



Report on the Operation of the *Retirement Villages Act 1992* for the 2017-18 Financial Year

The *Retirement Villages Act 1992* (the RV Act) was established to regulate retirement villages and the rights of residents in such villages.

Section 12 (1) of the RV Act requires that:

“As soon as practicable after 30 June, but on or before 31 December, in each year, the Commissioner shall prepare and forward to the Minister a report on the operation of this Act during that year.”

The Minister must table this report in both Houses of Parliament.

The Commissioner for Consumer Protection (the Commissioner) is responsible for several functions under the RV Act, including compliance activities and the conciliation of disputes between residents and retirement village operators.

For the 2017-18 financial year, the Department of Mines, Industry Regulation and Safety (the Department) conciliated or investigated 86 complaints relating to retirement villages of which 61 were finalised.

The complaints related to a diverse range of matters including issues regarding disputes over fees, misleading advertising and marketing, property management and general breaches of legislation.

The Department has continued with a proactive compliance program to ensure retirement village operators comply with the requirements set out in the RV Act. This program aims to provide assistance to retirement villages where issues of non-compliance are identified. The Department also engages directly with residents and village resident committees to assist in the resolution of complaints.

The Department also visited 40 retirement villages and identified a range of issues including the mistaken use of residential tenancy agreements rather than compliant contracts.

The Department intends to release a discussion paper that includes further reforms to be considered under the Statutory Review of Retirement Villages Legislation. The discussion paper is expected to be released in early 2019, and reform proposals include a maximum period for repaying former residents on their departure from a retirement village and better clarity for consumers as to the total cost of the retirement village product.

The Department’s Seniors Housing Advisory Centre continues to provide information and advice to consumers on their arrangements that affect their retirement housing options, enabling informed choices when entering into a residence contract or other form of retirement living.