

Terms of Reference

Inquiry / Review into the Retirement Village Sector

Following concerns raised about the fairness and transparency of business practices of retirement villages in New South Wales, I, Matthew Kean, Minister for Innovation and Better Regulation, refer to the Secretary under section 189(1)(d) of the *Retirement Villages Act 1999* (the Act), the following matters to be investigated, inquired into and reported upon by 15 December 2017:

- 1) The extent to which:
 - a) retirement village marketing activities have been and are being conducted honestly, transparently and fairly;
 - b) retirement village costs, fees and charges and residents' contractual and other rights and obligations are clear and understandable for prospective retirement village residents and their families;
 - c) the built environment of retirement villages is maintained and operated in a manner which is safe for residents;
 - d) retirement village dispute resolution mechanisms are delivering just, quick and cost-effective outcomes for residents and operators;
 - e) there are appropriate protections and fair arrangements with respect to building defects and the levy of fees for maintenance of retirement villages; and
 - f) retirement villages are generally being operated honestly, diligently and fairly.
- 2) Any specific matters potentially involving breach of legal obligations which should be referred to Fair Trading or other appropriate authorities for investigation.
- 3) Fair Trading administrative and operational practices that may be adopted to improve the matters referred to in paragraph 1, above.
- 4) Amendments that may be made to the Act and the *Retirement Villages Regulation 2009* to improve the matters referred in paragraph 1, above.

The investigation should involve the opportunity for written submissions from interested parties, and potentially public consultation meetings, but is not intended to operate in a determinative or quasi-judicial manner in respect of any particular allegation or complaint.

Dated 23 August 2017



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The Hon Matthew Kean MP

Minister for Innovation and Better Regulation