

RETIREMENT VILLAGES ACT AMENDMENTS — GOVERNMENT INACTION

Motion

MR A.P. O’GORMAN (Joondalup) [4.15 pm]: I move —

That this house again condemns the Barnett Liberal–National government for its failure to present to the Parliament amendments to the Retirement Villages Act 1992 and calls on it to immediately address this issue of importance to so many across Western Australia.

I will start by turning to a previous motion that I moved in this place. Funnily enough, it is almost a year to the day since the previous motion was moved in this place, and at almost the same time—4.27 pm on 20 October 2010. That motion stated —

That this house condemns the Barnett government for its lack of action in bringing forward legislation to amend the Retirement Villages Act 1992 as per the recommendations of the Economics and Industry Standing Committee inquiry into the Karrinyup Lakes Lifestyle Village and in refusing to acknowledge the victimised elderly residents who are suffering under their unscrupulous owners.

I moved that motion in this place last year because the elderly residents of Karrinyup Lakes Lifestyle Village, under the management and ownership of Moss Glades Pty Ltd at the time, were being subjected to inordinate bullying and excessive costs. They were not allowed to live in quiet enjoyment in their own premises. This matter was brought to this house prior to that by the former member for Carine, Katie Hodson-Thomas, in March 2008 because of the behaviour of two directors of Moss Glades. Following her motion that she moved in March 2008, the Economics and Industry Standing Committee conducted an inquiry into Moss Glades and Karrinyup Lakes Lifestyle Village and made many recommendations. Until I moved my motion on 20 October last year, very little had been done about those recommendations. I am pleased to say that today the residents of Karrinyup Lakes Lifestyle Village are living a much happier life. The village has been sold but it has taken since early 2003 until this year, 2011, for the residents to move from being bullied and unable to live in their own houses comfortably to starting to get on with their lives as the village has been purchased by another organisation. Unfortunately, in the meantime, a number of residents have passed on. The purpose of moving this motion today is to make sure that that never happens again to elderly people in our community. These people have worked all their lives. They have paid their taxes. They have carried out their duty to this state and they deserve an opportunity to live out their retirement in peace.

As members may remember, Karrinyup Lakes Lifestyle Village was once described as the absolute worst example of a retirement village that we could ever see. The Department of Commerce has been undertaking a review of the 1992 act. Shortly after we moved this motion in this place in October last year, it handed down its “Statutory Review of Retirement Villages Legislation”. I have a copy of its final report. The report that came to this place in November 2010 contained a number of recommendations formulated over a number of years that go to a number of the issues apparent at Karrinyup Lakes Lifestyle Village. Later I will go over some of those recommendations so that members understand what the department has proposed.

A year ago, on Wednesday, 20 October, we predicted in this place that we would be raising this issue by way of motion in a year’s time. It was one prediction that I was hoping would not come true. I was hoping that this report would be tabled and that legislation would be drafted by the government and brought into this place, because this is such a crucial issue. It is a crucial issue for those retired people in our state who should be living out their life of retirement in relative happiness without the bullying and the sorts of things that have been happening—things that, when they were younger, they would never have allowed to happen to their parents. But my prediction has come true. We are now in October 2011 and we have still not seen the legislation that should have come out of this report. What happened at Karrinyup Lakes Lifestyle Village could happen in any one of the retirement villages in this state.

From the *Hansard* record, my prediction was —

... if the minister can get this legislation into this place at the next sitting in early November, the earliest we will be able to deal with it is February–March next year. If the minister does not get this legislation in by November and he does not bring it in until February–March next year, it will be another three weeks from then, and then another three weeks, and before long we will be halfway through 2011 and I will be moving this motion again in October next year. I do not want to do that.

But here we are! It is a shame and I am ashamed that we are here doing just that; as I am sure that some government members are ashamed. I know the member for Carine, in his comments during the debate, in his

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contribution to the Premier’s Statement and in, I think, his inaugural speech, mentioned it numerous times. I will quote *Hansard* to ensure I do not get it wrong. He stated —

The matter is a number one priority for me as the member for Carine. It is the most important issue that has come across my desk since I was elected to Parliament.

The member for Carine was talking about the Karrinyup Lakes Lifestyle Village. I am glad that he recognises the issue is important. He is a member of the government and is reported in *Hansard* saying —

In the discussions that I have had with the Premier, he has not changed his view on supporting those recommendations and working through the implementation of the report as quickly as possible.

Well, how long can that take? We have the report and the recommendations from industry, stakeholders and the people who live in the retirement villages, yet the government still does not care enough about the elderly in our community to rush in this legislation, to make it the number one priority to bring it into this place, so that other people do not have to undergo the same treatment as the residents of the Karrinyup Lakes Lifestyle Village.

The member for Carine not only quoted from letters, but also stated —

This is the biggest issue in my electorate. It is the most important issue to me in my electorate. I have massive files on this issue.

The member for Mandurah, who often quotes me, so I will quote him, stated —

We will be back here again debating this in a year’s time, I guarantee it.

Unfortunately —

Mr D.A. Templeman: What did the minister say?

Mr A.P. O’GORMAN: The member is making it hard for me! I do not know —

Mr D.A. Templeman: What did he say after my comment?

Mr A.P. O’GORMAN: The minister stated said that this was his “number one priority” and that he would have a bill before the house as quickly as possible.

However, we have still not seen a bill. I am hoping that after this motion today, we will see some movement on this; if from nothing else, from sheer embarrassment. All government members should be embarrassed that this is still an issue; that it is still being raised by the opposition; and that it is an issue the government has done nothing to address. The review was tabled in November 2010. With all the resources of the Western Australian state government, including huge revenue inflows this year, how hard is it to pick up these recommendations and put them into legislation so that these people can live out their retirement in relative happiness and without the fear of persecution by owners of retirement villages—if they so wish.

I will go through some of the report recommendations that we agree with. If I remember correctly, we said that if the government brought in the legislation, the opposition would do its best to get that legislation through this place as quickly as possible. The opposition said that it would cooperate and get the legislation to the other place so that it could become law to protect residents.

The recommendation about waiting list fees states —

That the Act be amended to provide that the maximum waiting list fee that can be charged may be prescribed by regulation.

At the moment, a person can be asked to pay any amount of money to be put on a waiting list. We have seen some elderly people fork out pretty substantial amounts of money. We all know that when we get to our retirement years those of us who are lucky will be relying on superannuation; however, many in our community do not rely on superannuation, but on the age pension. For those on superannuation, money to hold a place on a waitlist is not invested and making money. There is no return on that money while it holds a place on the waitlist. If a person is looking to get into a number of different places because it is difficult to get into any particular one, they may be paying a number of waiting list fees. Those fees should be regulated, making them a set amount that people can plan for.

Disclosure to prospective residents is another recommendation. The Karrinyup Lakes Lifestyle Village is under new management and the residents are reasonably happy with the new management and want to get on with their lives. But Moss Glades, the previous management company, failed to provide correct disclosure. Members of the Economics and Industry Standing Committee found out that there was a lot of misleading information in the disclosure. The review recommends —

That the content of the *Information Statement For Prospective Resident (Form 1)* be reviewed and revised, in consultation with interested parties.

That two levels of disclosure which are consistent with each other be prescribed:

- **for initial enquiries, a ‘key terms summary’ containing prescribed information and a warranty that the information is correct and consistent with the contract; ...**

Many lifestyle or retirement villages are not only collections of dwelling units, but have a number of facilities; for example, swimming pools, games rooms or bowling greens. At the Karrinyup Lakes Lifestyle Village, Moss Glades fell down because it did not provide the facilities it had disclosed it would provide. Over time, residents lost a fair amount of money fighting Moss Glades through the State Administrative Tribunal. Yes, in the latter stages, the government came on board and took the matter through the courts and SAT to make sure the club room and swimming pool facilities were finished off properly. However, many residents lost large amounts of money as they tried to get the facilities they were promised in the disclosure documents and the advertising material.

I will continue with some of the other recommendations, which included —

That the legislation provide that the prescribed full disclosure package of information must be provided within 10 working days of the initial request.

That was designed to give elderly residents the opportunity and the time to seek legal advice if they need it or to discuss the matter with their families, if that is as far as they want to go, about what is disclosed and what the documents are about. Members know that as we get older—I am probably as guilty as anybody else in this place—we forget things and we miss things; even when we read documents we miss information. It is really helpful for people to be able to take the documentation, discuss it with their family, discuss it with maybe their siblings in some instances, but also discuss it with lawyers if they are of a mind to do so.

Another recommendation is —

That the Department produce a comprehensive information booklet for residents and prospective residents of retirement villages.

This one has been carried out to a certain degree, because the government has set up the seniors’ information service in the city. Seniors can actually go there and get some information about retirement villages, but it is not as good as it could be, and this document has actually recommended something better. Really, the recommendation should be taken to parliamentary counsel and drafted into the bill so that we can get it into this place as quickly as possible and debate it.

Village contracts was another issue that was raised at Karrinyup Lakes Lifestyle Village. The contracts given to every single resident seemed to be different. There was variance in the contracts they signed. This report recommended —

That industry be encouraged to develop more comprehensible and readily comparable contracts.

But I would imagine that in any individual village, the contract for unit A would be exactly the same as that for unit B unless there was some significant material difference.

Residence and service contracts was another issue that the Karrinyup Lakes Lifestyle Village had a problem with. Residents did not know where to go to get things fixed. If their water heater broke down, or something simple like that, there was no set processes in place that told them what they could do, what their rights were, where they could get it fixed, whether they could bring their own tradesmen in to fix it or whether they had to go through the village. There are a number of recommendations under that heading of “Residence and Service Contracts”, and it is very important that they are gotten right, particularly, again, as these are elderly people. We all know that women live a lot longer than men, and quite often in these villages we find elderly ladies on their own, and some of those ladies have never dealt with repairs and maintenance to their properties before. It is really vitally important that the residence and service contracts are in place. Therefore, when the husband passes on, or if the wife passes on and she used to do all the business, the remaining partner is protected and does not have to try to figure out the difficulties of bringing in tradespeople or whether they should go through the village organisation.

