



NSW Retirement Village Ambassador 2019 Annual Report



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Executive summary

Reporting period 1 December 2018 to 30 November 2019

As part of the NSW Government's response to the Retirement Village Inquiry, the Minister for Innovation and Better Regulation appointed Ms Kathryn Greiner AO as the inaugural Retirement Village Ambassador. The Retirement Village Ambassador acts as a central figure to facilitate engagement with residents as changes to retirement village laws occur and provides a voice on behalf of residents in relation to the new laws. The Ambassador also reflects other issues impacting residents as well as help to identify residents' future needs from the laws. Ms. Greiner was appointed as Ambassador in December 2018 and immediately commenced a program of events and industry engagement.

During the reporting period of 1 December 2018 to 30 November 2019, the Retirement Village Ambassador Program (the Program) delivered a number of outreach engagement initiatives.

Engagement



72 events



face to face interactions with over **4,378** residents and prospective residents



51 visits to retirement villages



locations visited across

Sydney, Penrith, Northern Beaches, Coffs Harbour, Port Macquarie, South Coast, Albury, Wagga Wagga, Newcastle, Central Coast, Dubbo, Orange, Ballina and Bowral



21 community forums open to prospective and current retirement village residents and their representatives



stakeholder meetings with industry and representatives of the Retirement Villages Consultative Group



facilitation and referral of complaints to NSW Fair Trading concerning issues raised with the Ambassador via email to the Program, and through community engagement events



high satisfaction rate among participants. 95% of attendees who provided feedback scored the program 8 out of 10 or higher.



increase in knowledge and understanding

A general increase in knowledge was also noted, with a 45% increase in the understanding of the role of the NSW Civil and Administrative Tribunal (NCAT) and a 12% increase in the understanding of changes to retirement village laws.

As not all of reforms have commenced in practice, analysis of the of the benefits of the current program of reforms to residents is proposed to be undertaken in the 2020 program.

Program customers

The program is focussed on delivering high-quality consumer focused information to a diverse customer base. There is not a single version of a retirement village resident. The average age of a village resident is 81 years old, however the resident cohort ranges in age from 55 years to over 100. Some are recently retired court Magistrates, and some are unaccustomed or unable to understand the complexities of legislation and its effect on their rights. The average tenure in a Retirement Village is 7 years, but some residents have lived in older villages for more than 20 years.

The Ambassador program aims to reach all attendees, by providing a simplified presentation tailored to meet the visual and audio needs of residents, with lots of 'real life' examples of changes to the laws. The presentation is followed by a question and answer session to engage even the most learned of residents. The feedback from residents on both the program and Ms Greiner has been, overwhelmingly, positive.



"It was very easy to understand mentioning things I had not thought of. Very helpful." Resident, Bayview

"Kathryn Greiner was a brilliant speaker - so knowledgeable!" Resident, Ashfield

"I would like to congratulate Ms Greiner on her wonderful ability to speak so fluently and clearly on a quite complex issue." Resident, North Sydney

"I would like to convey our appreciation for the professional and very informative manner in which Ms Greiner outlined all of the issues relevant to Retirement Villages. It is very obvious Ms Greiner has a genuine interest in her role and was able to address all matters fully to the satisfaction of residents." Resident, Norwest

"Your visit was enthusiastically received was evident not just from the willingness of the audience to engage with you, but also from the ongoing conversations in the community lounge after your departure." Resident, Bondi

"The feedback from residents was extremely positive. We were relieved to know that Kathryn understands the issues we face and excited to hear she clearly supports the residents. Kathryn's visit has been a high point for many residents and has encouraged them to hope for a brighter future as all the Recommendations come online. Please pass on our thanks and gratitude to Kathryn for her presentation, clarity, honesty and her commitment to fairness and justice for those in retirement villages."
Resident, Murwillumbah

Participant feedback and program evaluation

At the end of each event, attendees are provided with a paper questionnaire and asked to give feedback on the Program visit. They are asked a series of questions to determine if their awareness around changes to retirement village laws, the role of NCAT and the role Fair Trading improved after attending the event.

