



Speech by

Hon. JUDY SPENCE

MEMBER FOR MOUNT GRAVATT

Hansard 30 November 1999

RETIREMENT VILLAGES BILL

Hon. J. C. SPENCE (Mount Gravatt— ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (8.46 p.m.), in reply: In summing up this debate, I would like to thank all honourable members for their contributions. As many honourable members have recognised, tonight is truly an historic occasion. The retirement village legislation that we in Queensland have lived with for the past 11 years has had its problems, and all members would acknowledge that. That legislation, introduced in 1988, was Queensland's first retirement village legislation ever. Let us not forget that it was introduced under a conservative Government, so the criticisms that we have heard tonight, particularly from those opposite about the current laws and the current contracts, can certainly be attributed to their actions 11 years ago that gave us very unsatisfactory legislation. That has been acknowledged for a long time.

I would like to thank particularly the members for Bulimba and Archerfield for their contributions tonight. They have shown a good understanding of the legislation and, indeed, the kind of life that exists in retirement villages.

A Government member: And the member for Mackay.

Ms SPENCE: And the member for Mackay.

All of us acknowledge that retirement village lifestyle is a good lifestyle and we want to encourage the promotion of that kind of lifestyle in Queensland. Certainly, retirement villages are significant to the Queensland economy.

Tonight, I would like to pay tribute particularly to the working party. In his contribution, the member for Mackay named the members of the working party. We have heard that they worked very hard in framing a heads of agreement, which contributed to this legislation that we have today.

From what we have heard, it is very difficult to discern who is the shadow Minister for Fair Trading. Each member of the Opposition who spoke appeared to have a different position and different levels of understanding of the Bill. The member for Clayfield expressed his understanding in producing fair and equitable legislation in this area and commended this Government on addressing a number of matters that were long overdue. His comments stand in complete contrast to those of the member for Noosa. Apparently, we heard from the member for Noosa a speech that was not read by the member until he came into the Chamber. It was a speech that was full of contradictions and emotive mumbo jumbo.

However, it was very kind of the member for Noosa to acknowledge that, of all the members in this House, over the past 10 years I have been the one member who has consistently spoken about the issue of retirement villages. It is a very close-felt subject to me, because a number of retirement villages are located in my electorate. It was certainly high on my agenda when the opportunity came to correct the unsatisfactory legislation that we have been living with for some time.

This is the first time that the member for Noosa has bothered to speak in this Chamber on retirement villages. He did not even ask the department for a briefing on the legislation. That was revealed in his contribution to the debate, because he certainly showed very little understanding of what the legislation is all about.

Tonight Opposition amendments will be moved not by the shadow Minister for Fair Trading but by the member for Mooloolah, who at least has shown enough interest in the legislation to ask for a briefing from the department. He has proposed some amendments to the legislation and I congratulate him on that. I look forward to discussing those amendments in the Committee stage of the debate. Well done, the member for Mooloolah!

Another interested member is the member for Nicklin, who also proposes to move a number of amendments. I also look forward to debating those amendments. The member for Noosa's contribution was an amalgamation of a number of letters that he had received, which had also been sent to me, from people who did not get everything that they wanted from the legislation. From the very start of framing this legislation, the Government acknowledged that it would be difficult. Certainly the working party knew that it had a difficult road ahead of it, as there was no way that all parties would be satisfied by the outcome. However, the working party managed to come to an agreement, and I congratulate it on that. Tonight we are debating the agreement that was reached earlier this year.

I wish to read a number of testimonials from people who have congratulated me on the legislation. I will do that now to balance some of the unfair and unnecessary comments made by the member for Noosa in his contribution. Pearl Barton, the secretary of the residents committee of the Rotary Garden Village, said that they are happy residents. She stated—

"Certainly there needs to be changes to the Retirement Villages Act and we are happy that Ms Spence has set up this group to address this."

The Association of Independent Retirees stated—

"It is with relief that I learned from Mr Cliff Grimley of the Association of Retirement Village Residents that, in your capacity as the Minister for Fair Trading, you have taken action to call retirement village operators and resident group representatives together and have indicated that you see a need based on a short timetable for the amendment of the current legislation to be undertaken."