Under “Residence and Service Contracts”, the report also recommended —

That the legislation be amended to:

- **empower the State Administrative Tribunal to deal with disputes with an administering body in relation to a residence contract or an ‘optional’ or ‘elective’ service contract; and**

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- **provide that a resident, or a group of residents, or the Commissioner representing a resident, or group of residents, may apply to the State Administrative Tribunal where there is such a dispute.**

That issue arose with Karrinyup Lakes Lifestyle Village. When residents had to go to the State Administrative Tribunal, all sorts of legal impediments were put in their way. Moss Glades did everything in its power to prevent the residents getting to the SAT, including back charging their legal fees to residents. That is absolutely outrageous. It has been specified in the retail trading legislation that has gone through this place that shopping centres, or the landlords, cannot back charge. I know that legislation is stuck in the other place, but the legislation that this place put through—we agreed to it—stated that landlords cannot back charge the tenant for legal matters. However, under the current legislation, retirement villages can still manipulate and get that in, and the residents are then in a position of being afraid of going to the SAT because they might get billed, as were the residents of Karrinyup Lakes Lifestyle Village, for the organisation’s legal costs. These are huge costs; we all know how much it costs to go and see a lawyer: the last time I went to see a lawyer it cost me \$1 000, and that was before I got out of the place.

Mr B.S. Wyatt: That is outrageous!

Mr A.P. O’GORMAN: I got away cheap!

Mr C.J. Barnett: There are some cheap ones in this chamber that you can use!

Mr A.P. O’GORMAN: There are a few cheapies on that side, I know, but on this side I think they are all good, decent, honest people!

I turn to the headings of “Consumer Information” and the “Protection of Residents’ Financial Interests”. I will not go through every recommendation—I am sure everybody can read—but these are just a few that I think are really important to get into the legislation. The recommendation is —

That the legislation be amended to adopt provisions similar to those in NSW legislation which enable the appointment of an administrator to manage a retirement village where the well-being or financial security of the residents is at risk.

If that recommendation had been covered in our current legislation and the state was able to appoint an administrator because there was a financial risk to the residents, the residents of Karrinyup Lakes Lifestyle Village would not have had to persevere and be subject to bullying from 2003–04 right through to 2011. We saw that no proper budgets were done for Karrinyup Lakes Lifestyle Village, and no proper accounting or auditing was done of Moss Glades, which operated Karrinyup Lakes Lifestyle Village; therefore, a fair amount of money could not be accounted for at the end of the day, and, eventually, it came down to the residents having to cough that up. That is a very important recommendation to get into the legislation. It has been recommended by the department and supported by the committee to protect these elderly people.

The next recommendation is —

The legislation be amended to empower the SAT to deal with matters relating to the appointment of an administrator.

That would mean that the SAT would be an independent umpire, if members like, that would place an administrator into a retirement village to make sure that the financials are running properly.

I turn to the heading of “Village Management”, which was really the biggest issue that we faced at Karrinyup Lakes Lifestyle Village. Village management was undertaken by the two proprietors, or shareholders, of Moss Glades. They bullied, cajoled and harassed, and did all sorts of despicable things. I will tell members just how bad they were. There were residents of that village who came to the Economics and Industry Standing Committee who would not give evidence in an open hearing. They asked to be seen in camera, so we closed the room and they gave their evidence. That was the level of bullying that these residents were subjected to.

The recommendation on village management is —

That the legislation be amended to prohibit certain persons from operating or managing a retirement village, namely:

- **persons who are bankrupt;**
- **persons who have been convicted of an offence involving violence, sexual offence, dishonesty or fraud;**

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- **consistent with the Corporations Act, persons who have been banned or disqualified from managing a corporation in any jurisdiction and persons who have managed a company that became insolvent in any jurisdiction; and that**
- **the Commissioner should have discretion to waive these grounds for disqualification, subject to the person demonstrating to the Commissioner’s satisfaction that those grounds do not give rise to a significant risk that the person is unsuitable to be a retirement village manager.**

If we had had those provisions incorporated in legislation, they would have prevented the directors of Moss Glades from being able to conduct business because they were questionable characters. I think it was brought to the committee’s attention that they had been before the courts previously, which, alone, might have alerted people to the fact that maybe it was not the best place to go.

A further recommendation on managers is —

That the Department continue to work with the RVA, ACSWA, WARCRA and other industry and residents’ representative bodies in:

- **improving the training of managers in the retirement village industry;**

The two gentlemen who were managing the Karrinyup Lakes Lifestyle Village for most of the time had no understanding and no training of how they should manage a village. In fact, if it had been up to me, I would not have let them manage a cat home. They just had no professional standards whatsoever. It is important that the legislation actually has provisions that provide for proper training for managers in the retirement village industry.

The next dot point reads —

- **developing guidelines and procedures for appropriate and effective consultation ...**

Another issue prevalent at the village was that there was no consultation between the residents and management. There was a lot of bullying and there was a lot of information, shall I say, that did not surface and that went missing at various times.

Another important clause to put into the legislation is reviewing the retirement village accreditation system as it relates to village management. Most of the organisations that represent retirement villages have standards, but no legislation is in place to force compliance with those standards. The standards are more a code of conduct rather than legislative standards that have to be adhered to. It is really important that the managers of retirement villages looking after very vulnerable people who have lived their life and who have contributed to the state have a very good understanding of elderly people and very good training on how to treat them. Sometimes elderly people have issues with dementia and various other issues. Sometimes they have issues with understanding what they should or should not be doing. There is a way of addressing and dealing with elderly people—I should say “older” people—and managers should be trained to that level to treat them appropriately.

Recurrent charges is one issue that I am amazed at. It seems that someone running a retirement village at the moment can virtually charge what they like. They can push the recurrent charges up or down at a whim. That goes back to the King of Nottingham’s times when he used to up the charges and take them out of the hide of the peasants. That is exactly the same as what happens at the moment in retirement villages.

Mr P. Papalia: The King of England!

Mr A.P. O’GORMAN: It is the King of England.

Mr T.R. Buswell: It was the King of England and the Sheriff of Nottingham!

Mr A.P. O’GORMAN: The Sheriff of Nottingham, I am sorry; I beg your pardon!

Mr T.R. Buswell: Hon Norman Moore told me he was there!

Mr A.P. O’GORMAN: You were there, member for Vasse, were you?

Mr T.R. Buswell: Hon Norman Moore was there!

Mr A.P. O’GORMAN: Hon Norman Moore! Shall we pass that onto him?

This is an open chequebook–type of management arrangement that our elderly residents can ill afford. We need some very strong legislation around the charges that can be levied on the residents of retirement villages. A number of recommendations have been made in the report. I will not read them because, as I said, all members can read the report. As I said, Karrinyup Lakes Lifestyle Village never presented a budget to their residents so that the residents did not know the charges they might be up for from one year to the next. The fees and charges

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used to go up and down, I am guessing, in accordance with how management’s cash flow was going. Their attitude probably was, “We’ve got a bad cash flow month, jack it up. We’ve got a good cash flow month, leave them level, we’ll be better next month.” That does not work. There have to be proper budgets and proper ways of setting levies and charges.

Capital maintenance and replacement is one matter that I know some village managers and owners have issues with. This is particularly so for church groups that own a number of retirement villages around the place. They say that they should be able to collect fees from the residents in all their villages and put the money into a central fund for maintenance and capital replacement, in some cases using the entire fund to which their organisation has access. But the residents are saying that the funds should be dedicated to each village. It is a matter of contention but it is one that I think can be talked out properly, and a reasonable solution reached. We can accommodate those large organisations that have a number of retirement villages. It might be advantageous for those organisations to have one big central fund that can be invested to bring in some income so that they can deliver better services to their residents. But when two organisations, each owning one village, join, their funds should be kept separate so that the moneys paid by the residents are quarantined for maintenance and repairs on their particular village.

Alterations to premises is an issue that the residents I spoke to take great issue with. Sometimes they cannot even put a nail or picture hook in the wall to hang a picture. They cannot drill a hole in the wall because of what the —

Ms J.M. Freeman: I can drill a hole in the wall!

Mr A.P. O’GORMAN: I know the member for Nollamara can. I was going to say that the member for Nollamara is a girl and cannot drill a hole in the wall but I will not, because my girls can drill holes in walls very well!

The residents have to have a reasonable amount of autonomy. The village is their home. It is not a rental property. They have a lease for life or a long-term lease. They should be able to make adjustments to the fabric of their building within reason. Obviously we do not want them knocking out walls and things like that because they may not know whether it is a load-bearing wall. It is really important that the legislation provides that the contracts set out what residents can do with their premises and just how much they can modify them.

Residents’ committees, again, are the voice of all residents. In the Moss Glades village, the residents’ committee was bullied, and bullied severely, so much so that many residents refused to go on the committee; they actually stayed away. That of course meant that the managers of Moss Glades were able to run amok because residents did not go to committee meetings. Residents’ committees are about consultation and about agreeing with residents about what they want to do. A whole section of the report deals with voting procedures, dispute resolution and all those issues for residents to have a reasonable say—and they should have a reasonable say. We all have a say in our local government. We all have a say in our street. The people in my street have a chat about things that they are going to do. I would not build a wall or a fence at my house until I checked with my next-door neighbour. Residents’ committees are therefore about giving people a voice and a say.

Selling premises within a retirement village is one of the big issues. It was an issue with Moss Glades. The Minister for Transport, when he was Minister for Commerce, helped a couple of the residents at Karrinyup Lakes Lifestyle Village. When they moved east, the management at Karrinyup Lakes would not release the funds. The case went to court, which the government funded to get back that money for those people. In many retirement villages a bond is held until the premises are sold. Sometimes that can take six weeks, sometimes six months and sometimes a number of years. Previously bond money had been held over for a long period, and residents who were moving out were unable to move to their new premises, as the bond left behind represented a large chunk of their capital. The suggestion is that there should be a set time limit for the return of the bond. In other jurisdictions, that time limit is as low as six weeks but in others no time limit is specified.

Mr D.A. Templeman: In New South Wales it is six weeks.

Mr A.P. O’GORMAN: In New South Wales it is as low as six weeks. That is what the residents of the villages would like, and that issue must be negotiated with the other stakeholders. However, the report on the review of the legislation for retirement villages recommends that the legislation be amended to adopt a remarketing policy, with provisions similar to those contained in South Australian legislation to provide residents with greater input into the sale of their unit. It also recommends that the legislation be amended to include a requirement that when a resident expresses a wish to leave the village, the operator of the village must within a reasonable period make available to prospective purchasers all pertinent information regarding the unit of the outgoing resident in the village so as to expedite the sale of the unit or to transfer the lease or licence.