It was identified that following the event:



83% of respondents acknowledged that they now understood how the retirement villages laws affect them, representing a 12% increase post event

92% of respondents were now aware of Fair Trading's role in assisting with retirement village disputes, representing a 44% increase post event

84% were now aware of NCAT's role, which is a 45% post event increase



95% of attendees who completed a question on how likely they are to recommend the program scored the program 8 or higher. Attendees were asked, on a scale of 0 to 10, based on their recent experience how likely they are to recommend the program.

Roadshow events

Objective: To provide a central figure for disseminating information for residents on reforms affecting the sector

The Program has facilitated a total of 72 outreach engagement events held in different locations across Greater Sydney and Regional NSW. Over 4,378 prospective and current retirement village residents have attended these events. Village operators and managers have actively engaged with the program to encourage resident participation and facilitate events at their villages.

On-site visits to Retirement Village communities and community forums

There were 3,542 attendees at retirement village visits and 836 attendees at community forums. Please refer to Annexure A for a list of visits and forums.

Stakeholder meetings

Objectives: To facilitate, advocate and encourage fair and respectful dealings with residents through the reform and change process

To promote a fair operating environment where operators can sustain their businesses by addressing the needs of their clientele

During the reporting period, the Ambassador attended 15 targeted industry stakeholder engagement consultations to understand the impact of the reforms on the Industry. This has also provided a valuable forum for the Ambassador to raise resident concerns with Industry and seek perspectives to form a balanced view and thorough understanding of issues within the sector.

Date	Stakeholder/s	Discussion points
19 Dec 2018	Retirement Villages Consultative Group (RVCG)	Discussion around the Ambassador's role and retirement village reforms. RVCG includes representative from RVRA, Property Council, Seniors Rights Services, Leading Age Services, Aged and Community Services.
15 Feb 2019	Retirement Living Council Meeting	Briefing from Industry about planned changes to improve transparency and lift standards in retirement villages
28 Feb 2019	Property Council Retirement Outlook Event	Panel discussion with Q&A. Industry professionals and other retirement village sector groups. Advocacy for improvements to design and service considerations to allow residents to age-in-place.
18 Apr 2019	Retirement Villages Residents Association (RVRA)	RVRA Management Committee meeting
23 Apr 2019	Toukley Waters Retirement Village, RVRA and Fair Trading case managers	Meeting with residents about administration of the village

Date	Stakeholder/s	Discussion points
3 May 2019	Lendlease	Meeting to discuss Lendlease's work in retirement living
9 May 2019	Oak Tree RVG Board	Discuss Inquiry findings
22 May 2019	Property Council	Meeting with consultant appointed by The Retirement Living Council to further examine the competencies a village manager should have.
28 May 2019	Ambassador Meeting with Minister Anderson	
4 Jun 2019	FT Meeting with RV Ambassador	
19 Jun 2019	Property Council Representatives	Discussion regarding village manager key competency requirements.
4 Jul 2019	Ambassador meeting with RVRA	
1 Aug 2019	Ambassador meeting with the Commissioner	
12 Aug 2019	Property Council	Speaker at the Annual Retirement Forum's 'The Customer Experience' session discussing logistics and final themes/questions.
21 Aug 2019	Property Council	Retirement Living Forum at Waterview Bicentennial Park. Panel member discussing issues from residents on RV visits, what can be improved and what operators are doing well.
2 Sep 2019	Law Society – Elder Law Capacity & Succession Committee	The Committee represents NSW solicitors and the Law Society on elder and succession law and legal capacity issues. Meeting to understand the government's reform agenda arising out of the 2017 Inquiry into NSW Retirement Village Sector, including the Retirement Villages Amendment Act 2018.

Advocacy opportunities and emerging issues within the Industry

Objectives: To understand and report on improvements and issues affecting residents in relation to their living environment

To advocate on issues by encouraging government agencies and operators to deliver standards, services and products that meet the needs of residents as they age-in-place

The 2017 Inquiry identified several key areas for change and legislative reform. The Government supported all recommendations put forward by the Inquiry with a reforms package formulated to address each issue.

