



21 August 2015

**By email:** [yoursay@fairersaferhousing.vic.gov.au](mailto:yoursay@fairersaferhousing.vic.gov.au)

Residential Tenancies Act Review  
Consumer Affairs Victoria  
GPO Box 123  
MELBOURNE VIC 3001

Dear Sir/Madam

### **HAAG Submission - Residential Tenancies Act Review**

Housing for the Aged Action Group's (**HAAG**) submission to the Residential Tenancies Act Review dated 17 August 2015 identified a number of key areas of concern for older residents living in Independent Living Units, residential parks and rental villages. We write to support HAAG's submission in this regard, and urge the Review to consider the reforms recommended by HAAG.

Throughout the Review, it should be recognised that retirement housing problems are often 'hidden' as older people may be unwilling or unable to make complaints or enforce their legal rights. This is worth bearing in mind as the Review progresses, and considering how to ensure that residents who are reluctant to speak up are consulted during the Review.

We also urge the Review to consider ways to improve dispute resolution in the retirement housing sector, including consideration of the establishment of a dedicated external dispute resolution scheme to resolve disputes between residents and retirement housing operators. We need to address the power imbalance that currently exists between residents and retirement housing operators. Lack of adequate dispute resolution is a key issue for residents in all types of retirement housing. At present, if disputes are unable to be resolved internally, disputes must be taken to the Victorian Civil and Administrative Tribunal (**VCAT**). The VCAT process involves a court-like, adversarial hearing, which is much more formal and intimidating for a consumer than an ombudsman process.

The complexity of the retirement housing sector can lead to a real lack of clarity about which legislation applies to some of these accommodation types, making dispute resolution incredibly difficult. In fact, we believe that this is a defining problem with the retirement accommodation industry—that it is regulated by multiple, overlapping pieces of legislation. In our view, this causes or contributes to many of the problems faced by residents of retirement accommodation.

We welcome the review of the Residential Tenancies Act, and its focus on issues affecting older residents. We are confident that the Review will result in much-needed additional protections for residents. In our view, a comprehensive review of other types of retirement housing is also

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required to ensure that all developments which effectively operate as retirement accommodation are regulated consistently, and that all residents have appropriate consumer protections.

Please contact Katherine Temple on 03 9670 5088 or at [katherine@consumeraction.org.au](mailto:katherine@consumeraction.org.au) if you would like to discuss these matters further.

Yours sincerely

**CONSUMER ACTION LAW CENTRE**



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