)
Mrs Shanny Gordon, Retirement Housing Information Worker, Housing for the Aged Action Group Inc.

N.B. PACE is not seeking confidentiality of their submission

Attachment: PACE brochure

Attachment – PACE Brochure

<p style="text-align: center;">HISTORY</p> <p>The Mornington Peninsula Shire developed a five year Elder Citizens Strategy, with an outcome being to establish a formal elder citizens consultative group for the municipality, to represent issue and view of elder citizens.</p> <p>As a result the Elders Citizens Advisory Committee was formed in May 2006. The committee recently changed their name to The Peninsula Advisory Committee for Elders (PACE).</p> <p style="text-align: center;">CONTACTING PACE?</p> <p>Contact the Peninsula Advisory Committee for Elders if you have any issues related to seniors.</p> <p>PENINSULA ADVISORY COMMITTEE FOR ELDERS</p> <p>C/o Aged and Disability Services Mornington Peninsula Shire Private Bag 1000 ROSEBUD VIC 3939</p> <p>Email: pace.issues@gmail.com</p> <p>Web: www.mornpen.vic.gov.au</p> 	<p style="text-align: center;">SOME USEFUL CONTACT NUMBERS</p> <p>MPSC Aged & Disability Services Information and referral on Aged and Disability Services. 03 5950 1000 or 1300 850 600</p> <p>Seniors Information Victoria Information on a wide range of issues 1300 135 090</p> <p>Seniors Rights Information and assistance re elder abuse 1300 368 821</p> <p>Centrelink - 13 23 00</p> <p>See the Community Information Directory available at Shire offices and Community Information Centres for a full listing of services.</p> <hr/> <p style="text-align: center;"><small>This brochure was prepared by the Peninsula Advisory Committee for Elders, for The Mornington Peninsula Shire.</small></p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">July 2013</p>	<p style="text-align: center;">MORNINGTON PENINSULA Shire</p> <p style="text-align: center;">pace  Peninsula Advisory Committee for Elders</p> <p style="text-align: center;">Setting the pace for positive ageing of elders on the Mornington Peninsula</p> <div style="background-color: #0056b3; color: white; padding: 5px; text-align: center; font-weight: bold; font-size: 1.2em;">03 5950 1617</div> <p style="text-align: center;">Fax: 03 5950 1624 Email: pace.issues@gmail.com</p>
<p style="text-align: center;">WHAT IS PACE?</p> <p>The PACE (Peninsula Advisory Committee for Elders) is a group of seniors from across the Mornington Peninsula Shire, who are interested in helping Council respond to issues facing seniors in our community.</p> <p style="text-align: center;">AIMS OF PACE?</p> <ul style="list-style-type: none"> • To act as a consultative committee representing older people on the Mornington Peninsula. • To research relevant policies, planning and regulations. • To help Council to implement its Positive Ageing Strategy. • To help promote positive ageing and improved quality of life for elders. • To study issues facing elders and recommend action or policy. • To increase communication between elders, seniors groups or services and Council 	<p style="text-align: center;">HOW DOES PACE WORK?</p> <p>PACE holds monthly meetings which are attended by a Councillor Representative and Council Officers from the Aged and Disability Services Unit of the Mornington Peninsula Shire.</p> <p>At meetings we discuss current issues and form activity groups in order to provide advice and recommendations to Council on issues facing seniors and help provide community input to relevant programs and policies.</p> <p>To inform our viewpoints, we frequently invite speakers to come along and talk about issues that are facing seniors in our community or about the organisations serving seniors.</p> <p>Our members liaise, formally and informally, with a range of organisations which address Issues facing seniors.</p> <p>PACE welcomes visitors who may wish to become proxies or permanent members in the future.</p> <p>PACE also lobbies on behalf of Council to enhance its ability to meet seniors' needs.</p>	<p style="text-align: center;">WHAT IS PACE INVOLVED IN?</p> <ul style="list-style-type: none"> • Council Housing Policy, Residential Planning and Affordable Housing Initiatives • Footpath and Road Safety • Expanding Accessible Transport Arrangements • Volunteer Policy and Volunteering Resource Service • Advocating For Aged Care Services • Information Linkages between individuals, groups and Council. • Forums to provide and receive information • Development of Council's Positive Ageing and Health, Hope and Happiness strategies • Development of Council's Scooter Policy and Disability Access Plan • Later Life Learning, Research, and related Library Strategies • Falls prevention awareness • Providing comment on proposed aged accommodation. • Submissions to various Government Inquiries