Through continuing consultation with Industry and residents, the Ambassador has identified several further opportunities to advocate on behalf of residents as a whole, on issues that impact residents in relation to their living environments, these include:

Ageing in place

The average age of a resident entering a village is 75 years, so the ability for residents to age in place has been a widely discussed subject with both residents and operators. Often residents are finding their villages are not equipped to accommodate their needs as their care and mobility needs change. Similarly, Operators recognise that meeting the needs of an aging resident population will require changes to the services and village-built environment, particularly relevant to older villages. There is no reference in the current legislation for the built environment to assist resident access and mobility.

Case study 1

A resident in Western Sydney said that the pathways and access to ramps in the village are not adequate to accommodate residents with wheelchairs or walking frames. Further, there are no allocated disabled parking spaces in the village. The resident said that he raised this issue with the village operator who advised him the facilities complied with building standards and there were no plans to address the issue.

Ambassador action



The Ambassador:

- attended the Property Council Industry Outlook forum in February 2019 to advocate on behalf of residents on the need for improvements in building design
- continues to identify and maximise opportunities to collaborate with other agencies, industry and advocacy groups working in this space
- contributes insights on the relevant issues identified through the Program at the Retirement Village Consultative Group (RVCG) meetings to assist with industry understanding of the issues that affect residents.

Non-compliance with NCAT orders

Currently there are no provisions in the Retirement Villages Act or Regulations to impose a penalty infringement notice for non-compliance with NCAT orders. Where an operator or resident does not comply with a NCAT order, the only available options for the applicant to progress the matter is to make a further application to NCAT.

Case study 2

This issue has been raised by residents on several occasions. Residents have reported that the process of re-applying to NCAT for further orders when the respondent does not comply is ineffective, expensive and frustrating.

Ambassador action



- The Ambassador is monitoring this issue, the potential impact on residents and possible remedies.
- These insights will assist with informing the changes to how and when penalties are imposed.
- A review of penalties will form part of the upcoming reforms to retirement village laws.

Up-skilling legal practitioners in retirement village laws and contracts

During both the Inquiry and recent Program visits, residents have expressed concern that legal practitioners providing services to prospective residents may not have the required knowledge of retirement village laws to adequately review retirement village contracts and provide the relevant legal advice to their clients.

A submission from The Law Society of NSW (Law Society) to the Inquiry suggested contributing factors for this issue is due to the complex nature of retirement village transaction documentation, and whether adequate advice was being provided by the legal professional in relation to hidden terms or 'traps' in the documentation.

The Law Society further described the actions they were taking to address this issue. At the time of the Inquiry the Law Society was developing targeted continuing professional development (CPD) to assist solicitors in advising clients entering into a retirement village transaction. Further, the development of webinars for regional and rural legal practitioners was also planned.



Advocacy opportunity

The Ambassador has sent follow up correspondence to the Law Society to enquire on the progress and implementation of the targeted CPD and webinar sessions for legal practitioners. A response is anticipated from the Law Society.

Senior Discounts for rates and services

Rates and services are generally billed to the operator for payment from the villages recurrent charges. As residents are not billed individually, the pensioner discount is generally not applied.

Case study 3

During an Ambassador event on the Central Coast a resident explained that not all service providers give pensioner discounts on services such as water and waste. The resident explained that even though the services were used and maintained by the residents, who are pensioners, they were not entitled to the pensioner discounts.

Case study 4

Another central coast resident explained that while some service providers such as City Water and Newcastle City Council do give pensioner discounts on services to retirement villages, this is not standard practice across all providers. Centrelink and Local Government authorities do not recognise a retirement village residence in the same way they would a freestanding residence. One community of Village residents could not access their Council engineering report on a neighbouring property affecting them as they were not the "owners".

Case study 5

Residents report they may be missing out on exemptions from Stamp Duty, as the employees are deemed by the Taxation Department to be employees of a much larger entity. While resident contributions cover the cost salaries of managerial and other staff on their village premises, the residents do not employ them. The owner of the village either as an Individual or as a Corporate entity employs the staff.