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Ongoing charges after a resident leaves a village is another issue. When a person has left the village but the unit has not been sold, they are continually charged for amenities fees and those sorts of fees in the place. The report has recommendations on that and again, I am sure, with all the resources of the Western Australian government, it will not be too hard to get the legislation into this place with those things that are important. A number of the other recommendations in the report go to the administration of the legislation and villages, and I will not go through those. I have moved this motion again today because it is 12 months since we moved a similar motion in this place. It is embarrassing for me, as a member of the Western Australian Parliament, that we have not seen this legislation in this place and that we have not been able to put it through for those vulnerable people in our state who need this protection. They are elderly, they have done their time, they have worked hard for this state, they have paid their taxes and they have paid their dues; we should be looking after these people.

MR D.A. TEMPLEMAN (Mandurah) [4.50 pm]: It is really a great concern that we are moving this motion in this Parliament again, 364 days after we did so on October 20 2010. The member for Joondalup has outlined very clearly why we introduced the original motion 364 days ago and he is quite right in quoting *Hansard* from that period. The debate was very, very robust. Members from both sides of the house debated that motion and we had a large crowd in the public gallery, particularly members of the Karrinyup Lakes Lifestyle Village group. Some of the things that were said in that debate and some things that were highlighted, I think, shoot home ultimate responsibility to the Premier, because in that debate that took place 364 days ago, promises that the Premier made in 2008 about ensuring greater protection for people living in retirement homes in Western Australia were also highlighted. During the debate 364 days ago, the member for Carine was very, very assuring that the amendments to the legislation would be in this place as soon as possible. The minister who had responsibility for the legislation at that time, the member for Nedlands, the Minister for Commerce as he was then, gave assurances to members that this issue was his number one priority and that we would see in Parliament, early in 2011, the amendments to the legislation. I quote from page 8084 of *Hansard* of Wednesday, 20 October 2010 an interchange between the Minister for Commerce and me. Apparently we should not quote ourselves, but I will, because after an introduction in which the minister basically repeated some stuff that had already been mentioned in the debate, I asked him one simple question —

When will it come in here?

He said —

Member, I will get to that.

And I said —

The minister did not mention it in his four things.

In his preamble he highlighted four key things, but none of them was when we would see the amendments; that is why I asked him. I then said —

We will be back here again debating this in a year’s time, I guarantee it.

His response —

I do not think so.

Apart from the fact that the Premier had to shuffle him sideways into a new portfolio, it is now 364 days since that. Premier, we are unlikely in reality to see this legislation come into this place. We now have five sitting weeks before the house rises for the year. Even if the legislation were introduced tomorrow, it must on the table for three calendar weeks, which would take us into early November—to that second week in November. Then the government has to give the bill priority to be debated. It then not only has to pass in this house with appropriate debate—every member who is interested in not only people who live in retirement villages, but also in the models of housing for people as they get older should be participating in the debate, because it is everyone’s business—but has to go to the other place for debate. We know how poorly or interestingly the other place sometimes handles debates or how they get listed for priority there.

The reality is that the Barnett government has failed; it has failed the people who live in retirement villages in Western Australia in every community and in every electorate of the state. The Barnett government has failed. Despite comments from individual members of the government, including the member for Carine, the government has failed dismally. Despite two ministers making assurances that we would see in this place relevant amendments, required amendments to the legislation to protect residents who choose a retirement village lifestyle, the government has failed. The likelihood now is that we will not see the legislation come before this place until some time next year, if we are lucky; that is the reality. The member for Carine should hang his head in shame; I give him credit for being in this place this afternoon, at least he is in the chamber, and I hope he will make a contribution. However, the simple fact is that we were given assurances, and the people who live in retirement villages were given assurances, by minister Hon Bill Marmion, that we would see the

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amendments to the legislation in early 2011 and that it was his first priority. Read *Hansard* of 20 October 2010. He said it was his first priority, his major priority, his number one priority. It did not happen.

I have an email from Bernie—I will not mention his last name—who was one of those people in the public gallery who watched the debate 364 days ago. After seeing the debate, Bernie emailed me. He wrote —

I am one of the retirees who attended Parliament last Wednesday to visibly support the Motion of Tony O’Gorman.

Over the weekend I have been able to catch up with residents who were at Parliament and gain their views of the proceedings.

He goes on to favourably comment on my contribution. He then wrote though —

They were not impressed with, as described by one resident, the wishy washy reply from the Minister particularly with the inaccuracy of his facts.

The only Government Member who could be satisfied with his contribution was Tony Simpson.

Tony Simpson, the member for Darling Range, and I agree with Bernie. He is the only bloke who actually says what he knows is correct. The member for Carine simply peddled the government line and talked about how wonderful and how hard-working he was, how he was working with all the residents, how he was doing this and that, how the legislation would be there—for us not to worry—and all that sort of stuff. He failed dismally and I hope he has the guts to get up later on in this debate and actually admit it. That was the debate 364 days ago.

I went to a meeting in February this year in Mandurah, to which residents of all the retirement villages in the Peel region were asked to come along by the WA Retirement Complexes Residents Association. Patrick Wyburn, the president of the organisation was there, and we had a very big turnout of people—over 150 people—demonstrating the ongoing concern that people in my area have, and which is reflected throughout the state, about the inadequacy of the current legislation and the need for the review amendments to be put forward and put in place as soon as possible. This is February this year. We got assurances from a Liberal member who was there, an honourable member for the South West Region whose name escapes me for the moment.

Mr T.R. Buswell: House? McSweeney? Hallett?

Mr D.A. TEMPLEMAN: Hon Nigel Hallett. Assurances were given—“Yes, there are real concerns here. Yes, we will put the pressure on the minister.”

Mr T.R. Buswell: He has.

Mr D.A. TEMPLEMAN: He has not. He has failed because 364 days have passed and nothing has happened. We have not seen the legislation. Where is the legislation? Where are the amendments? They are not here. He failed. At that meeting, the key issues of concern—the member for Joondalup outlined the main ones—were highlighted in that context. I wrote to the minister again in April because I had a major concern with one of my retirement villages that had gone into liquidation. I asked the minister, “Can we have a meeting with you? We know you are busy. Representatives from the committee wanted to meet with the minister. We will come to Parliament House and schedule a time and have a meeting about the particular issues going on with one of the retirement villages in my electorate.” The minister wrote back. By the way, in that letter I asked when we would see the legislation. “Oh, it is a top priority. It will be in the Parliament in the spring session. Sorry I cannot meet with you.” That was a cop-out. We wanted to highlight to the minister the example of what we saw in one of our retirement villages. Thankfully that issue has been resolved because it has been sold again. We wanted to highlight that issue as an example of the vulnerability of the current legislation and the concerns about how we protect our residents who choose a lifestyle in retirement villages in Western Australia. The minister would not meet with us, but he assured us that we would see the legislation amendments in this place. Let me quote the letter from Simon O’Brien, MLC, Minister for Commerce, dated 24 March —

Thank you for your dated letter 31 January —

That is when I wrote to him the first time. I will not go through the whole letter —

As the new Minister for Commerce, I have assigned a very high priority to retirement village legislative amendments and intend to introduce a Bill as early as possible in 2011.

... thank you for your ongoing interest in this matter and your support for urgent amendments to retirement villages legislation.

He has failed. October—we are almost into November—is not the earliest possible time for us to have amendments, which we will need to look at closely. The problem is that we do not know what the amendments look like yet. We know that there has been a review and recommendations, and the minister in his speech

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364 days ago indicated some of the broad issues that he would pursue, but we have not seen the amendments. There are five sitting weeks to go and we have to get a bill of that importance through both houses of Parliament and we have to get it right. Every single member in this place who has anybody living in a retirement village should be concerned, but not only if they have retirement villages in their electorates. This is a growing model of housing for people as they get older. It affects not only those people who live in members’ electorates and are constituents, but also, potentially, members’ parents, grandparents and friends’ grandparents or parents. This issue affects a range of people. The words from the government have been that this is a priority, but the action from the government has been nil. That is the reality. Now the Barnett government is in a position in which we are unlikely to see the amendments even reach this place. Unless the minister stands this afternoon and says that he will announce those tomorrow, we will have great difficulty to see those amendments pass both houses and be enacted.

Let us be reminded of some of the issues. The problem for people in government and in the minister’s interest is that he has allowed this to go on for so long, but it affects real people. It affected the people in the lakeside villas in Karrinyup.

I now want to reiterate a couple of pertinent points from people who provided me with real examples of, in many cases, quite elderly people who have had their lives put on hold because of the inadequacies of the current legislation and the now inaction of the Barnett government to fix the problem. I quote an email I received —

Being a resident of ... in Greenfields —

I will not mention the name of the retirement village —

I, like many other residents, have become alarmed at the slow rate in which residents who have died or gone into a care situation are being paid out. It seems to take well over **6 months for residences to be re-leased**.

During this time the ex-residents (or their families) are paying the quarterly fees and annual rates on the vacated properties. ... All this puts a burden on our families.

WARCRA is fully aware of similar situations in other villages and we hope that something can be done to speed up the process.

There are proposed amendments to speed up the process and to fix the problem, but the government has not brought them to this house despite being reminded 364 days ago that it was an urgent issue. The government acknowledged it, but it failed. That is just one snippet, but there are many more.

I asked one of my residents’ committees of a particular retirement village to give me some other examples. I want to pay a tribute to those people, as the member for Joondalup said, who put themselves forward to serve on residents’ committees because they put themselves in a sometimes difficult situation. I have to tell members that the complexities of the current legislation and the way in which some retirement villages operate makes them very vulnerable. Many retirement villagers are very fortunate if they have some people who are prepared to put themselves forward, particularly if those people have some expertise. They are sometimes putting themselves in a position of vulnerability and I pay tribute to all of them in my electorate. By the way, my electorate has over 2 500 people living in retirement villages, which is more than 10 per cent of my electoral population.

[Member’s time extended.]

Mr D.A. TEMPLEMAN: This is a very big issue for me, but it is a big issue for all of us, particularly government backbenchers. They will be stung by this and they deserve to be stung by it because they have sat there like stunned mullets, doing nothing to pressure the minister to do something about it. Hopefully, today, as the member for Joondalup said, this will stun members into action. I urge backbenchers to not go into their party room on a Tuesday morning and accept all the garbage from the minister on how hard he is working to try to get this up. Backbenchers were reminded to do that 364 days ago, but none of them seem to have done it. Now we probably will not see the amendments this year as promised.

