



Speech by

Mr P. PURCELL

MEMBER FOR BULIMBA

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RETIREMENT VILLAGES BILL

Mr PURCELL (Bulimba—ALP) (5.30 p.m.): Before I address the Retirement Villages Bill I will make some comments on the previous speaker's contribution. I do not think I heard one positive comment in that speech from go to whoa. The member for Noosa was in Government for two and a half years and he could have done something about all of the matters that he whinged and whined about. He did not one thing and he has said not one positive thing. I do not see how he can stand up in this place, say what he said and have any credibility.

Since its inception the Retirement Villages Act 1998 has been the subject of a number of reviews. It has been looked at and discussed to death by Governments of all persuasions. I have had deputations from various retired people who have come to see me over the number of years I have been a member of Parliament. I have now inherited two very large caravan parks where people do retire to. They may not be the flash joints up the north coast or the flash joints down the south coast, because they are workers who have retired and that is where they live. I have a very large interest in making sure that people in retirement villages are looked after.

The major stumbling block to effective reform of this industry has been the complexity and variety of residence contracts that have been developed over the years. Once we legislate to do something, the owners and developers will try to come up with a contract that will absolve them of responsibilities in regard to people who are in their villages.

Under the previous Government, the first draft of the Retirement Villages Bill was released in December 1996. Following public consultation and submissions, a second draft was developed and released for consultation in August 1997. A considerable number of written submissions were received by the Office of Fair Trading in response to that second draft.

The major stumbling block to the development of the new legislation was the need to establish funds to provide for the long-term operation of the villages, to clarify the responsibilities of the operator and residents for capital and maintenance and to deal with the issues of retrospectivity. It is very hard for any Government to deal with retrospectivity, as people in this House would know. When we start making things retrospective, we start taking rights away from people who have signed contracts and we leave ourselves open to compensation.

With the change of Government in July 1998, discussions were held by the Honourable Judy Spence, Minister for Fair Trading, with key resident and industry associations on how best to address key issues of contention within the retirement villages industry. A number of public meetings were attended by the Minister. As a result, the Minister decided to establish a working party made up of persons to represent the residents and the operators. The working party consisted of representatives from the Association of Residents of Queensland Retirement Villages Incorporated, as well as the Assisted Living Association, the Retirement Villages Association of Queensland and Aged Care Queensland, which are peak industry associations. The residents were represented by Cliff Grimley, whom most people in this place would know, Bruce Ware, Jan Taylor and Greg Chapman, who is a solicitor. The operators were represented by Bruce McKenzie-Forbes, Jane Arthur, Jim Toohey, Glen Bunney, Ross Smith and, towards the latter stages, Allan Gee. Mr Robin Lyons, a solicitor, has provided some assistance to the operators but was not an ongoing participant in the working party's deliberations. The meetings of the working party were facilitated by Beth Mayne and Damien Negus, mediators from the Dispute

Resolution Centre in Brisbane. Officers from the Office of Fair Trading, while participating in the discussions, attended as observers. This was to enable those who live in the villages and those who operate the villages to sit down and iron out as many of these problems or issues that they saw as problems as possible and to agree on as much as they possibly could.

The working party first met on 18 August 1998 and presented a report titled Heads of Agreement—Retirement Villages Legislation Facilitation to the Minister in February 1999. This document identified the areas in regard to which consensus had been reached. It was smart to get everybody to agree on as much as possible to start with.

The working party met on eight occasions and the meetings lasted for four hours each. It proved to be a useful mechanism whereby operators and residents were able to articulate their differing perspectives on areas of concern and work towards mutually acceptable solutions. The dedication and stamina of all participants in this process was most impressive. All members were well prepared for the meetings and no doubt spent many hours between meetings researching issues and exchanging documents for comment so that the meetings would continue to maintain momentum.

A special tribute must be paid to Mr Grimley, who is the president of Association of Residents of Queensland Retirement Villages Incorporated. Over the years he has continued to succinctly, passionately and consistently advocate the rights of village residents. As such, this association is now regarded by Government and industry as the peak organisation representing the residents of retirement villages in Queensland. Despite being 86 years of age, he is an inspiring advocate for Queensland village residents. I have had representation from Mr Grimley. He is a very articulate, well-spoken person. He really does represent those people very well. Despite the limitations of resources available to him, Mr Grimley was able to clearly articulate sound arguments which resulted in village operators agreeing on many of the issues that had eluded previous working parties.

The issues here are very complex and there is much at stake for present and future residents, operators and the Government. I think that this Bill is soundly based on the deliberations of that working party and I think that is a very good base. If the Bill needs to be revisited I am sure the Minister will do so, but over the years a lot of Ministers have put their foot in the water and were not game to have a go and make sure that these amendments were passed.