Advocacy opportunity

The Ambassador will explore opportunities to consult with major service providers and local councils to discuss the position of retirement village residents as seniors paying for the maintenance of the services in their villages.

Retirement village complaints

The Ambassador is not empowered to intervene on individual complaints, but acts as a referral point for residents to assist in accessing information on the appropriate avenue for dispute resolution. This includes Fair Trading's retirement village mediation service and the lodgement of complaints.

Issues raised with the Ambassador, either during roadshow events, or via the dedicated program email address are referred to Fair Trading subject matter experts. The subject matter experts assess the issues and can provide information, recommend mediation or dispute resolution, or refer the resident to the appropriate relevant agency for assistance.

Focus: 2020

The Ambassador will continue to visit villages and residents across the state to listen to issues faced by residents and present these issues to the NSW Government. The Ambassador will monitor and report on continuing and emerging issues faced by the sector and will continue to provide information about the continued changes to the retirement village laws.

Where appropriate the Ambassador will represent the residents' perspective to industry, and create awareness of issues that affect the broader resident cohort.

The Ambassador will continue to actively promote Fair Trading's free on-site mediation service to assist residents and operator with resolving their disputes.

Fair Trading's and the Ambassador's primary focus for 2020 will be providing awareness about upcoming reforms, including

- **Asset Management Plans**

The Retirement Villages Amendment Act 2018 made provision for regulations to support asset management plans by operators to better manage items of capital.

- **Exit Entitlements**

Exit entitlements are the payments transferred to outgoing residents when they permanently leave a retirement village. On 14 February 2019, the Government undertook to require operators to pay exit entitlements within 6 months for villages in metropolitan areas and 12 months in regional NSW.

- **Recurrent charges cap**

On 14 February 2019, the Government also undertook to place a 42-day cap on the recurrent charges for general services after residents leave a village.

Note: From March 2020, the Ambassador program visits have been placed on hold in accordance with the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020*.

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Appendix A – List of village visits and community forums

	Name of Village	Operator	Area	Attendees
11 Dec 2018	Courtland's Village	Christadelphian Aged Care	North Parramatta 2151	70
16 Jan 2019	Glenaeon Village	Lendlease	Belrose 2085	70
17 Jan 2019	Seabeach Gardens	Baldwin Living	Mona Vale 2103	40
17 Jan 2019	The Manors of Mosman	AVEO	Mosman 2088	50
22 Jan 2019	Pittwater Palms	AVEO	Avalon Beach 2107	50
22 Jan 2019	Lindfield Gardens	AVEO	East Lindfield 2070	60
23 Jan 2019	James Milson Village	James Milson	North Sydney 2060	29
24 Jan 2019	Pitt Wood Village	Presbyterian Aged Care	Ashfield 2131	30
24 Jan 2019	Cardinal Freeman	Opal	Ashfield 2131	60
8 Feb 2019	Bayview Gardens	AVEO	Bayview 2104	65
8 Feb 2019	Minkara Resort	AVEO	Bayview 2104	46
12 Feb 2019	Alloura Waters Village	Living Choice	Davistown 2251	110
19 Feb 2019	Elderslee Village	Australian Unity	Bateau Bay 2261	35
16 Apr 2019	Cranbrook Residence	Cranbrook Care	Norwest 2153	30
24 Apr 2019	Heydon Grove Village	AVEO	Mosman 2088	20
7 May 2019	The Lakes of Cherrybrook	RSL Lifecare	Cherrybrook 2126	50
28 May 2019	Constitution Hill Village	Australian Unity	Northmead 2152	160
30 May 2019	Caddens Village	Anglicare	Caddens 2747	60
17 Jun 2019	Jewells Lifestyle Community	Adventist Senior Living	Jewells 2280	59
18 Jun 2019	Broadwater Court Village	Living Choice	Kincumber 2251	78
25 Jun 2019	Kintyre Living Dubbo	Kintyre Living	Dubbo 2830	65
16 Jul 2019	Palm Lake Resort Ballina	Palm Lake Resort	Ballina 2478	180
17 Jul 2019	Banora Point Village	AVEO	Banora Point 2486	70
17 Jul 2019	Mountain View Village	AVEO	Murwillumbah 2484	85
30 Jul 2019	Pepperfield Lifestyle Resort	Genbridge Partners	Bowral 2576	60
30 Jul 2019	Warrigal Village	Warrigal	Shell Cove 2529	75
13 Aug 2019	The Landings	LDK Seniors Living	North Turrumurra 2126	60
13 Aug 2019	Fernbank Village	AVEO	St Ives 2019	85
14 Aug 2019	The Willows Village	Stockland	Winston Hills 2153	100
14 Aug 2019	Tobruk Village	RSL Lifecare	Austral 2179	36
27 Aug 2019	Leisure Lea Gardens	Living Choice	Marsfield 2122	30
27 Aug 2019	West Pymble Village	Uniting	West Pymble 2019	18