Here are a couple more examples —

A widowed pensioner came into the village in mid-2007 —

This is a real example —

purchasing a lease for life contract on a new medium density single story villa, for \$310,000. At the time the lady was in good health, however a year later her health seriously deteriorated to the point that after family discussions with her, it was agreed to make arrangements for her to be placed in a medium level care facility in the Armadale area so she could be close to her family. Fortunately the family were

able to fund the deposit for the care facility in April 2009, on the understanding that when the villa lease was sold they would be reimbursed.

I will paraphrase now. That particular villa remained unsold for nearly two years. The family had to pick up the ongoing fees. One of the recommendations is to cap that fee responsibility. I was corrected by a gesture from a representative, I think, in the chamber, about six weeks in New South Wales, so I might have been incorrect there. However, the recommendation is six months. In Western Australia, as we sit here today, there is no cap and so, like this one, a unit can sit unsold for up to two more years and the estate of the family and/or the person who has vacated is liable for the ongoing fees.

The other problem is that in some retirement villages, particularly those that are having new units added, the owners tend to market the new units, so if an older unit remains unsold, the owner is more likely to market the more expensive new unit. In the case that I will refer to next, that is exactly what happened to someone whose unit was an older one in the precinct. Due to the untimely death of her husband from cancer, a widowed resident put a three-bedroom, two-bathroom villa on the market. Very little was done to promote the sale of the villa by the owner–operators; the agent was told to sell new villas and not actively promote the sale of existing ones. The lady concerned had to move to Perth to be closer to her family, due to health reasons. A couple visited the village on an open day and were shown only the new villas, even though they inquired about the availability of units for resale. They were very strongly encouraged to focus only on the newer units.

In another example, there were two other widowed residents who were in failing health and who were regularly visited by Silver Chain and carers. These ladies were unable to go into a care facility because the only equity they had was their villa. Reverse mortgages could not be raised due to the lease for life contract, and their families were unable to assist. It would have been appropriate for a caring and decent owner–operator to help residents in such very difficult circumstances to buy back their lease at market value.

One of the hardworking committee members of one of the retirement villages in my electorate highlighted that recommendation 73—which is about the cap—must spell out that in circumstances such as those just described, if the villa lease is not sold within a period of six months following the date of the resident vacating, the owner–operator must buy back the resident’s lease at the market value. He says that these conditions apply in South Australia and Victoria. He also highlighted that, further to that recommendation, there is an argument, in his view, for the six months being retrospective for all existing leaseholders.

Those are just three examples; there are many, many other examples of the vulnerability in which some people find themselves once they have made a decision to move into a retirement village and must then understand the implications of increases in fees. The member for Joondalup highlighted very, very clearly that an owner–operator who owns a number of retirement village sites can pool reserve funds that have been derived from each individual site. There is also the issue of transparency, and the issue of making sure that residents have a say in the setting of fees.

As we know, many retirement villages are operated appropriately and effectively, but as we saw in the example of Lakeside, there can be rogue operators or managers who are inexperienced in operating retirement villages. They are a business that involves people and in many cases they involve vulnerable people. We have to have the right sort of people managing and operating these places. These recommendations have been around for nearly a year. WARCRA has consulted; it has held meeting after meeting with representatives from various retirement villages and retirement village residents throughout the state. We expected that, after the debate last year—364 days ago—we would, in a timely manner, see amendments to the retirement villages legislation introduced to this place for debate.

Mr A.P. O’Gorman interjected.

Mr D.A. TEMPLEMAN: We will be! We expected it in the first half of the year; that did not happen. I have a letter here that says that the government intended to introduce the legislation amendments in the spring session. We are now more than halfway through the spring session and getting towards the end of the year, when this house will rise. If this government cannot bring these amendments forward this year, this house will rise and another year will pass during which many men and women—mothers, fathers and grandparents of loved ones—will remain in a potentially vulnerable situation, which this government and this Premier promised to fix, as far back as 2008. We have been through the process, we have had the consultation, we have the recommendations; all we are actually asking the government, on behalf of people who live in retirement villages and choose that wonderful lifestyle, is: why has it not brought those amendments to this place, as it promised? Why has it taken so long? Why has the government failed? Again, I reiterate that the opposition will do everything possible to assist with the carriage of these amendments through this place so that they get to the upper house and are gazetted, and we will then have protections in place for those people who live in retirement villages. However, the fact remains that the government has failed to do that; the Barnett government has failed to do that. The

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successive ministers—first Bill Marmion and now Hon Simon O’Brien—have failed. I know that the Minister for Transport is the minister representing, and I hope that he will give a clear indication today of when we will see these amendments in this place and that he will be able to say that the government will be introducing them next week, the week after, or when we return in November. If he cannot do that, then he should at least be honest and tell the people that he has failed them; he should apologise to the people who have been expecting these amendments and have been very patient in waiting for them to be presented to this Parliament, and for goodness’ sake, tell them when we will see them. It is the minister’s responsibility and the responsibility of government.

I will not give up on this because not only do I strongly support people in my electorate who live in retirement villages, I am also aware of family members who are concerned about the safety and welfare of their loved ones who have chosen to live in a retirement village as their housing option. They deserve to be told why it has been so difficult for the government to actually honour a promise it has made. Even though the Karrinyup Lakes people are happy now, the member for Carine needs to apologise for the comments he made during the debate 364 days ago, when he said that this would be fixed and that it was his top priority, because he has failed. Every government backbencher who has not raised this matter with the minister as a priority and said that they have constituents who live in retirement villages in their electorates, and exhorted the minister to do something and get the amendments through cabinet and into the house, has failed. Nor have they stood up in the party room and pushed the minister. They should not take the rubbish excuses that some ministers will throw at them. Most importantly, they should go out and tell their own electors why the government has turned its back on them again, despite being reminded for a second time by the opposition about how important this matter is, by using parliamentary time in private members’ business. It is interesting that there are very few government members in the house and not many opposition members. I think that is sad, because this is a most important issue. Fix it, minister; bring in the amendments. I do not want to say it, but I am going to say it: I do not want to come back here in another six or 12 month’s time.

Mr A.P. O’Gorman: We’ll do this in March.

Mr D.A. TEMPLEMAN: We will do this in March. Here is the challenge: if the government has not brought in these amendments by March, we will move a motion not only condemning the minister but calling on him to resign, because that is what he should do if he does not have the guts to make these amendments to this important legislation so that we protect the many thousands of people in our communities who choose a retirement village as their favoured housing option.

MR C.J. TALLENTIRE (Gosnells) [5.20 pm]: I rise to support the motion put forward by the member for Joondalup and support the remarks by other members on this side of the house. The choice of lifestyle villages and retirement villages is an increasingly popular one. We have talked at length about legislation on retirement villages. As other members have said, just under a year ago we had unanimous support for the need for urgent action. *Hansard* from that day records that the minister moved an amendment to a motion, which read —

... recognises the complex issues, extensive public consultation undertaken and almost 100 recommendations made as part of the review process of the Retirement Villages Act 1992 and supports prompt legislative change.

I think the people who observed the debate, those people living in retirement villages, had every reason to expect that by now the problem would be resolved. Unfortunately that is not the case. I know that the review of the Retirement Villages Act came out in November 2010. It contained many recommendations and touched on a range of matters regarding a senior’s information centre. It looked at the management of retirement villages, disclosure and cooling off periods, the issue of reserve funds and the auditing of accounts. It looked at the current charges, ingoing and outgoing charges, residents’ committees and their strengths, and the viability of those committees to have an impact on the management of a retirement village. It also looked at the power of a commissioner to oversee things. It is bitterly disappointing that so few of those recommendations have been implemented and that the necessary legislative changes have not been made.

The choice to go into a retirement village is a very sensible one for many people. It is a downsizing. It means that people have the financial means to see out the later years of their life. They may have been able to sell off a family home and may not want the responsibility and upkeep of a bigger home. They are able to focus on enjoying the later years of their lives. They do not want unnecessary stress. They do not want to have to tackle complex legal documents and worry about the legal arrangements that surround their chosen dwelling. They do not need the stress of worrying about what will happen at their demise, should it be impossible or impractical to sell a property in a short period of time. They do not want to feel that they are leaving their inheritors with a financial burden. They do not want to feel that the little nest egg that they might be leaving to children and grandchildren is going to be eroded by fees and charges applied to an unsold property. The final report of the “Statutory Review of Retirement Villages Legislation” made recommendations around this very point, that there

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would be a limit on the amount of time that a retirement village business could charge fees and charges. It is a very wise recommendation. Other recommendations concerned the commitments that are so often made when people sign up to go into a retirement village—a new bowling green or an indoor heated pool or some other thing that just makes for that resort lifestyle that people are sold on when they visit retirement villages. Those things, which may be termed luxuries or refinements but nevertheless are things that are promoted as part of the enticement package, are sometimes not delivered on. We need to make sure that the legislation deals with those things as well. We need to make sure that if a retirement village owner makes a commitment, they honour that commitment.

The member for Mandurah touched on the issue of residents’ committees. At this point I should mention the other option to retirement villages, using that term generically—that is, lifestyle villages. These are the places covered by the Residential Parks (Long-stay Tenants) Act 2006. In both arrangements we need to be sure that our residents’ committees—those people who offer up their time; they are not going to be paid anything for being a part of the residents committee; they are doing it because they believe in the need for good community input into the management of their village—have a very clear set of rules and guidelines that enable people who perhaps are not members of the committee but are interested in engaging on a particular topic to come forward and be sure that their topic will be raised and discussed in as democratic a way as possible. I am talking about the governance arrangements that surround the management of retirement villages. I am disappointed to see some cases of residents’ committees that are weakened to such a point that they are ineffective. They are almost nobbled by the owners, so that the residents’ committee is ineffective. That is quite unacceptable. It means that people who want to raise some sort of legitimate complaint, often it can be about something quite minor and sometimes it will be something more serious—for example, the issue of exit fees—are not able bring it through an effective governance process. That complaint does not get properly aired or properly debated. That is very disappointing. It causes a lot of frustration and leaves people wondering what their democratic rights are. Unfortunately the nature of these things is that elderly people will stew on these issues. They will be afraid to raise them. They will adopt a stoic, grin-and-bear-it approach. They may accept that there are many things that they enjoy about their particular retirement villages, such as the security of the village, but nevertheless have a grievance about the way they are being treated. They should not have to deal with this unnecessary worry.

