

██████████
Via email

23 October 2019

Dear ██████████

Re: Official Information Act (1982) request dated 5 September 2019

We received your Official Information Act (1982) request dated 5 September 2019. You requested:

1. "What have the Commission been either considering or trying to achieve relating to any changes / amendments to the Code of Practice (CoP) and Retirement Villages Act over the last 3 years."
2. "What has been said in any letters to the Government relating to the above and submissions received proposing changes to the CoP with copies of any cover letters, recommendations to reports (monitoring or other), or any documents that have been submitted to Ministry officials in the last 3 years, relating to the Retirement Villages Act, Code of Practice and/or Retirement Village living."
3. "Any reviews that have been conducted on past monitoring reports (within the last 3 years) that looked at interpretation and/or possible unfair application of CoP clauses or issues previously identified and possible solutions"
4. "Responses received from Officials and Ministers of the Crown"
5. "A summary of all complaints the Commission has received from residents and a list detailing the nature of official complaints the Commission has been informed about in accordance with the legislation since the reporting process was put in place"
6. "All legal opinions and agency comments the CFFC has received on the monitoring project to understand the extent of operator lending practises and provision of financial assistance particularly in the current environment of falling interest rates and potential pressures on retiree incomes from savings income"

Parts One and Two

You have asked about what CFFC is trying to achieve regarding changes to the Code of Practice and Retirement Villages Act over the past three years, as well as any letters, recommendations, proposals and documents submitted to the Government and Ministry officials in the last three years. I am withholding email correspondence between CFFC and officials under section 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered to and requested by Ministers of the Crown.

However, I am releasing in full CFFC's Briefings to Incoming Ministers and all relevant official CFFC letters to the Minister for the past three years.

Part Three

In response to part two of your request (above) we have already released CFFC's advice to Ministers in the form of Ministerial briefings and correspondence.

CFFC undertakes an annual monitoring report on a particular aspect or theme of the Retirement Village sector. These reports are released publicly and are available on CFFC's website. <https://www.cffc.org.nz/retirement-villages/monitoring-and-reports/monitoring-reports/> . In addition to this work, I have decided to release CFFC's completed Plain English review of the Code of Practice.

Part Four

Any responses received from officials and Ministers are withheld under section 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered to and requested by Ministers of the Crown.

Part Five

In regard to part five of your request, CFFC already publishes a summary of complaints received, and this is available on our website: <https://www.cffc.org.nz/retirement-villages/monitoring-and-reports/>. In addition, all disputes panel decisions are listed on our website: <https://www.cffc.org.nz/retirement-villages/complaints-and-disputes/disputes-panel-decisions/>

In addition to the above publicly available resources, I am releasing CFFC's enquiry log in which we record contact from residents along with the theme discussed. This is being released subject to information being withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased natural persons.

In addition, CFFC maintains a non-exhaustive summary of RV issues in document form. This represents the collated themes of complaints received by CFFC from direct resident enquiries, official complaints reported by RV operators, and identified through our monitoring reports. I have decided to release this document in response to your request.

Part Six

In regard to part six of your request, it is important to note that CFFC did seek legal advice on the scope of its mandate to conduct this monitoring report. However, the legal advice was verbal in nature, and no written advice was received. I am therefore refusing part of your request under section 18(e) of the Act as the document alleged to contain the information does not exist. However, the legal advice was summarised as part of the financial assistance monitoring report scoping document. The scoping document is currently in draft format and will be provided to you and other interested stakeholders (likely to be in October).

In regard to your request for all agency comments the CFFC has received on this specific monitoring report, I can confirm that the CFFC received one written comment from the Commerce Commission. I have decided to release this email, subject to information being withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons, including that of deceased natural persons.

CFFC also receive oral comments on this specific monitoring project in phone conversations or meetings with officials from the Ministry of Housing and Urban Development, the Financial Markets Authority and the Commerce Commission provided oral comments in addition to their email comments.

You have the right to ask the Ombudsman to investigate and review my decisions under section 28(3) of the Act.



Peter Cordtz
Interim Retirement Commissioner