28 Aug 2019	Nelson Grove Village	Lendlease	Pemulway 2145	55
10 Sep 2019	Palm Lake Resort Tea Gardens	Palm Lake Resort	Tea Gardens 2324	65
10 Sep 2019	Closebourne Village	Lendlease	Morpeth 2321	75
11 Sep 2019	Brentwood Village	Lendlease	Kincumber 2251	130
11 Sep 2019	Henry Kendall Village	Lendlease	Wyoming	180
14 Oct 2019	Huon Village	Vision Lifestyle Projects	North Turrumurra 2074	135
14 Oct 2019	Willandra Village	Australian Unity	Cromer 2099	85
15 Oct 2019	Craiglea Village		Engadine 2233	11
15 Oct 2019	HammondGrove	HammondCare	Miranda 2228	88
16 Oct 2019	Astra		Bondi Beach 2026	25
21 Oct 2019	IRT Peakhurst	IRT Lifestyle & Care	Peakhurst 2210	24
21 Oct 2019	Beauty Point Resort	Retirement Your Way	Padstow Heights 2211	34
6 Nov 2019	Buckland Retirement Village	Buckland Aged Care Services	Springwood 2777	135
12 Nov 2019	Macarthur Gardens	Stockland	Campbelltown 2560	112
12 Nov 2019	Alan Walker Village	Wesley Mission	Carlingford 2118	76
20 Nov 2019	Wirreanda	Uniting	West Pennant Hills 2125	33
20 Nov 2019	Woodlands	Woodlands Village	Cherrybrook 2126	73
27 Nov 2019	Lakeside Morisset	Lendlease	Bonnells Bay 2264	83
28 Nov 2019	Living Choice Glenhaven	Living Choice	Glenhaven 2156	87
Total visit attendees				3542

Community Forums

Event date	Type of event	Area	Attendees
18 Feb 2019	Community Forum	Raymond Terrace	36
15 Apr 2019	Community Forum	Penrith	29
29 Apr 2019	Community Forum	Parramatta	10
20 May 2019	Prospective Residents Forum	Coffs Harbour	19
20 May 2019	Current Residents Forum	Coffs Harbour	48
21 May 2019	Prospective Residents Forum	Port Macquarie	15
21 May 2019	Current Residents Forum	Port Macquarie	50
29 May 2019	Prospective Residents Forum	GyMEA	34
29 May 2019	Current Residents Forum	GyMEA	23
11 Jun 2019	Prospective Residents Forum	Albury	31
11 Jun 2019	Current Residents Forum	Albury	82
12 Jun 2019	Prospective Residents Forum	Wagga Wagga	52
12 Jun 2019	Current Residents Forum	Wagga Wagga	89
18 Jun 2019	Prospective Residents Forum	Erina	43
18 Jun 2019	Current Residents Forum	Erina	60
25 Jun 2019	Prospective Residents Forum	Dubbo	16
25 Jun 2019	Current Residents Forum	Dubbo	44
26 Jun 2019	Prospective Residents Forum	Orange	27
26 Jun 2019	Current Residents Forum	Orange	20
03 Sep 2019	Prospective Residents Forum	Chatswood	38
03 Sep 2019	Current Residents Forum	Chatswood	70
Total forum attendees			836