I support this motion. I note that members on both sides of the house support the intent of this motion. That is why I am certainly looking forward to hearing what members opposite have to say. In August I raised a grievance relating to a particular lifestyle village. I will not go into the details now, because the village is under investigation. I acknowledge the role the minister played in starting that investigation process; I welcome that. I see that the Economics and Industry Standing Committee has also been looking at this issue again. It has looked at the interrelationship between retirement villages and caravan parks. We are waiting for its report on this matter, but I do not think that —

Dr M.D. Nahan: That report will come down tomorrow.

Mr C.J. TALLENTIRE: Thank you, member. It is good to hear that the report will be out tomorrow. I do not think we should have had to rely on the member’s committee to advance this issue. We have been waiting nearly 12 months for the government to take action and tackle the problems. It is quite possible that those very good officers within the Department of Commerce are so occupied conducting investigations and looking at the problems we have in the system that there is no opportunity for them to be engaged in policy development. That is a serious problem of resourcing. I think it is incumbent on the minister to advise what resourcing is available within the Department of Commerce to ensure that we have the necessary amendments to the Retirement Villages Act and a review of and amendments to the Residential Parks (Long-stay Tenants) Act 2006. We have to have those things and we need time lines spelt out. Without the time lines, people feel that they are being left high and dry and they do not know where they are at. As a member representing people who are in this situation, it is incredibly frustrating. It makes people feel that the processes of government are useless. It makes them feel that no progress is made on things. That is extremely disappointing.

I note that the principal policy adviser to Hon Simon O’Brien, the current Minister for Commerce, has been advising people that a review of the residential parks act will occur in mid-2012 and that consultation with stakeholders will get underway. I am fearful that if the review of that act goes the way of the Retirement Villages Act, we will be waiting an extraordinary amount of time before action is taken. There are strengths and weaknesses in both acts but it is quite possible that the Retirement Villages Act is the stronger act. It needs to be designed so that people who are currently under the parks act regime can be given the choice to opt into those better spelt out provisions within the Retirement Villages Act. We need to have an education process as well. When I talk to people who are living under the parks act regime, they say that they do not want to be under the Retirement Villages Act because that would mean that they would have to have 24-hour nursing on site. All sorts of myths are going around. That is untrue. If a park or village comes under the Retirement Villages Act, it does

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not have to have 24-hour nursing. That is the sort of misinformation that goes around. We need to make sure that people are given accurate information so that they can make an informed choice. For good information to be reviewed by people and for it to be understood, it has to be delivered in a timely matter. That is where this government is letting down the people of Western Australia who want to live in a retirement village. We are letting them believe that the processes of government are so slow and they are confused and baffled by it. They are not given the information in a timely manner. That adds to their sense of confusion and frustration.

Other issues that I have had to deal with and attempt to have resolved relate to the entry and exit fees that people pay when living in retirement villages and lifestyle villages. That is the subject of the investigation that I mentioned earlier. It is obvious that much better regulation of that particular issue is needed. I looked back on the debate that was held 364 days ago and noted how the minister at the time said that people who are in retirement and lifestyle villages are a vulnerable bunch of consumers. He obviously appreciated the need for action but has not done anything, and neither has his successor. He noted that we have seen a progress in society—a development at any rate; that is, historically, lifestyle villages and retirement villages were run by not-for-profit organisations or charitable institutions, but that is not so much the case now. The organisations running retirement villages and lifestyle villages are profit-making enterprises. That makes sense. An increasingly large percentage of the population is looking at going into these places. Of course there is a huge demand for these villages and the potential for a private operator to make great profit out of their operation, which means that we need regulation that will cope with the activities of those private operators in the sector.

We need to urgently review many other issues around this legislation. I support the motion. I hope that we do not have to come back to this place in six months and again ask what action the government has taken and hear the response of none. Unfortunately, I share the concerns raised by other members on this side. It seems that the government is making extremely heavy weather of this legislation. That is placing enormous stress on people, and that is quite unacceptable. I support the motion.

MR A. KRSTICEVIC (Carine) [5.35 pm]: I would also like to contribute to this debate. One of the issues I mentioned in my maiden speech related to the Karrinyup Lakes Lifestyle Village and the way that its residents were treated. I also spoke about legislation that goes through this Parliament and the fact that we need to get it right. I reflect on the fact that the Retirement Villages Act came into being in 1992. If we look at the state of the industry over the last nine years—outlined in the Economics and Industry Standing Committee report that Katie Hodson-Thomas tabled in this Parliament, and the 100-plus recommendations that came through the report of the statutory review of the retirement villages legislation that was tabled in the house in November 2010—I can only reflect that back in 1992 the Parliament must have been asleep. The legislation that came through this Parliament is an absolute disaster. The regime under which retirees had to endure pain and suffering over that period was absolutely disastrous. Over nine years we have seen two separate governments, and up until now nobody has done very much at all to help these people. That is something that we need to reflect upon as members of Parliament. We need to make sure that when we do put legislation through this Parliament, we do not rush it through and get it through for the wrong reasons. We need to consult widely and listen to the experts. Not only that, we need to talk to people who are living and breathing these aspects of legislation that we introduce.

I have no doubt that on many occasions all of us have spoken to friends, family members and constituents and pondered how certain laws got through this place or how stupid certain aspects of the legislation are and why they have not been changed. All too often we really cannot give them an answer. We could go through hundreds of examples relating to many different aspects of law. Unfortunately, the decisions that we make here have serious impacts on people’s lives. We need to take that seriously. More importantly, we need to get it right. That is the most important thing.

When I first met some of the residents of Karrinyup Lakes Lifestyle Village, such as Bernie, Gregory, Alan and Marie, I was shocked by what I heard and saw. I thought to myself that there has to be a way to fix this and there has to be an easy way to get this right. Unfortunately, I learnt very quickly that there is not an easy solution. I will talk through this a little later, but I also worked out relatively quickly that new legislation would not help me come to a resolution for the residents of the Karrinyup Lakes Lifestyle Village. The most disappointing part for me is that the legislation and the changes that have come through this Parliament could not help the residents that I wanted to help because, unfortunately, it is not retrospective and we cannot do anything about those circumstances. Therefore, I decided that I needed to find a way to work around the system and to find different ways of doing things.

I have been labelled a serial pest by some of my ministers because I bother them all the time. The first thing I became a serial pest about was this statutory review, because at the end of the day we could not go through the process of legislation until the review was finished. Obviously, retirement villages in a number of cases are run as private businesses and we have to balance the competing priorities of investors and the people who live in the villages. At the end of the day, we do not want retirement villages to cease to exist. We do not want people to not

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invest in the industry, because we need private capital to provide these services. However, at the same time, residents need to be looked after. I do not think that anyone would disagree that the transaction must be fair, open, honest and equitable.

It is also important that we do these things in the best possible way, and I want to make sure that the legislation, whether it comes through Parliament later this year or early next year, will not only protect retirees who are village residents, but also ensure that people continue to invest in the industry.

I have discussed with various ministers the need to progress this legislation quickly. However, I understand the complex nature of what we are talking about. This is a massive industry that will only grow bigger in the future. This is a complex piece of legislation. Effectively, in the worst-case scenario, we are talking about removing the owner of a village from their village. We are talking about potentially taking the asset off them and selling it, which is serious, and, in some cases, a serious invasion of property rights. However, in certain circumstances, when people are being absolutely despicable, it is necessary to do these things. I have no doubt that people like Eion Martin and Len Whyman will burn in hell for what they have done to the people of Karrinyup Lakes Lifestyle Village. I have no doubt about that—and they deserve it!

Mr A.P. O’Gorman: They don’t believe in hell.

Mr A. KRSTICEVIC: They will be there and they will believe it then; I can guarantee that! Well, I cannot guarantee it because I am not planning on being there, but that is a separate issue altogether!

Several members interjected.

Mr A. KRSTICEVIC: I hope not to see them in the other place—let us put it that way.

The Karrinyup Lakes Lifestyle Village is located in Gwelup and has 43 residents. There were, I think, 46 residents, but one died and two moved on. The new owners are magnificent people and the changes in the past four months are unbelievable—less occurred in the previous seven years. I went to the annual general meeting on 24 September 2011, and it was a peaceful meeting with people open and receptive as they discussed their points. The budget was accepted. There was no dissent. It was amazing. At the time, the residents said, “Tony, can you approach the *Stirling Times* and try to get a story in the paper as we want people to know that things have changed at the Karrinyup Lakes Lifestyle Village?” The residents want people to know it is now a good village, that the new owners are good people, and that it is a good place for people to invest and for people to come to retire. I know that the new owners want to turn what was the worst retirement village in Australia into one of the best retirement villages in Australia. They are genuine individuals, and I am still working closely with them and with the City of Stirling to ensure that all the needed changes occur without unnecessary bureaucratic interference and that people work together for the benefit of the residents. I do not want people to start being unnecessarily picky with the new owners when they are trying to do the right thing for village residents. It is working well. The clubhouse has undergone an amazing transformation. People would not recognise it if they saw it today, because entire walls and rooms have been knocked out. The swimming pool is all but complete; there is a little bit more work to do.

Dr M.D. Nahan: What led to the change?

Mr A. KRSTICEVIC: It ended up going into voluntary administration because, I think, Len Whyman basically had had enough. Eion Martin was fighting it all the way through the courts and still wanted to keep control, but there was no chance that that was going to happen.

Mr A.P. O’Gorman interjected.

Mr A. KRSTICEVIC: I hear what the member is saying, but the final report did not come out until November 2010, when the industry negotiations had more or less come to a point —

Mr A.P. O’Gorman interjected.

Mr A. KRSTICEVIC: Yes; that is correct. I have spoken to the minister about that, and he has explained to me how complex this bill is. In numerous discussions, the minister has said that the only way he can get meaningful change through legislation is to split the bill in two; that is, in the first instance, we do those things that will not hold up the drafting process, because the more complex areas will need a lot more work. I know that two bills will come through Parliament. The first will contain most of the recommendations and the ones that are easier to implement, and the second bill will contain the more complex stuff. Nobody wants to hold up this bill anymore than is necessary. I am no expert on the drafting of complex legislation, but with a report having come out in November 2010, and given Parliament’s legislative program, we would expect it to take a bit of time. Members opposite talk about lobbying and putting on pressure and encouraging change. I have spoken to the Premier, I have spoken to the responsible minister and I have spoken to other members. Everybody is supportive of this

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process. As a matter of fact, even the Deputy Premier indicated that this matter was a priority that needs to be pushed through.

Mr D.A. Templeman interjected.

Mr A. KRSTICEVIC: Everyone understands. It is not that people are sleeping or that people are not passionate about this—we are.

