

**Submission
No 39**

INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE TRIBUNALS IN NSW

Organisation: Aveo Banora Point Retirement Village Residents Committee
Date received: 21/11/2011

AVEO BANORA POINT RETIREMENT VILLAGE

RESIDENTS COMMITTEE

57 Leisure Drive, Banora Point 2486

The Director,
Standing Committee on Law and Justice,
Parliament House,
Macquarie Street,
SYDNEY N.S.W.

Dear Sir.

This village has had the experience of taking our operator to the CTTT a few years ago. We have nothing but praise for the way that the matter was handled - both quickly and judiciously and without any major cost to our village.

We wish to request that when giving consideration to any significant change to the present system, that the Standing Committee take into consideration the following:

1. The residents of retirement villages are composed of mostly aged and consequently vulnerable people, largely having very modest incomes and in the absence of a strong and interested Residents Committee entirely at the mercy of a small number of operators who are mostly in the business for profit. Experience has shown that the latter are prone to try to exert pressure on residents to meet expenses which are not part of the operating cost of operating the village.
2. We feel that it is essential that any change to the present structure will preserve the present system where the member of the Tribunal presiding should be fully conversant with the various Acts affecting the industry (eg The Retirement Village Act, The Strata Title Act, etc). At the first hearing at least, lawyers should be banned from attending.

3. The right of appeal from Tribunal decisions raises concern to us. We are aware of a situation which arose recently, where an operator took a matter to a higher court to appeal an adverse decision. If this becomes the norm, village residents would be placed in an extremely adverse position in respect of the costs of legal representation, which they could not afford.

We fully appreciate the cost savings that could accrue from a consolidation of the various Tribunals and wish to express our support in principle. However, we are keenly aware of the vulnerability of our residents and feel that our situation would be best served by the preservation of the CTTT as it now exists.

Yours faithfully,

.....George McKinnon, Chairman.