As we have heard from previous speakers, Mr Cliff Grimley is certainly an outstanding Queenslanders who has contributed a great deal to this debate over the last two decades. I know that he will be very pleased to see the legislation passed tonight. His brother, Don Grimley, who lives in a retirement village in the electorate of Mansfield, is also a very outstanding gentleman. I was pleased to visit his retirement village, Tricare, to talk about the legislation. I can inform the House that residents at that village were very pleased with the initiatives undertaken by the Government.

A resident from the Robina Retirement Estate wrote to me on 11 September, stating—

"We older folk feel extremely let down by the previous State Government who, after years of discussing the Retirement Villages Act amendments, nothing happened. Please assist people in our situation. We are your constituents and desperately need the Labor Party's help."

The residents committee of Robertson Park wrote to me, stating—

"Thank you very much for your recent letter regarding retirement villages and your efforts to expedite the review of the Retirement Villages Act, which are very much appreciated."

The Domain Legislation Review Committee of the Domain Retirement Country Club wrote, stating—

"Having become frustrated in our efforts by the previous Government's inequities and negative approach to the needs of freehold village residents, we are heartened by your letter."

Kim Teudt, the members' services officer of Aged Care Queensland, was quoted in the Gold Coast Bulletin in an article headed, "The new villages Act is welcome" as saying—

"The new laws would mean more security for residents and better investment opportunities for operators."

Michael Isaac, the CEO of Aged Care Queensland, is quoted in the Toowoomba Chronicle as saying—

"The Government should be applauded for allowing such a process to happen."

In the Sunday Mail, the same gentleman is quoted as saying—

"Representatives of residents and operators of Queensland's retirement villages reached an historic agreement this month which will secure the interests of residents in all registered retirement villages ... together with the Minister for Fair Trading, the agreement introduces a new element of goodwill into the development of good legislation."

Finally, I hope that the member for Noosa is listening because this quote comes from Nambour. Diana Wilson is quoted in the Sunshine Coast Daily as saying—

"The year of the elderly is coming to a close. Can the Minister, Judy Spence, make every effort to pass the retirement village legislation through the Queensland Parliament before the end of this year? Old age comes to everyone. If this Bill becomes law soon, it will be the best Christmas present that elderly residents in villages can receive."

This will be a good Christmas present for residents in Queensland retirement villages. Finally they have a Government that is prepared to face up to the difficult job. This Government is prepared to face up to the mess that it was left by previous conservative Governments which for too long allowed retirement villages to float along without any legislation and then finally, when they did introduce legislation, it was ineffective for most residents.

Tonight members have made much of the fact that most of the retirement villages in the State operate very well and that the problems that we see occur and that we hear so much about happen in only a very small number of villages. However, we all feel compassion for the residents who are disappointed by the contracts that they have signed. As no doubt we will debate in Committee, it was not possible for the legislation to provide such people with everything that they desired. In particular, they wanted a law that would compel the operators to buy back their units when they wanted to vacate them. Unfortunately, that would be a commercially impossible arrangement. The working party, which I remind members was comprised of residents and operators alike, spent much time agonising over the issue of buy-back. Ultimately, the working party agreed that buy-back was not an alternative commercial solution to the problems of the resale of units.

I know that many residents will also be disappointed that the amendments to the legislation do not have retrospective application. That issue was also raised by the working party and, after much discussion, it was rejected. As we will discuss in the Committee stage of the debate, while retrospectivity would be desirable for some residents, ultimately it would be undesirable for the commercial interests of retirement villages. There is a fine line between balancing the interests of residents and those of the commercial operators, because we want to create a climate in which retirement villages can prosper.

This is obviously a growth industry for Queensland. In framing the legislation, I believe that we have, to the best of our ability, balanced the interests of both the residents and the operators. However, I will not stand here tonight and say that this is perfect legislation. We will review the legislation in 12 months' time. In the future, I would be happy to come back to the Chamber and make improvements to the legislation if possible.

I thank all members for their contributions. I commend the Bill to the House.