Mr D.A. Templeman: You should have been very open and honest to the people because they have been strung along for 364 days. What is going to happen?

Mr A. KRSTICEVIC: I know the member talks about —

Mr A.P. O’Gorman: You refer to easy to implement recommendations. It is now 12 months since the report was brought into this place —

Mr T.R. Buswell: When did this process start?

Mr A. KRSTICEVIC: The report was brought in in November 2010.

Mr A.P. O’Gorman: Yes—12 months; we are almost in November 2011.

Mr A. KRSTICEVIC: Legislation is being drafted as we speak.

Mr A.P. O’Gorman: You all said last year in the spring session that we were near the end —

Mr A. KRSTICEVIC: All I know is that legislation is being drafted and that it has been given priority. What that means —

Mr D.A. Templeman: That’s what you said 364 days ago!

Mr A. KRSTICEVIC: No, I am sorry; that is not correct.

Mr T.R. Buswell: He did not!

Mr D.A. Templeman: He did! He said it was a priority and that it was being drafted.

Mr T.R. Buswell: Did you say it was being drafted?

Mr A. KRSTICEVIC: No. For me, the priority is helping the residents of the Karrinyup Lakes Lifestyle Village.

Mr D.A. Templeman: This is exactly what happened last year. Were you a part of that debate 364 days ago?

Mr A. KRSTICEVIC: When you say that, in July 2010, the then minister replied to a letter that I had written to him. According to my notes, the minister stated —

In addition to guiding changes which could be implemented administratively, the report will serve as a basis for drafting instructions to amend the legislation. I would like to introduce a bill in 2011 subject to the proposed amendments being approved by the cabinet and the allocation of sufficient drafting priority.

I know that the member believes that somewhere along the line the minister had indicated it would be in early 2011.

Mr D.A. Templeman: Yes!

Mr A. KRSTICEVIC: Well, that is not the information recorded in *Hansard*, and it is not the information that I was given. In July 2010, the minister stated that it would, hopefully, be near the end of 2011 when we would start bringing something in. Obviously, along the way, they have discovered how complex —

Mr D.A. Templeman: I read the letter! It said early 2011. I read the letter out in *Hansard*. *Hansard* has got my letter now.

Mr A. KRSTICEVIC: My letter does not say that. It states that the minister will introduce a bill in 2011.

Mr D.A. Templeman: Just admit that you failed!

Mr A.P. O’Gorman: This is the letter that the minister wrote to the member for Mandurah.

Mr D.A. Templeman: Are you saying the minister lied to me?

Mr A. KRSTICEVIC: No; I am not saying that. I am telling the member what was written in the letter sent to me—and it says in 2011. I am not sure. It does not say when in 2011, but I wrote —

Mr A.P. O’Gorman interjected.

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Mr A. KRSTICEVIC: I will read a little of what the residents of Karrinyup Lakes Lifestyle Village stated in the *Stirling Times* —

After seven stressful years under dysfunctional management, the retirees at Karrinyup Lakes Lifestyle Village are looking forward to putting the past behind them and enjoying a relaxing retirement.

Mr A.P. O’Gorman: That’s your press release.

Mr A. KRSTICEVIC: No, it is not my press release. As a matter of fact, as we have already discussed, the only part in which I get a mention in this press release is where it states that I have been working with the retirees since 2008 and that I am glad they are finally able to move on with their lives. I have not gone out to show how much I have done or how hard I have worked for the residents, but I do not need to because they know that. They know I have been there for the past three years; they know I have regularly visited the village; they know that I spoke with the minister of the day and said that we need to be funding civil action on behalf of the residents to deal with these situations; they know that I organised for the Department of Commerce to have regular meetings with them; and they know that, as I have said before, anything that could possibly humanly be done to help these residents was done. There is not one thing that any member in this house can point to and say, “You could have done A, B, C”, apart from new legislation coming in, which would not have helped them anyway in the time frame and the situation that occurred.

I feel sad about what has occurred. I feel disappointed that members of this house in 1992 did not do their job properly and put through proper legislation.

Mr A.P. O’Gorman: The Premier was here then.

Mr A. KRSTICEVIC: We are all equally responsible for ensuring that the right thing is done. We also have to ask ourselves: why has it taken nine years to get it right? This problem has been in existence from day one—in 1992.

Mr A.P. O’Gorman: From 1992 to now is 19 years.

Mr A. KRSTICEVIC: Sorry—19 years.

Ms M.M. Quirk: So that goes back to the Court government—well done!

Mr A. KRSTICEVIC: There we go.

Mr A.P. O’Gorman: Now we know how you do your budgets so wrong!

Mr A. KRSTICEVIC: I dropped the “1”—even worse; I thank the member for correcting me there. That is an indictment—19 years. The member has made me feel even worse now that I have my maths right.

We need to learn from what has happened and from the legislative mistakes we have made. I have no doubt that things probably slip through even now and we do not necessarily get things 100 per cent right, and that sometimes things are rushed through because political pressure from all sorts of different areas requires us to put some legislation through.

I would also like to thank the responsible minister, Hon Simon O’Brien, for launching the seniors’ information centre. That was a recommendation of the legislative review, and he has been able to introduce it.

Mr T.R. Buswell: Seniors’ Housing Centre.

Mr A. KRSTICEVIC: Sorry; Seniors’ Housing Centre, at 218 St Georges Terrace.

Mr A.P. O’Gorman: Which minister was that?

Mr A. KRSTICEVIC: Hon Simon O’Brien launched that recently, and I was there for the launch.

[Member’s time extended.]

Mr A. KRSTICEVIC: That Seniors’ Housing Centre is very, very important because up until that point people did not have anywhere to go and they did not have anybody to speak to. People were making decisions that impacted on the rest of their lives and impacted on their children, and for 19 years they did not have anybody they could ask whether they were making the right decision or whether they were going to be unnecessarily charged, or whether they were going to get ripped-off. It is just amazing. Now, at least, they will have somewhere to go. They will have someone to talk to, and they can talk about all those things that were mentioned today—the costs, fees and charges. They can also be told about the pitfalls, problems and issues that arise with retirement villages; these are things they need to consider. That is all critical in terms of understanding the most important decision people will be making. It is about being aware, and so there are flags about what is important and the things people need to look at in leases. That is a very positive step, and it is great that the

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minister has done that. The minister has made a commitment to do as many things as he can and introduce as many things as he can while the legislation is progressing. He is definitely not resting on his laurels. Every minister who has had this portfolio has said to me, “Tony, we will fund whatever legal action we need to help the residents of the Karrinyup Lakes Lifestyle Village. We will put every resource at our disposal to make sure that these people, these rogue operators, are dealt with.”

Mr A.P. O’Gorman: We need to move it on. We are a year on and we need to move it on so that the legislation is there.

Mr A. KRSTICEVIC: I agree with the member. This is complex legislation. A review has gone on, and it has come up with a massive recommendation.

Mr D.A. Templeman: So, it’s too hard?

Mr A. KRSTICEVIC: No, it is not too hard. It is complex legislation. I want to make sure, as I am sure everybody in this house does, that when this legislation comes to this Parliament, we get it right. Nineteen years ago, in 1992, we got it wrong. For 19 years we sat and did nothing about it, and all of a sudden now, it is the end of the world.

Mr A.P. O’Gorman: With all due respect, it was brought in here as an issue by the former member for Carine—your predecessor, Katie Hodson-Thomas—in 2008.

Mr A. KRSTICEVIC: That is correct.

Mr A.P. O’Gorman: Since 2008, the then government set up the Economics and Industry Standing Committee inquiry, and those recommendations haven’t been fully implemented. Now, the Department of Commerce has completed its inquiry.

Mr A. KRSTICEVIC: But, remember, they came out in November 2010. We just spoke about having to consult the community and the people who make commitments to the industry.

Mr A.P. O’Gorman: That’s been done.

Mr A. KRSTICEVIC: That is right. That came out in November 2010. We on this side have been putting pressure on ministers to make sure that that review comes out as quickly as possible. At the time I was being a serial pest and I was told, “There are two sticking points; we need to work out a solution here. We can’t progress until that happens.” I said, “Well, we need to hurry up.” The minister said, “We’re working on that.”

Mr A.P. O’Gorman: Yes, but they’ve worked that out. You’ve got the blueprint; now write the bill!

Mr A. KRSTICEVIC: The blueprint came out—that is correct—in November 2010. I am sure everybody in this place will agree that this is a critical piece of legislation. At the end of the day, we will all become retirees. More and more people in that demographic are moving in that direction with their housing. We need to be conscious of the fact that this is impacting our parents’ lives and it will impact on our lives and those of future generations. I hope that we do everything in our power to make sure that we get it right.

Mr D.A. Templeman: That’s what you said 364 days ago. You said, “We’ve got to get this legislation right.”

Mr A. KRSTICEVIC: That is correct.

Mr D.A. Templeman: That was 364 days ago! How long do you need before we get this right? How long do you need before you get it into the Parliament? How long do you need?

Mr A. KRSTICEVIC: We need to make sure that it is drafted properly; we need to make sure that when it comes through this Parliament, the correct amendments are made, if any amendments need to be made. We need to make sure that everyone has a chance to look at it.

Mr D.A. Templeman: You know there are amendments to be made—you’ve talked about them!

Mr A. KRSTICEVIC: Even after the legislation comes to this place, I am sure that if members consult their various local retirement villages—I am sure all will—everybody in the retirement villages, including the operators, will have different opinions and views on what does and does not work with legislation. I have no doubt that members of the opposition will raise amendments.

Mr D.A. Templeman: So let’s get them in for debate.

Mr A. KRSTICEVIC: I have no doubt that government members will have contributions to make to that legislation.

Ms M.M. Quirk: Has it even been drafted yet?

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Mr A. KRSTICEVIC: I have already spoken about that.

Ms M.M. Quirk: No, you said there are drafting instructions; you did not say it had been drafted.

Mr A. KRSTICEVIC: As far as I am aware, it is being drafted as we speak. There are two separate bills coming through.

Ms M.M. Quirk: Yes—the minister is saying yes. Has it gone back to cabinet yet?

Mr A. KRSTICEVIC: I am sure the minister will go through that when he speaks.

Mr D.A. Templeman: This is really an embarrassment. You should stop speaking because you are embarrassing yourself.

Mr A. KRSTICEVIC: I am not embarrassing myself.

Mr D.A. Templeman: You are.

Mr A. KRSTICEVIC: I am very, very proud of what I have done to help the people of the Karrinyup Lakes Lifestyle Village. I am very proud of the fact that I have done everything possible in my power.

