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7 January 2019

Mr Aaron Harper MP
Member for Member for Thuringowa and Committee Chair
Health, Communities, Disability Services and Domestic and Family Violence Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email: SDNRAIDC@parliament.qld.gov.au

Dear Mr Harper,

RE: Health and Other Legislation Amendment Bill 2018

We write in relation to the recent release of the *Health and Other Legislation Amendment Bill 2018* (QLD) ("**HOLA Bill**"), with a focus on the proposed amendments to the Retirement Villages Act ("**RV Act**").

Stockland has a long and proud history of partnering with the Queensland Government over many years to deliver sustainable communities, affordable homes, shopping centres, jobs, education and recreational facilities, industrial and logistics precincts and retirement living communities.

We have some \$3.2 billion invested in Queensland assets, with a further \$9 billion planned for projects from the Gold Coast to Townsville. We are also one of Queensland's largest investors in seniors living, with more than 1500 residents calling a Queensland Stockland retirement village home.

We welcome this opportunity to provide comment on the proposed amendments to the RV Act as set out in the HOLA Bill ("**Amendments**") and are happy to meet with you to discuss our feedback in greater detail at a suitable time.

We do not propose to address the merits of whether the Amendments ought to be made to make compulsory the acquisition of units in freehold village. These issues have been addressed by the Property Council of Australia ("**PCA**") submission, which, as a member, we have reviewed and generally support.

However, we do have some specific concerns, and these are outlined below.

Ability of Operator to sell the Unit

One of our key concerns is in relation to a consequential issue that arises due to the Amendments which we consider is important to have addressed.

The RV Act does not afford an operator the right to sell or lease a unit when the resident departs. In a village where the resident leases their unit, the village owner has the legal right as landlord to lease the unit to a new resident on termination of the lease by the existing



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resident. In addition, under s64 of the RV Act, a resident is afforded the right to appoint their own selling agent if the unit is not sold after 6 months.

In a Freehold Village, the resident owns their unit. In this context, the resident has a choice as to who they engage to sell the unit on their behalf when they wish to depart the village. Whilst many residents of Freehold Villages chose to appoint the operator (or an agent nominated by the operator) to sell the unit, the resident is under no obligation to do so and some residents chose to appoint another agent.

Without amendment, this would require operators to assume the full burden of having to compulsorily acquire a unit when it or its nominee is not appointed to sell the unit and therefore has no opportunity to effect the sale of the unit. This will likely create a number of significant operational and commercial issues for owners, particularly for smaller operators.

We would suggest that if the Amendments are to be introduced the following provisions ought to be included:

- 1 operators of Freehold Villages be afforded a right under the RV Act to sell the unit; and
- 2 residents (and their estates) be obliged to do all things reasonably necessary and in a timely manner to facilitate the sale of the unit by the operator, including make the unit available for inspection by prospective residents, etc.

We consider that the inclusion of the above provisions would more appropriately balance the interests of residents and operators in delivering an appropriate mechanism for departing residents of Freehold Villages to receive their exit entitlements.

Request to meet

We understand these are matters of some detail and would welcome the opportunity to engage with you or your advisers to discuss the Amendments. The contact for your office is Llew Gartrell, Senior Manager Government Relations [REDACTED], [REDACTED], [REDACTED], [REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kirrily Lord".

Kirrily Lord
General Manager, Retirement Living
Operations and Legal Administration
Stockland
[REDACTED]