Speech by

Mark McArdle

MEMBER FOR CALOUNDRA

Hansard Wednesday, 1 March 2006

RETIREMENT VILLAGES AMENDMENT BILL

Mr McARDLE (Caloundra—Lib) (11.37 am): I say at the outset that Caloundra has a number of retirement villages in it. I have to ask: why would people not retire to Caloundra? It has the beaches, the sand and great service. They come to Caloundra for both lifestyle and atmosphere. However, in many cases people have found that documents they signed some years ago were not equitable between themselves and operators. It is pleasing to see that the bill before the House today does, in fact, deal with many issues about which people have come to me and other members regarding their consumer protection and also their rights of being insured. At the centre of the bill is consumer protection, which has been added as a primary objective of the act, together with better regulation of relations between village operators, residents and residents' committees at meetings. I also note that residents' voting rights have been clarified and residents now have been given an active role in the village budget setting process. Operators are now required to make greater disclosure of financial information.

Operators have been given greater direction in relation to fees and charges and a nine-month cap will be introduced on residents' liability to continue paying general service charges after they vacate units. I note further that residents have been given power to obtain their own quotes for the cost of reinstating the condition of vacated units to be resold and that a spouse or relative living with the resident but who is not a party to the resident's contract has been given some limited rights to continue living in the unit after the resident dies or vacates the unit.

The formal requirements in relation to the residence contract and public information document, which detail the rights and obligations of the residents and operator, have been tightened. The drafting of the act has been revisited to ensure that it adequately regulates those villages where the residents own the freehold title to their units and to recognise the role of the body corporate in such villages. Particularly pleasing is the better and fairer access that residents will have to dispute resolution procedures including the CCT. I recall attending the same meeting as the member for Nicklin some time last year in Maroochydore when that was a particular issue that was raised. It is pleasing to see that dispute resolution matter has now been addressed in greater detail in this bill.

Those provisions in the act will be removed which allow contracts signed prior to the existing act to retain provisions contrary to that act. This means all residents in retirement villages in Queensland will receive the same level of protection and the advantage of the act's consumer protection provisions regardless of when they entered into their contracts.

We therefore have a bill before the House that does address many issues that have been raised by people who have seen me in the past. The importance I think with regard to that matter is that we are dealing with people who are mainly older, and the bill will certainly clarify their rights, entitlements and liabilities as residents. We should never forget that older people do not have the ability to fund ongoing legal actions, nor do they have the capacity to regenerate capital as perhaps we do in this chamber here today. As a consequence, the protection gathered by the bill and given to them is certainly a bonus for them. Older citizens throughout the state need a lot of protection across many areas, not just in retirement villages—protection from elder abuse and financial, physical or emotional abuse to name but a few—but this bill does start this process. There is now, in my submission, a need for both sides of this House to consider how better and how best to further protect the rights of older citizens, not just with regard to retirement villages but across a spectrum of issues.

An honourable member: Including investment.

Mr McARDLE: I take the interjection of the member.