

20 November 2024

To: Mr Brendon Bowes
Senior Policy and Project Officer
Stakeholder Engagement, Education and Policy
Consumer Building and Occupational Services
PO Box 56
Rosny Park TAS 7018

Dear Mr Bowes,

RE: Retirement Villages Regulations 2015 (TAS) – Sector Feedback

We appreciate the opportunity to provide our submission seeking feedback about the Retirement Villages Regulations 2015.

The Aged & Community Care Providers Association (ACCPA) is the national Industry Association for over 1,000 aged care providers offering retirement living, seniors housing, residential care, home care, community care and related services.

ACCPA members account for approximately 75% of all retirement villages in Tasmania. These range from small privately owned operators through to larger not for profit organisations.

Retirement villages continue to be an important and necessary form of housing in the seniors living sector. They provide many physical and intangible benefits to the residents they house. It is a sector of consumer choice and welcome the opportunity to provide feedback on the current regulations.

The general consensus amongst the ACCPA membership is that the current regulations are satisfactory and assist with the day-to-day operations of a retirement village.

Where the associated Retirement Villages Act 2004 makes references to matters that are prescribed, we have provided the following information for your consideration.

Section 6(3)(f) Creation of residence rights

Our members are in support of full disclosure to ensure that residents make the correct decision to move into a retirement village. ACCPA notes that recent media developments focused on decisions made by residents who have moved into a retirement village have centred on states where very prescriptive disclosure documents are required. Whilst ACCPA supports full disclosure, there does come a point where too much information can cause further confusion to potential residents. For this reason, ACCPA believes that the current disclosure provisions are sufficient.

Section 14(5)(d) Meetings of residents and tenants

ACCPA notes the information to be included for an annual general meeting between the operator and residents/tenants of a village. Again, ACCPA's view is that the information to be included in the notice of an annual general meeting is sufficient. We note that some jurisdictions are asking for operators to consider Emergency Evacuation Plans and Asset Management Plans at these meetings, however believe that these should be optional for

Operators to consider, and most likely warrant their own meeting so that the purpose of the annual general meeting is not confused amongst residents.

Section 14A(2)(b)(ii)(D) Increase in recurrent charges

ACCPA notes the various attributes for the increases in recurrent charges that may be in excess of the CPI. ACCPA would like to propose that utility charges are also considered for this section in the regulations. Whilst villages have the ability to change energy providers, the pricing increases are outside the control of the Operator and can make budgeting difficult.

Section 20(3) Duty of operator to insure village

ACCPA is in support the current minimum amount of public liability insurance that is required under this section.

Section 21(2)(j) Requirement for village rules

ACCPA has nothing further to add to this section.

Section 33(2)(l) Orders of Director

ACCPA has nothing further to add to this section.

General Comments

As previously mentioned, ACCPA believes that on the whole the current regulations are satisfactory. We note that in other jurisdictions where retirement villages have become more prescriptive that it actually increases disputes amongst residents and operators.

We also note that in these jurisdictions it has become burdensome and costly to administer. Some changes to regulations may have an impact on the total operating costs of a village. These costs may be passed on to residents, which counter acts the intent of what the regulation is designed for. A good example is asset management plans in NSW. Both operators and residents have struggled for the past 3 years to make this work. The plans are costly to implement, cannot be understood by residents, and takes away some common sense decisions.

On behalf of our members, we thank you for providing ACCPA with the opportunity to discuss the review of the Retirement Villages Regulations 2015.

If you have any further questions or would like to discuss, please contact Mark Prosser, Director Retirement Living & Seniors Housing at mark.prosser@accpa.asn.au.

Yours sincerely,



Mark Prosser
Director Retirement Living & Seniors Housing
Aged & Community Care Providers Association