



# **Complaint handling procedures:**

## **Property Industries Directorate**

### **Retirement Villages and WARVRA<sup>1</sup>**

#### **Applicable legislation** (as amended from time to time)

- *Retirement Villages Act 1992; Retirement Villages Regulations 1992*
- *Fair Trading (Retirement Villages Code) Regulations 2018*

#### **The Department**

- Consumer Protection is a division of the Department of Mines Industry Regulation and Safety (DMIRS).

#### **Functions of the Commissioner**

The Commissioner for Consumer Protection is designated certain functions under the *Retirement Villages Act 1992* (the Act), the *Retirement Villages Regulations 1992* (the Regulations) and the *Retirement Villages Code* (the Code).

The Commissioner, or the Commissioner's delegate, has a responsibility to provide advice to consumers on the provisions of the Act, the Regulations and the Code.

In relation to complaints by residents of a retirement village, the Commissioner has the power to investigate and attempt to resolve complaints made by residents and/or administering bodies of retirement villages by negotiation in accordance with the Act or by mediation in accordance with the Code. Where it is alleged an offence has been committed, the Commissioner may investigate and seek a range of outcomes ranging from dispute resolution through to court or tribunal actions.

The Commissioner can choose to refuse a matter submitted for mediation under clause 31 of the Code where the village dispute resolution process outlined in clause 30 of the Code has not been followed.

#### **Dispute resolution**

Clause 30 of the Code outlines the process to be followed when there is a dispute between residents of a retirement village, or between a resident and the administering body of a retirement village.

The Commissioner and the Property Industries Directorate of DMIRS, as delegate for the Commissioner, recognise that WARVRA may be able to assist residents involved in a dispute by:

- providing support to residents in registering complaints with a village residents' committee;
- providing guidance to residents about how to establish a residents' committee;
- providing a forum for member residents to discuss issues arising in villages and share information and strategies for dealing with these issues;
- providing advice to the Commissioner on emerging issues and input to legislative reviews and policy; and
- facilitating effective consultation between residents, residents' committees and the administering body of a village by way of the stated purposes of WARVRA as an incorporated association.

The Commissioner recognises the support that WARVRA provides to retirement village residents in relation to matters of dispute and acknowledges the link between the purposes of WARVRA and the Commissioner's role in relation to investigation and negotiation of disputes in accordance with the Act, the Regulations and the Code.

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<sup>1</sup> Western Australian Retirement Villages Residents Association Inc.

The Property Industries Directorate acknowledges that, in assessing complaints related to the Act, the Regulations or the Code, it may be appropriate to advise a complainant about WARVRA and the services it provides to members. This is particularly relevant where a complaint received by the Department has not been previously managed via the village dispute resolution process.

WARVRA may be able to assist a resident or a group of residents by providing information about establishing a residents' committee, and how a residents' committee may be helpful in negotiating with the village administering body.