Mr D.A. Templeman: We’ve moved on from that to the legislation.

Mr A. KRSTICEVIC: No, we have not—well, I have not moved on from it yet because it is still important, and I am still making sure that those people get the lifestyle they deserve.

As far as the legislation is concerned, as I stated in my maiden speech, getting it right is important because if we do not get it right, where do we end up? We end up here arguing about these sorts of things over and over again, and I think that would be absolutely disgraceful. I think we need to ensure that we do not rush these things. We have made mistakes, and we continue to do so. We make lots of mistakes, but we need to get this right.

Mr D.A. Templeman: Give him an extension—you should have been the lead speaker!

Mr A. KRSTICEVIC: The member laughs; he just wants to see something passed through here. He is not interested in making sure that we get it correct. Nothing was done for 19 years, and now the member makes that statement that we should have done something.

Mr D.A. Templeman: No, because you are embarrassing yourself! You are embarrassing yourself here today! You should have stood and said, “I think it’s appalling that we haven’t brought these amendments to the Parliament.” If you’d done that, you would have gotten credit.

Mr A. KRSTICEVIC: We should rush it through so that we can make the mistakes of 1992! That is right! Let us just rush it through! Let us put something out! Let us not help people! Let us not think about what we need to do to make sure that we protect seniors!

Mr D.A. Templeman: So, 364 days in your mind is rushing things through!

Mr A. KRSTICEVIC: November 2010 —

Mr D.A. Templeman: I hope you never become Minister for Seniors.

Mr A. KRSTICEVIC: I am not an expert on the legal drafting and the legislative process, but I can say that the report is dated November 2010 and in November 2011 it will be 12 months since the report. Is that a long time?

Mr D.A. Templeman: You would be the worst Minister for Seniors this state had ever seen.

The ACTING SPEAKER (Ms L.L. Baker): Members, if you want to yell at each other, can I suggest Wellington and rugby league might be the place to go, not the house tonight?

Mr A. KRSTICEVIC: Thank you, Madam Acting Speaker, for your protection, as this is a very serious issue and I want to make sure that my words are recorded in *Hansard* properly, without inappropriate interjections —

Mr D.A. Templeman: So do I, because they’ll come back to haunt you!

Mr A. KRSTICEVIC: — from people who are just trying to score political points without actually caring about the issue itself.

Mr D.A. Templeman: For goodness sake—364 days and you’ve done nothing! Admit it! Tell the people you’ve failed! That’s what you should be doing! You’re a goose! You’ll be back here again in another year’s time!

Mr A.P. O’Gorman: It became an issue in 2008!

The ACTING SPEAKER: I believe it is rugby union.

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Ms M.M. Quirk: Yes.

The ACTING SPEAKER: It still does not change the fact that members should stop yelling at each other and let the member for Carine finish; he has six minutes to run.

Mr A. KRSTICEVIC: Thank you very much, Madam Acting Speaker.

I am glad that the situation at Karrinyup Lakes Lifestyle Village is unique. I am glad that no other village in the community is in such a disastrous state. I am glad that—albeit there are problems in the industry and albeit issues come up—there has never been and hopefully never will be again a situation like that in Karrinyup Lakes Lifestyle Village.

Mr A.P. O’Gorman interjected.

Mr A. KRSTICEVIC: It is important to make sure that we understand it, not just from the point of view of legislation for retirement villages, but also from the point of view of every piece of legislation that comes through this Parliament. It is important to make sure that we understand that we are dealing with real people, we are dealing with their lives and we are dealing with their livelihood. Their suffering on a daily basis in some cases is affected by the decisions that we in this Parliament make if we do not make those decisions properly. That is something that every member of this place needs to heed. Every member needs to take that extremely seriously. I know that people are passionate and I know that people try to do their best, but I think that we sometimes need to look beyond the party politics on what is happening.

Mr D.A. Templeman interjected.

Point of Order

Mr T.R. BUSWELL: I raise a point of order under standing order 95, which states —

Members will not converse noisily or otherwise disturb the proceedings.

Clearly the member for Mandurah has been doing that for some time. I have sat here quite patiently. I feel for the member for Armadale, who also wants to discuss a matter tonight. I ask that you, Mr Acting Speaker, draw the member for Mandurah’s attention to that standing order.

The ACTING SPEAKER (Mr J.M. Francis): Minister for Transport, I was not in the chair to hear the member for Mandurah’s interjections, so I am going to allow the member for Carine to finish. Please continue.

Debate Resumed

Mr A. KRSTICEVIC: Thank you very much, Mr Acting Speaker.

I know, from speaking to my parliamentary colleagues on a regular basis, that all of them are concerned about this piece of legislation. All of them have raised it not just with me, but also in the party room and with ministers to make sure that they understand that it affects each and every one of us in our electorates. More importantly, it affects the people in our electorates and it affects the people in retirement villages. This is important. Sometimes in this place I see all these Treasury bills and other things that we need to deal with in Parliament—the mechanics of government, I suppose—and there is a lot of time wasted on the mechanics. I suppose that is necessary and we cannot get away from it.

Mr T.R. Buswell: If you can’t get the budget through, you’re in a bit of strife.

Mr A. KRSTICEVIC: That is exactly right. That goes without saying, otherwise we would not have been able to fund the action on behalf of residents in my electorate. I understand that is important, but we also need to think about the priorities for legislation that we put through this Parliament. We need to think about the reasons for putting through legislation and who will be affected by it. We need to make sure that the decisions are made not on the basis of what I think is important but on the basis of what is important to the community, what is important to retirees and what is important to the demographic of retirees.

Mr A.P. O’Gorman: All of them will be in the grave by the time you bring the legislation in!

Mr A. KRSTICEVIC: I have no doubt that that will not be the case.

I reiterate that I am sorry for what the residents of the Karrinyup Lakes Lifestyle Village have had to go through. I am sorry for what all residents in retirement villages who have suffered over the last 19 years have had to go through because of our failure as members of Parliament to correct loopholes in the legislation. It is unacceptable that these problems have been going on forever. I do not know what we have been doing or why we have not been paying attention, albeit since this government came into power in 2008 we have taken this issue seriously. The Economics and Industry Standing Committee report focused our attention on that area. The review was done and was done properly, and we are making sure that we get the legislation right so that people do not suffer for

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the next 19 years, or ever again. Hopefully, if we do not get some things right in the legislation and they do slip through, we will bring the legislation back quickly and amend it.

Mr D.A. Templeman: Quickly! Don’t rush it! Whatever you do, don’t rush it!

Mr A. KRSTICEVIC: At the end of the day, retirees are the most important people. They are the ones who built this country. They are the ones who gave us the lifestyle that we have today. It is very important to make sure that we reward them for their hard work and for the life they have given us and our children. It is important that we get it right for them so that they can enjoy the fruits of their labour; that they can enjoy the community that they have built around us; that they can enjoy their lifestyle in the last few years of their lives; and that the things we do in this place do not impact on them unnecessarily and destroy the quality of their lives.

Again I say to the residents of the Karrinyup Lakes Lifestyle Village: I am always there for you and I will do everything in my power that I can do for you, as I have done in the past and as I will do into the future. That is because they are my friends and I hurt when they hurt. I feel so much better knowing about what has recently happened in the village and I look forward to new legislation coming through Parliament.

MR T.R. BUSWELL (Vasse — Minister for Transport) [6.06 pm]: I will, I suppose, respond on behalf of the government, along with the comments made by the member for Carine. It is important, though, that I first put this issue into some historical perspective and I will deal with some of the issues raised. The historical perspective is this: the act of Parliament that we are referring to is subject to a periodic set of reviews. There are clearly issues with the legislation. The report on the review that the minister tabled in November last year identifies a range of issues and it contains 120 recommendations for change, some of which are very complex and complicated. The previous review of the act was conducted in 2002. We were not in government in 2002. However, I still wonder, as I read through this report, why a lot of the recommendations that were picked up during this process were not picked up in 2002. I do not know who the minister responsible was in 2002; it was a Labor member of this house. The Labor Party was in government in 2002. I can only imagine on reflection. One thing I know as a fact is that if the person who was the minister in 2002 had done their job properly and the review had picked up on some of these recommendations, the residents of places such as Karrinyup Lakes Lifestyle Village would not have been put through the hell they have been put through. That is what I know. I have not had time to research today who the minister was in 2002 but I will find out. And every time members opposite get up and raise this issue, I will reflect in a sobering way on the fact that there was an opportunity then in 2002, which would have been the first year or so of the then Gallop government, to get this right and that they mucked it up.

Mr A.P. O’Gorman: That’s your typical attitude!

Mr T.R. BUSWELL: I have not finished yet.

Mr D.A. Templeman: This is pathetic!

Mr T.R. BUSWELL: The review made 120 recommendations.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah!

Mr T.R. BUSWELL: The review made 120 recommendations; none of those was picked up in 2002. If the then minister had been doing their job properly—I will find out later who it is—the residents of Karrinyup Lakes would not have been put through the wringer. That is a fact.

Mr A.P. O’Gorman: Not when you get a rogue operator that picked up the deficiencies in the legislation.

Mr T.R. BUSWELL: That is another interesting point, member. I want to put a time frame around this review. Members need to understand the evolution of this review. It is a very important review. Four members from both sides of this house have well made the point in contributing to this debate. The reason this is an important issue is that we are dealing with homes, which is the most significant investment of people at a time in their lives when they become increasingly vulnerable and when they have no economic opportunity to recover that lost wealth if it is taken from them. This is a very serious issue. I spent a decade of my life providing services to seniors as a humble bus driver. I learned a lot about the pressures that people can be put under when this sort of thing happens. I have seen it destroy people. I have seen it take away their ability to smile and laugh. It is a disgrace to think that private operators, such as the people at Karrinyup Lakes Lifestyle Village, could get away with what they have gotten away with. I do not think anyone in this place would debate that. The member for Joondalup is right; a review was conducted by the Economics and Industry Standing Committee in relation to Karrinyup Lakes, but the report the minister handed down last year started before then. It is important to put it into historical context to understand that challenges in working through the development of detailed legislation

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are not that timely. For members to come in here beating their hairy chests and saying, “You’re all stunned mullets”, is just grossly unfair.

Mr D.A. Templeman: It has taken 364 days!

Mr T.R. BUSWELL: The member for Mandurah is like the overgassed nor’-west blow-in—he is all puffed up making all this noise and achieving nothing!

