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**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

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**NOTICE OF MOTION**

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Michael Pettersson MLA: I give notice that I shall move – That this Assembly:

- 1) notes:
  - a) the *Retirement Villages Act 2012 (the Act)* commenced on 4 March 2013 and regulates retirement villages in the ACT.
  - b) the Act has been amended on several occasions. A review of the Act was presented to the ACT Legislative Assembly by the Minister for Justice and Community Affairs, Shane Rattenbury MLA in 2016, and resulted in a number of amendments being made to the Act.
  - c) the Act provides methods for the resolution of disputes between a resident of a retirement village and the operator of the village, including via:
    - i. the disputes committee of the retirement village which can make a non-binding decision to resolve the matter.
    - ii. the ACT Civil and Administrative Tribunal (ACAT) which can make a binding decision to resolve the matter; or
    - iii. another informal way to resolve the matter as agreed between the parties.
  - d) that decisions made by ACAT can be appealed to the ACAT Appeal Tribunal.
  - e) that review of decision rulings made by the ACAT Appeal Tribunal can be appealed to the ACT Supreme Court.
  - f) that ACAT, ACAT Appeal Tribunal, and ACT Supreme Court processes to resolve disputes can be costly, and extremely complicated for vulnerable senior members of the community to navigate.
- 2) further notes:
  - a) efforts made to establish a retirement villages ombudsman in other jurisdictions, including:
    - i. the Victorian Parliament's Legal and Social Issues Committee inquiry into management standards, pricing, and dispute resolution processes within retirement housing, undertaken in 2017, which recommended the establishment of a low cost, accessible and binding dispute resolution

process, either by expanding the jurisdiction of an existing ombudsman, or through the creation of a new ombudsman.

- ii. the Australian Housing and Urban Research Institute's (AHURI) report *Business models, consumer experiences and regulation of retirement villages* published December 2022 which recommends the establishment of a national ombudsman to advocate for the rights of older people navigating disputes with retirement village operators.
  - iii. the Ontario Government's Retirement Homes Regulatory Authority, mandated to protect and ensure the safety and well-being of seniors, with the power to make binding decisions on complaints.
  - iv. the New Zealand Government's Te Ara Ahunga Ora Retirement Commission, which oversees the retirement villages regulatory framework, and supports dispute resolution by making binding decisions.
  - v. the South African Government's Community Schemes Ombud Service, an alternative dispute resolution service which can make binding decisions regarding housing schemes for retired persons.
  - vi. the United Kingdom Government's Housing Ombudsman Service which resolves disputes involving the tenants and leaseholders of social landlords and voluntary members by making binding orders.
- b) calls on the ACT Government to:
- i. investigate the establishment of an ACT retirement villages ombudsman that is non-adversarial and accessible with the power to make binding decisions to resolve disputes between a resident of a retirement village and the operator of the village, and report back to the Assembly by the last sitting day in September 2023.
  - ii. advocate for the federal government to establish a national retirement villages and aged care ombudsman to further support and advocate for the rights of older people.



Michael Pettersson MLA