Mr D.A. Templeman: Make all the accusations you like, but the fact is after 364 days we have had to again bring forward a motion asking you to do something! That is all it was. Did you read the motion that was debated a year ago?

Mr T.R. BUSWELL: When did this process start?

Mr D.A. Templeman: But you are not listening to —

Mr T.R. BUSWELL: When did this process start?

Mr D.A. Templeman: We were given an indication by the minister —

Mr T.R. BUSWELL: When did this process start, member for Mandurah? It was February 2006.

Mr D.A. Templeman: We were given an indication by the minister that amendments would be in this place this year. I read in Parliament a letter from the minister.

Mr T.R. BUSWELL: He grizzles about a couple of months. Let me explain to the house —

Mr D.A. Templeman: It said he was going to bring it into the house.

The ACTING SPEAKER (Mr J.M. Francis): One at a time!

Mr T.R. BUSWELL: Let me explain to the house —

Mr D.A. Templeman: He has not done that; that is a fact.

The ACTING SPEAKER: Member for Mandurah, I know the minister is taking interjections but he is ignoring you sometimes. I just want to hear one person at a time.

Mr T.R. BUSWELL: I want to outline what has happened. In February 2006, the then minister, Hon Michelle Roberts, approved a review of the Retirement Villages Act 1992. That review was tabled last year. What has happened subsequently? From July to September 2006 a series of meetings were held across metro and regional WA. Over 900 people attended those meetings. A large number of issues were raised. That was deemed to be the first stage of the review. The department called for written submissions in August 2006. Over 150 written submissions were made. In June 2007 an issues paper was released; a four-month period was allowed for public responses. The next major thing that happened was not until July 2009, two years later, when we were in government. I was the then minister. I was inquiring into what was happening because of issues raised by people like the members for Carine and Joondalup; I acknowledge that. I asked where we were up to. It had been two years since the issues paper was released. We released a draft report in July 2009. That draft report then went through a proper consultation process. We gave undertakings to industry and to residents that we would do that, and we did. That resulted in the final report. There are some rather large gaps, in particular the two years from June 2007, until we got the draft report in 2009. This is still part of the same process. I was not the minister then; we were not in government. I do not know why from June 2007 not much happened. Some of that may be put down to the change in government which happened in September 2008.

Mr A.P. O’Gorman: Some of it was put down to the Economics and Industry Standing Committee investigating Karrinyup Lakes, because that was used as a test case.

Mr T.R. BUSWELL: When did that process before the Economics and Industry Standing Committee start?

Mr A.P. O’Gorman: March 2008. It was presented before the election. I cannot remember the date off the top of my head.

Mr T.R. BUSWELL: I am trying to make the point that it is complicated. Karrinyup Lakes came along, and I think it is appropriate to look at the issues raised at Karrinyup Lakes because, quite frankly, they are horrific. I met the residents, along with the member for Carine. I wanted to go out and confront the person, but legal advice from the department was that it was probably not the best thing to do. We finally got the review in November last year. Yes, it has taken some time. The legislation is currently being drafted. The member for Carine made a very good point: we want to get it right. We did not get it right in 2002; we want to get it right this time. There is other legislation that has come through this place that we did not get right—one that is very important, which the member for Gosnells referred to, the Residential Parks (Long-stay Tenants) Act. We did not get that right. That came through the Parliament, with our support in opposition, but it was a bill presented by the former government. It promised a range of things to people that it was never going to deliver. We did not get it right. If

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we do that again this time, and it takes this long to change legislation, we will be doing a disservice to the very people this legislation is designed to protect. We are not going to do that.

Is there some frustration that it is taking a while to get the legislation drafted? Yes. Is there frustration on that side of the house? Yes. Is there frustration on this side of the house? Absolutely. But our objective is to get it right. I do not want to put the people covered by the retirement villages legislation through the pain that we are now putting people covered by the residential parks legislation because the laws we pass do not offer the levels of protection that we have promised. It is fundamentally important because it will be a long time before we can come back and get another bite at the cherry that is the retirement villages legislation. It will be done properly. It is currently being drafted. Without trying to be smart about it, when we put a small delay into the context of a process that started in 2006, it is but dust on the balance. The important focus is on getting it right.

I want to make a quick comment about Karrinyup Lakes Lifestyle Village. If it had not been for the efforts of the member for Carine, and the efforts of people such as the member for Joondalup and the member for Carine’s predecessor, Katie Hodson-Thomas, they would not be enjoying the significantly brighter future that I think, from all the advice I have received, they are looking forward to. If the Department of Commerce had not got as actively involved as it did, we would never be in this position. It was a dog’s breakfast. Our hands were tied.

Mr A. Krsticevic: Every fortnight people were going out there for meetings—two or three people from the department; lawyers and all.

Mr T.R. BUSWELL: Our hands were tied. This legislation will help untie our hands so that we can better protect those people. I think that issue has largely been resolved. I am sure there are other things to do. These changes would have made no difference to those people because they were operating on a framework that had previously existed. They highlighted some important issues. I am very comfortable to defend the government’s position in our carriage of this process because we want to get it right.

Very quickly, I will touch on a couple of technicalities, as I am very mindful of the member for Armadale champing at the bit there. His well toned marathon runner’s body is like a coiled spring ready to bounce up and get the call. Good on him!

Mr A.P. O’Gorman: Not like yours!

Mr T.R. BUSWELL: No; but I did manage 10 kilometres the other day.

Dr A.D. Buti: He did the ironman half marathon.

Mr T.R. BUSWELL: I ran 22.5 kilometres down in Busselton. It left me with chafing that I do not ever want to begin to describe to the house! But I got there, Mr Acting Speaker.

Mr W.J. Johnston: You visited Busselton?

Mr T.R. BUSWELL: I spend a lot of time down there, member for Cannington. I go down there again on Friday, as I do every week, near on, except when I am off—

Mr W.J. Johnston: You visit every week?

Mr T.R. BUSWELL: I am down at my home every week; what is the problem with that? It is a brilliant place. It is the best place in the world. It has a few issues with sharks at the moment, but it is the best place in the world!

Getting back to the reforms: there will be two bills. The first bill will deal with issues, including prohibiting certain people from operating or managing retirement villages, and giving the Commissioner for Consumer Protection the power to appoint, administrate and manage a village if the wellbeing or financial security of residents is at risk. And would we have not all been better off if we could have done that at Karrinyup Lakes Lifestyle Village? Other reforms in the bill include allowing more time for prospective residents to consider pre-contractual disclosure information and longer cooling-off periods; giving residents a right to appeal collectively to the State Administrative Tribunal against excessive or unwarranted increases in charges; creating a capacity to prescribe through the regulations minimum periods for the payment of recurrent charges by former non-owner residents after they cease to reside in a retirement village; enabling the SAT to make specific orders relating to the completion of works and the fulfilment of contract requirements relating to village amenities, which again would have helped Karrinyup Lakes Lifestyle Village enormously; allowing payments to village operators to be released from the trust once a resident is entitled to occupy the village unit rather than when a resident actually takes up occupancy; creating a head of power in the act to enable regulations to require contracts to include or not include certain matters and clauses and prohibit certain fees and charges; and extending the time frame from within which a person may bring proceedings to court for an offence under the Retirement Villages Act from two years to three years, et cetera. That is happening; that is being drafted.

Mr Tony O’Gorman; Mr David Templeman; Mr Chris Tallentire; Mr Tony Krsticevic; Mr Troy Buswell; Acting Speaker

There is one other important recommendation of the review, which the member for Carine touched on, that members opposite overlooked slightly. On page vii of the final review, at the executive summary, there are key recommendations. The first one is —

- *Seniors housing Information service*: the establishment of a seniors information service to provide prospective residents and residents with independent information and support on housing matters relevant to seniors;

Guess what? That is done.

Mr A.P. O’Gorman: I acknowledged that in my speech.

Mr T.R. BUSWELL: That is a good outcome; it has happened. I have not been there personally, although I am rapidly approaching 55 years of age! The member for South Perth would not have been there yet either!

Mr J.E. McGrath: Not yet!

Mr T.R. BUSWELL: No. And this is a really positive outcome. This legislation will come along; we will review it in this place and it will also be a really positive outcome.

All I say in conclusion is that the government will not support this motion, because we think that we are doing what a government should do; that is, we are taking a process that started in 2006 and seeing it through to its conclusion, but we will do it properly. When that legislation comes into this house, it will deliver on the promises inherent in it to the people living in retirement villages in this state, both now and in the future, because we know that not doing that not only is a bad reflection on the government, but also will mean a massive cost to those people in or moving into retirement villages. We quite simply are not going to do that.

Mr A. Krsticevic: Minister, can I just mention that the Seniors’ Housing Centre is also doing an outreach program, which will be going out to regional areas as well as out in suburbia, which I think is important for people living out there?

Mr T.R. BUSWELL: What did the member say—overseas to Serbia?

Mr A. Krsticevic: No; within the country regional Western Australia—an outreach program.

Mr T.R. BUSWELL: Sorry; I was going to say it is being transported internationally! The member said suburbia!

Mr A. Krsticevic: Well, also within the Perth suburbs.

Mr T.R. BUSWELL: I thought the member said out to Serbia! Sorry.

Mr A. Krsticevic: If people cannot come in, the centre will go out to meet them at the meetings.

Mr T.R. BUSWELL: Brilliant!

Anyway, we will not support the motion. We think, yes, the situation is a bit frustrating, but by crikey, we will make sure we get the legislation right rather than rush it in so that we can tick a political box and say, “Beauty”.

Question put and a division taken with the following result —

Extract from *Hansard*
[ASSEMBLY — Wednesday, 19 October 2011]
p8370b-8392a

Mr Tony O’Gorman; Mr David Templeman; Mr Chris Tallentire; Mr Tony Krsticevic; Mr Troy Buswell; Acting Speaker

Ayes (22)

Ms L.L. Baker
Dr A.D. Buti
Ms A.S. Carles
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman

Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mr E.S. Ripper
Mr T.G. Stephens
Mr C.J. Tallentire

Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (26)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell

Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls

Dr K.D. Hames
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath
Mr P.T. Miles

Ms A.R. Mitchell
Mr D.T. Redman
Mr M.W. Sutherland
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Pairs

Mrs M.H. Roberts
Mr P.C. Tinley
Mr J.N. Hyde
Mr A.J. Waddell

Mr T.K. Waldron
Mrs L.M. Harvey
Dr M.D. Nahan
Mr W.R. Marmion

Question thus negated.